

ENGLISH

KNOW YOUR RIGHTS

AFTER RECEIVING A NEGATIVE DECISION



This infosheet contains general information about **your rights after receiving a negative decision in the asylum process implemented under the border procedure in Lesvos, Greece.**

It is based on Greek law provisions and accurate as of 1 July 2021.

The infosheet is not exhaustive and subject to changes. **We recommend that you consult a lawyer licensed to practice law in Greece or an NGO providing free legal aid about your case in any event.**

- If you receive a negative decision (rejection) on your asylum claim, **you can challenge or appeal this decision, to ask for your case to be re-examined.**
- To do so, different remedies are available to you, **depending on at what stage of the asylum procedure you are.**
- The **deadlines** to do so are usually **written in English at the end of your decision.**

**IF YOU RECEIVED A FIRST INSTANCE
REJECTION**

(after your interview)

- You have **10 days** to challenge this decision from the moment you receive it, **by filing an “appeal”**.
- To do so, you should **sign the document provided by the Asylum office** explaining that you want to appeal.
- **You have the right to a free of charge state lawyer** to represent you in this appeal. When signing the document to appeal your decision, ask to get one.

- Your appeal will be examined by one of the **Committees of the Appeal Authority in Athens.**
- The **date of examination** will be shared with you and is written on the paper you signed to appeal.
- The Appeal Committee will **re-examine your case only based on the written documents filed in your case.** In most of the cases, there will be no oral hearing for your appeal, but in some very rare occasions, the Appeals Committee might request that you are present during the appeal examination in order to undergo an oral hearing. If this is the case, don't miss this opportunity and consult a lawyer to accompany you if possible.

- **If a free state lawyer was assigned to you:**
 - Ask for his/her contact details.
 - Try to organise an appointment with the state lawyer, to explain your case, provide any additional or new information and documents in support of your asylum claim, explain anything that went wrong during your asylum interview and give any clarifications needed.
 - The state lawyer will prepare a written memo to challenge any mistake and legally support your appeal. He/she will submit this memo **before the date of the examination of your appeal.**
- **If a free state lawyer was not assigned to you,** try to seek legal advice through an NGO providing free legal support or a Greek lawyer.

**IF YOU RECEIVED A SECOND
INSTANCE REJECTION**

(issued by an Appeal Committee)

You can challenge a second instance decision in two alternative ways:

1/ THROUGH AN APPLICATION FOR ANNULMENT (or ADMINISTRATIVE APPEAL)

- ❖ The Application for Annulment must be filed before the Greek Administrative Court **within 30 days from the notification of the negative decision.**
- ❖ Please note that **not everyone can make this type of appeal: it is expensive (you need most likely to cover legal and court fees yourself) and the appeal has strict criteria:** there must have been procedural or legal errors in the handling of your case.
- ❖ You will always need a Greek lawyer to represent you in this procedure.

2/ THROUGH A SUBSEQUENT APPLICATION

You need to provide **new substantial evidence that supports your case**. This means:

- ❖ Evidence that you did not submit during your first interview, such as **new medical documents, new evidence or new information about you, your family or about your country of origin, etc.**
- ❖ This new evidence must be substantial that means **important to support your asylum claim and susceptible of changing the outcome of your case.**
- ❖ It is important that you also **explain why you did not or could not share this new evidence beforehand** (during your first interview and appeal).

- ❖ The Greek Asylum Office will first examine whether your subsequent application is “**admissible**”, that means whether you in fact were able to present new substantial evidence sufficient to re-assess your case.
 - if your subsequent application is found admissible, you will then have a new **interview to assess your application and the evidence submitted**.
 - If the Greek Asylum Service finds your demand not admissible, or rejects your subsequent application you can appeal this decision (for this, see above “**If you receive a first instance rejection**”).



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