

HO Ref: J1959073

Case ID: 018011518

**Urgent
Attention Please**

**Home Office
NRC Croydon
13th Floor (Short)
Lunar House
40 Wellesley Road
Croydon
CR9 2BY**

BY FAX: 0208 196 4533

Dated: 08/06/2015

Dear Sirs,

Re: Miss Antonia ILIA Greece 16 March 1959

REQUEST TO DEFER THE REMOVAL DIRECTIONS

**[Statement of Additional Grounds under Section 120 NIA 2002 Act]
[Further Submissions under Rule 353]**

We are acting on behalf of the above named client as her legal representative in her asylum application.

NB: Our client is going to be extradited on dated 09 June 2015

1. The applicant is EU national and her claim for Asylum in the United Kingdom was refused on 22 May 2015 and was certified as clearly unfounded. She was given the notice under section 120 Nationality Immigration and Asylum Act 2002 for statement of additional grounds.
2. On dated 05.06.2015 she filed Judicial Review against the certification of asylum claim [evidence enclosed].
3. She submitted a copy of the sealed Judicial review application to the Treasury Solicitors [Government legal department].

Birmingham Head Office
531 Green Lane
Birmingham
B9 5PT

London Branch
163-165 Hoe Street
London
E17 3AL

Manchester Branch
Evans Business Centre
Dane Street, Rochdale
OL12 6XB

1

4. The same day when she went for reporting at Becket House on 05.06.2015 at 13:00 hrs she was not informed of any development in her case as it was a routine signing.
5. Then on the same day she went to sign at Holloway Police Station at 16:45 hours for signing for her bail condition where Officer Dee Lewis gave her a letter containing her extradition order informing that she will be extradited on 09 June 2015.
6. She was not given 72 hours notification for her extradition dated 09 June 2015.
7. The applicant has instructed us to request you on her behalf to defer her removal/extradition orders while her case is pending for Judicial Review.
8. She further stated that the Greece Korydallos prison Women's Branch condition has further deteriorated after her High Court Extradition case was refused. She is providing the Expert report by Nikolaos Koulouris dated 07 June 2015.
9. It is stated that there is a presumption in an asylum application by the EU/EEA national that it is clearly unfounded but such assumption is rebuttable where substantial grounds exists showing that article 3 ECHR will be breached if refused.
10. In *ZT (Kosovo) v secretary of state for the home department* [2009] UKHL 6 Lord Phillips said that "If any reasonable doubt exists as to whether the claim may succeed then it is not clearly unfounded."
11. In *Soering v United Kingdom* (1989) 11 EHRR 439 at [89] it was held that "As is established in the Court's case-law, ill-treatment, including punishment, must attain a minimum level of severity if it is to fall within the scope of Article 3 (art. 3). The assessment of this minimum is, in the nature of things, relative; it depends on all the circumstances of the case, such as the nature and context of the treatment or punishment, the manner and method of its execution, its duration, its physical or mental effects and, in some instances, the sex, age and state of health of the victim".
12. It is further submitted that the applicant cannot submit further submissions in person at Liverpool (FSU) as she has exceptional circumstances. She cannot

travel outside London due to her electronic tagging which has condition that she cannot travel outside London.

13. In light of the above we submit that her removal/extradition dated 09 June 2015 be either cancelled or deferred as soon as possible.

Please find enclosed the following

- I. The Reasons for Refusal Letter dated 22 May 2015
- II. Expert Report by Nikolaos Koulouris (Assistant Professor in Social Policy and Offenders' Custodial and Non-Custodial Treatment, Department of Social Administration and Political Science, Democritus University of Thrace)
- III. Removal/Extradition letter dated 05/06/15
- IV. Upper Tribunal Judicial Review issued letter dated 05.06.2015
- V. Form T485 and postal receipts

If you have any other queries then please do not hesitate to contact us

Yours sincerely,



Muhammad Usman Sajid

Shehzad Law Chambers Ltd.
531 Green Lane
Birmingham
B9 5PT

Ph: 020 799 388 52

Fax: 0121 294 6525



Home Office

Becket House
60-68 St Thomas Street
London
SE1 3QU
Tel 0300 123 2241
Fax
Email
Web www.gov.uk/uk-visas-immigration

