

ENGLISH

KNOW YOUR RIGHTS

WHO CAN GET INTERNATIONAL PROTECTION?



The purpose of this infosheet is to provide general information about **your rights in the asylum process in Lesbos Greece** under the border procedure as of July 2021. It is not exhaustive, subject to changes and we recommend that you consult a Greek lawyer about your asylum case in any event.

If you are registered in Greece as being from **Syria, Afghanistan, Somalia, Bangladesh or Pakistan**, you will not have an asylum interview but an admissibility interview, and the below information does not apply to you (please refer to **Infosheet Know your rights - ADMISSIBILITY INTERVIEW FOR SYRIANS, AFGHANS, SOMALIS, BANGLADESHIS, AND PAKISTANIS**).

The asylum interview is your **main opportunity to explain why you left your country of origin and why you can't go back there**. We recommend that you **consult with a lawyer or a legal NGO BEFORE YOUR INTERVIEW** in order to be best prepared for it.

Your **country of origin** is the **country of your citizenship**, not necessarily the country where you were born or the country where you were living before you came to Greece.

If you are stateless your country of origin may be considered as the country you were born in, or mainly living in, unless you submit proof of your statelessness to the asylum office as soon as possible, and at the latest during the interview.

When you ask for asylum in Greece, you may be eligible for two types of international protection:

- **The refugee status (1)**
- **The subsidiary protection (2).**

1. THE REFUGEE STATUS

You are eligible for **refugee status** if you can demonstrate that you are not safe in your country of origin because you **have a well-founded fear of persecution.**

During your asylum interview, you should describe **in detail** if you were the victim of past persecutions in your country of origin and/or you must also demonstrate that **if you are sent to your country of origin now, you will be at risk of persecution in the future.**

Persecution can for example be:

- ❑ severe acts of physical or mental violence, including acts of sexual violence by which you were injured, mentally affected or that impeded you to be free and take decisions.

- ❑ legal, administrative, police or judicial measures taken in your country which discriminated against you.

- ❑ lawsuit or punishment against you which is unfair, disproportionate or discriminatory, including for example because of your refusal to perform military service.

- ❑ acts of sexual violence, genital mutilation, forced abortion or forced sterilisation.

- ❑ acts against children which violates their rights such as underage recruitment in the armed forces, child trafficking or child prostitution.

The persecution you fear should be linked to one of the following reasons

(either because you fall in one of the below categories or because you are perceived as such):

- **Your race/ethnicity:** for example, because of your skin colour, because you are a member of a racial or ethnic minority (Hazaras, Yazidis, Tutsis, Kurdish, Baloch, Afro Mauritanian...), a clan, or because you speak a language that isn't the official language of the State, etc.
- **Your religion:** for example because the religion you are practicing in public or in private is forbidden in your country, or because you face discrimination for practicing that religion (e.g. your place of worship is targeted, you and/or fellow believers face violence or harrassment); because you could be forced to convert yourself to another religion; because you don't believe in any religion, etc.

- **Your nationality:** for example because you are Stateless, Palestinian, Kurdish, Saharawi, etc.
- **Your political opinions:** for example because you have different opinions from the government of your country and expressed them publicly or in social media, you are a member of an opposition political party, you are active in political movements or organisations, you participated in protests, you are part a public figure, you worked in a NGO, etc.
- **Your membership of a particular social group:** for example because of your sexual orientation (gay, lesbian, LGBT+), gender (e.g. you are a woman, you are trans, you do not identify as a man or as a woman), social class or group (e.g. Dalit in India), your family members are from a dissident group (e.g. that disagrees with the government), your type of job (journalist, teacher, NGO worker, etc.), you were a member of the police or military, etc.

2. THE SUBSIDIARY PROTECTION

If you are NOT eligible for refugee status (i.e. the risks you face in your country are not linked to these categories), you have the right to obtain **subsidiary protection**, if you are **at real risk of serious harm in your country**.

This is the case if, for example, in your country you are at **risk of:**

- ❑ **death penalty or execution;** or
- ❑ **torture or inhuman or degrading treatment or punishment;** or
- ❑ **threat to your life** because of the **level of violence in your country, due to armed conflict** (e.g. fighting between local groups; civil war; fighting between international forces and the forces of your country).

Try to explain why the level of violence in your country will affect you personally. Think about what puts you or your family at risk of violence, that might not affect everyone in your region or country.

3. OTHER RECOMMENDATIONS

To be found eligible for either of the protections mentioned, it is essential that you are also able to explain:

- ❑ **WHO** is responsible for the persecution you are afraid of, or the serious harm to which you are at risk, for example: *the State or a State agent, a militia group, or another organisation or individual in your country.*

- ❑ **WHY** you were not able to request for protection from the authorities in your country, or **WHY** the authorities in your country were not in a position to protect you against this persecution or risk of serious harm, for example: *you could not report the threats you faced, because reporting something would put you at further risk; you could not expect protection from the government, because the government has no control in your local area, etc.*

- ❑ **WHY** you cannot go back to your city OR any other place in your country, for example: because it is not safe for you there; because you would be discriminated because of your ethnicity or religion there; because you cannot legally go back anywhere in your country; because you have no supporting network there; because you have children of a young age; because you are a single woman/an elderly person/a minor; because you suffer severe illnesses or disabilities (which e.g. make your life particularly difficult in your country, or e.g. you could not access the treatment that you need); because you have never lived in your country of nationality (for example, Afghans born in Iran who have never been to Afghanistan), etc.

In some cases, a person's actions in their country of origin might mean that they are not entitled to international protection. This is the case if you committed severe crimes.



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