Shehzad Law Chambers
Suite 3,
163-165 Hoe Street,
London
E17 3AL

Our Ref J1959073/002

Your Ref

Date 22 May 2015

Dear Sirs,

Re: Miss Antonia ILIA Greece 16 March 1959

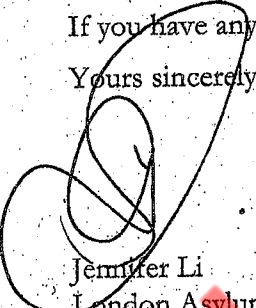
DETERMINATION OF ASYLUM CLAIM

Please find enclosed copies of your client's asylum decision.

I would be grateful if you would forward the enclosed documents to your client at the earliest opportunity.

If you have any queries please call the telephone number shown above.

Yours sincerely,



Jennifer Li
London Asylum Team
Asylum Casework Directorate
Acting on behalf of the Secretary of State

Encs:



Home Office

YOUR ASYLUM DECISION

Important information and advice for claimants

Refusal of Asylum

This information sheet contains important information about the decision that has been made in relation to your application for asylum in the United Kingdom. It should be read in conjunction with the other documents that have been handed to you, or sent to you or your representative. This leaflet does not set out the decision that has been made; this document is not a Notice of Decision, and should not be construed as such.

IMMIGRATION STATUS

Your claim for asylum has been refused, and you have not been given permission to stay in the United Kingdom beyond the date on which your current leave to enter or remain runs out. If your leave to enter or remain has already run out, or you have never been given permission to stay in the United Kingdom, you should leave the United Kingdom without delay. Other documents enclosed with this information sheet set out whether and how you may appeal against this decision.

HELP AND ADVICE ON RETURNING HOME

Are you a Failed Asylum Seeker?

Are you unsure what to do next?

We can offer you the opportunity of a voluntary return package. The package can be tailored to your needs - for example, we can help you set up a small business and/or provide educational or vocational training for you or your children. Whatever the option you choose it provides you with a chance to build a long-term future back in your home country.

Contact Refugee Action on 0808 800 0007 or from their website at: www.refugee-action.org.uk. Refugee Action is an independent international organisation that may be able to assist you with free, independent advice:

Alternatively you can contact the Home Office on 020 8760 2290 or the Immigration Office dealing with your case.

WELFARE SUPPORT: HOME OFFICE

You should read the following paragraphs carefully if the Home Office is providing you with accommodation, or subsistence in the form of cash payments, or both.

Your eligibility for support from the Home Office may be affected by the decision to refuse your application for asylum.

If you, and your dependants are at present supported by the Home Office, you will no longer be entitled to that support twenty-one days after you were notified of your asylum decision unless—

- your household includes a child who is under 18 and who is a dependant of yours and you and the child remain in the United Kingdom until you leave the UK.
- you appeal against this decision and are permitted to remain in the United Kingdom while your appeal is pending.

The twenty-one day period referred to above begins on the day on which you are notified of the decision in your case. If this decision was sent by post, you are deemed to have been notified of it two days after it was sent. If you were handed this decision in person, you were notified of it on that day.

If you live in accommodation provided by the Home Office, your accommodation provider will contact you about leaving the property then as you will no longer be eligible for support twenty-one days after being notified of your asylum decision. You will also not receive any cash subsistence after that date.

Appeals. If you are eligible to appeal and you do appeal against your asylum decision, you should note that you will no longer be entitled to support from the Home Office twenty-one days after the day on which your appeal is disposed of.

- 6
- If your appeal is successful and the Home Office does not make a further valid appeal, we will write separately to you about your immigration status.
 - If your appeal is unsuccessful and if the Home Office is supporting you as part of a family unit including children under 18, your support will normally continue while you and your children under 18 remain in the United Kingdom. If you and your family have no further basis on which to remain in the UK, you must make immediate arrangements to leave.

If you do not appeal the decision to refuse your asylum application, or if any appeal you make is ultimately unsuccessful, you are expected to immediately take steps to leave the UK. Under the Voluntary Assisted Returns and Reintegration Programme (VARRP), Refugee Action provides return and reintegration assistance for voluntary returns. While the Government considers voluntary returns are preferable to enforced returns, should you not leave the UK voluntarily, the Home Office will take steps to remove you to your country of origin, or a country where it is believed you will be admitted.

The below does not apply for family cases

If during the period prior to leaving the UK you become destitute, you may be eligible for support under section 4 of the Immigration and Asylum Act 1999. You may be eligible for this type of support if you can demonstrate that you are taking all reasonable steps to leave the UK or to place yourself in a position in which you can do so. You may also be eligible for support under section 4 if there is a barrier outside of your control which temporarily prevents you leaving the UK.

Your local One Stop Service can provide information on voluntary returns and section 4 support. You may download an application form for section 4 support from the Home Office website.

WELFARE SUPPORT: OTHER ORGANISATIONS

If you are at present supported by other organisations such as Jobcentre Plus or a local authority, your eligibility for that support may be affected by your asylum decision. They will contact you separately about this.

I have also considered whether you may be eligible for a grant of limited or indefinite leave to enter or remain in the United Kingdom in accordance with the published Home Office Asylum Policy Instruction on Discretionary Leave or whether there would be a breach of your Human Rights under Articles 2, 3 and 6 of the ECHR.

I have decided that you do not qualify for Discretionary Leave.

Your claim has been recorded as determined on 22 May 2015.

Further details are contained in the attached Annex A

Next Steps

Right of Appeal

Your asylum claim is one to which paragraph 4 of Schedule 2 to the Immigration (EEA) Regulations 2006 applies. In accordance with paragraph 4 (5) to Schedule 2 the Secretary of State shall certify an asylum claim made by an EEA/EU national, with the effect that there is no right of appeal against the refusal of the asylum application, unless the Secretary of State is satisfied that the claim is not clearly unfounded. After consideration of all of the information available, it has been decided that your claim is clearly unfounded. Therefore, it is hereby certified that your claim is clearly unfounded under paragraph 4 (5) of Schedule 2 to the Immigration (EEA) Regulations 2006. There is no right of appeal against this decision in accordance with paragraph 4 (4) of Schedule 2.

One Stop Notice/Statement of Additional Grounds

Section 120 of the Nationality, Immigration and Asylum Act 2002¹

IF YOU HAVE FURTHER REASONS FOR WANTING TO STAY IN THE UK

This is a notice served under section 120 of the Nationality, Immigration and Asylum Act 2002.

What you must do now:

You must now tell us about any reasons or grounds you have for wishing to remain in the United Kingdom. You do not need to tell us about any reasons or grounds which you have already told us in your application.

If you have any such reasons or grounds you should tell us about them by submitting an application using the relevant form. You can find the application form on our website: www.gov.uk/ukvi.

If you do not tell us the reasons or grounds until later, without good reason, you may lose any right of appeal.

What you must do in the future:

In the future, if your circumstances change so that you have new reasons or grounds for wishing to remain in the United Kingdom, you must tell us about them, by making an application to remain in UK, as soon as reasonably practicable.

¹ As amended by the Immigration Act 2014.

If you do not tell us as soon as reasonably practicable and you tell us later without good reason, you may lose any right of appeal.

LIABILITY TO REMOVAL

Persons who require, but no longer have, leave to enter or remain are liable to removal from the United Kingdom under section 10 of the Immigration and Asylum Act 1999 (as amended by the Immigration Act 2014).

You may be detained or placed on reporting conditions.

If you do not leave the United Kingdom as required you will be liable to enforced removal to Greece. We may remove you via a transit point in an EU member state.

If you wish to seek legal advice you must do so now. You will not be removed for the first seven calendar days after you receive this notice*. Following the end of this seven day period, and for up to three months from the date of this notice, you may be removed without further notice.

**If you received this notice by post, you are counted as receiving it two working days after it was posted*

CONSEQUENCES OF ILLEGALLY STAYING IN THE UK

Persons who remain in the UK without lawful basis may be prosecuted for an offence under the Immigration Act 1971, the penalty for which is a fine and/or up to 6 months imprisonment. If you do not leave voluntarily and removal action is required you may face a re-entry ban of up to 10 years. If you decide to stay, then your life in the UK will become increasingly more difficult. For example, some of the consequences of not leaving immediately will be that:

- You will not be allowed to work in the UK. Immigration Enforcement Officers visit workplaces and any employer found to be employing an illegal immigrant may be liable for a civil penalty of up to £20,000 per illegal worker.
- The Immigration Act 2014 will require landlords to conduct immigration checks. Landlords may face a penalty if they let a property to an illegal migrant.
- You are not entitled to claim benefits. Immigration Enforcement will share your details with HMRC or DWP. You may be liable for prosecution if you make a false declaration to these organisations or fail to inform them of a change in your circumstances which affects your entitlement to benefits.
- You may be charged for any secondary healthcare you receive.
- Immigration Enforcement may share your details with financial fraud prevention organisations to allow service providers to decide whether you should have access to financial products such as bank accounts and credit agreements.
- Immigration Enforcement will ask the DVLA not to issue you with a driving licence. If you already have one, we will ask the DVLA to consider cancelling it. If your licence is cancelled, you will then be unable to drive legally in the UK.

HELP AND ADVICE ON RETURNING HOME

Choices - Assisted Voluntary Return Programme

Choices are part of the independent charity Refugee Action. Choices assist people who have no legal right to remain in the UK to return voluntarily to their own country with dignity. Choices are not part of the United Kingdom Government. Through the Choices Voluntary Assistance Return and Reintegration Programme (VARRP), you can apply for assistance in obtaining a travel

The factual accuracy of statements recorded in this letter has been assessed for immigration purposes only

document, a return flight, onward travel and support and advice, including reintegration assistance, on return home on a case by case basis. The reintegration assistance may be used to fund e.g. a small business start up, job training, job placements, educational courses and vocational training. Additionally Choices provides an enhanced baggage allowance and they can arrange temporary accommodation in the country of return if required.

Choices provide independent, confidential and non-directive advice so that you can make an informed decision on whether to return home. Please find enclosed the leaflets regarding the Assisted Voluntary Return Programme and VARRP.

Choices

Choices are independent of the Home Office.

Tel: 0808 800 0007

Web: www.choices-avr.org.uk

Central Voluntary Departure service

The Home Office Central Voluntary Departures team can be contacted for assistance by:

Tel: 0300 0040 202 (Monday- Friday between 9.00 and 17.30)

Fax: 0870 3369 544

E mail: voluntarydeparturequeries@homeoffice.gsi.gov.uk

If you are returning with dependants under the age of 18, you should still ring the above number and choose the option of the Family Returns Unit.

The team can discuss your return, obtain your travel document and send to port of departure and depending on your circumstances support you in obtaining your travel ticket

Your Asylum Decision – Refusal of Asylum

This leaflet provides more information about your claim being refused and the options now available to you.

If you have not yet taken advice on your position, you are strongly advised to do so now

Yours sincerely



acting on behalf of the Secretary of State

The factual accuracy of statements recorded in this letter has been assessed for immigration purposes only

Annex A**DETAILED REASONS FOR REFUSAL**Summary of your claim and future fear

1. The following paragraphs are a summary of your statements and evidence in support of your application for asylum and are based on: your Screening Interview (SCR) dated 23 April 2014, your Asylum Interview Record (AIR) dated 3 September 2014, your Witness Statement (WS) submitted by your legal representatives (Shehzad Law Chambers) dated 24 September 2014, further submissions from Shehzad Law Chambers dated 20 September 2014 (FS1) and 19 January 2015 (FS2).
2. Your claim for asylum is based on your fear that if you returned to Greece you would face mistreatment due to your political opinion.
3. You have claimed that:
 - a. You are Antonia Ilia, a Greek national, born on 16 March 1959 (SCR q1.1-1.6; WS para 1).
 - b. Your maternal grandfather was Vassilios Xiarhos, a member of the National Liberation Front. He was executed in February 1944 by the German army who occupied Greece at the time. Three of your mother's siblings fled to the USA to claim asylum due to your grandfather's political affiliation. You were influenced by your grandfather's political beliefs so you joined the student branch of the Communist Party in Athens in 1977. You later joined the Women's Association Communist Party in 1989 (AIR q20, 34; WS para 27-35).
 - c. You completed your legal training at the Athens Bar Association in 1983 and obtained your licence to practise as a lawyer. After two years of training at the Court of First Instance in Athens, you were placed in the Court of Thebes from 1991 to 1995, where you worked as Judge Responsible for the division of bankruptcies, and later as Investigator Judge (AIR q21; WS para 37-41).
 - d. Whilst working in the Court of Thebes, you adopted a liberal and anti-establishment approach. Your colleagues recognised that you held a strong, left wing and humanitarian approach to handling cases. Although you were not permitted to have any public political affiliations as a Judge, your beliefs became well-known in the legal circles (WS para 42-51).
 - e. One case which you were in charge of in Thebes involved disciplinary offences of a secondary school teacher. This teacher was a communist, and you were pressured by the right wing Prefect, who had strong connections with the Government at the time, to dismiss the teacher. However, you did not impose a dismissal. As a result, the Prefect did not put your name forward to visit the European Institution, and your mission as the Judge of the Council ended (AIR q30-31; WS para 55).
 - f. On another occasion, you were asked by the Prosecutor, Nikolas Mavros, to put a poor left wing farmer in custody for perjury. In addition, the President of the Supreme Court asked you to declare a trader bankrupt without reading through all the submitted documents (AIR q31).
 - g. The Prosecutor and President of the Supreme Court made complaints against you, and an investigation was begun. However, nothing was found against you. Shortly after this, your car was vandalised. You reported this to the police and to the Director of Court (AIR q31; WS para 65-68).

The factual accuracy of statements recorded in this letter has been assessed for immigration purposes only

- h. In 2000, you were placed as an Investigator Judge in the narcotics division of the Court in Athens. You were the Judge presiding over a case concerning Dr Petros Lyberis, the owner of a private medical clinic, 'Kashtalia'. Dr Lyberis was arrested over charges of cocaine possession in 2001. However, you were in charge of deciding whether to grant bail to Dr Lyberis for charges relating to prescriptions made in his clinic. You heard through rumours in the media that the drugs were planted on him to lead to his conviction as there were a number of people interested in acquiring his medical clinic. You also learnt through a source that the senior magistrate, Mr Athanassopoulos, who was trying to persuade you to put Dr Lyberis in custody, was a close friend of Mr Apostolopoulos, a powerful businessman and the keenest person to acquire Dr Lyberis' business. You granted Dr Lyberis bail, and he was eventually acquitted at the Court of Appeal (AIR q2, 6-17; WS para 69-88).
- i. After the Lyberis case, your posting as the Investigator Judge in the narcotics division was not renewed despite positive annual reports. You were also passed over for promotion in June 2004 in spite of excellent annual reports. Furthermore, you lost your duties as a representative of the Union of Magistrates, for the International Seminars and Conferences (AIR q23, 25; WS para 89-94).
- j. In 2005, many television channels broadcast voice recordings wherein it was alleged that you were talking to the subordinate of your ex-boyfriend, asking him to ask various defendants whose cases were pending with other Judges, to give money to various lawyers to avoid jail. These recordings were not related to any cases you were involved in, and your voice was manipulated so that false charges could be brought against you. The recordings further alleged that you threatened another lawyer, Mr Gavalas, saying that you would make a complaint against him to the Vice Chairman of the Supreme Court. You asked the Prosecutor of the Supreme Court to conduct an investigation as to the veracity of the recordings, however, he never approved the investigation. Furthermore, your legal actions against the television channel, 'TV Channel Extra', were also turned down (WS para 96-114).
- k. As a result of the allegations made against you, you decided to give an interview in May 2005 with the television programme, 'Kitrinos Typos'. You wanted to provide a reply to the misconceptions about you in the media. During the interview, you discussed important cases of corruption in the Greek justice system, where large companies and Government affiliated groups were favoured. You also discussed the case of Dr Lyberis and mentioned Athanassopoulos' name, and that he had tried to exert pressure on you. You stated that you knew the name of the businessman who had been interested in obtaining Dr Lyberis' clinic (AIR q2; WS para 115-123).
- l. Shortly after the interview, in June 2005, you were invited to attend a disciplinary hearing in the presence of the Magistrates of the Supreme Court. You were given limited notice to refute the allegations against you, and no opportunity to call any witnesses. The hearing centred on your private life and relationships and the conduct of the cases you dealt with whilst working in the narcotics section. You instructed a lawyer, Mr Stamoulis, to act on your behalf. He advised you to keep your distance because the process was flawed and your right to a fair hearing was violated. Your contract of employment with the Supreme Court was terminated in July 2005 (WS para 124-131).
- m. At the same time, you were served with legal papers accusing you of failing (without intent) to submit copies of your financial returns for 2001-2004. You did not receive a reminder letter to submit your financial returns as per the normal procedure (WS para 132-137).

The factual accuracy of statements recorded in this letter has been assessed for immigration purposes only

- n. You were struggling to survive on your income at the time and mainly relied on loans from banks, family and friends. You were in debt to afford your professional plans and to pay your father's medical bills. As a result of these hardships, you lost your home and rental property (WS para 139-140).
- o. In June 2005, you received an anonymous telephone call at home. The caller said that he was your colleague from the Court of Appeal but, for security reasons, he refused to reveal his name. He told you that the judicial authority and political interest groups had decided to punish you through false charges, and to send you to prison because of your political beliefs, your revelations on television of corruption in the judiciary, and the Dr Lymberis case. Shortly after this telephone call, you were visited by Mr Avramidis, a prominent businessman, who told you that the voice recordings of you were manipulated. He also gave you the name of the person who had doctored the recordings. He further advised you to leave Greece immediately because you were in danger as the Government and Judiciary would try to imprison and kill you (WS para 150-158).
- p. Following Mr Avramidis and Mr Stamoulis' advice, you decided to leave Greece. You prepared a power of attorney to represent you in the hearing regarding the failure to submit your financial returns (WS para 159-161).
- q. On 11 July 2005, you received a legal warning from the Nea Xalkidona police, on behalf of Mr Apostolopoulos. This further confirmed your need to leave the country (WS para 162-164).
- r. You held a press conference at the airport in Athens to explain that you were forced to leave the country. This interview was published in all Greek newspapers and broadcast on the television on 24 July 2005 (WS para 166-168).
- s. Following Mr Stamoulis' advice, you did not contact anyone in Greece, including your mother and sister when you came to the UK. You also used a different name, date of birth and nationality whilst living in the UK. You started working as an au pair, as well as a language tutor. In 2008, you were employed as a part time tutor by City College in Brighton (WS para 170-179).
- t. You were arrested at City College on 11 May 2011 based on five European Arrest Warrants (EAW) that had been issued against you in Greece (WS para 180-181).

Future Fear

- u. If returned to Greece, you fear that you will be denied a fair trial and put in prison.

Immigration History

4. You claim to have arrived in the UK on 19 July 2005.
5. You claimed asylum on 23 April 2014.

Article 8 – Family/Private Life

6. You claim that removing you to Greece or requiring you to leave the UK would be a breach of your Article 8 ECHR rights.

The factual accuracy of statements recorded in this letter has been assessed for immigration purposes only

Other ECHR Articles

7. You also claim that removing you to Greece or requiring you to leave the UK would be a breach of Articles 2, 3 and 6 of the ECHR.

Substantive Consideration of your claim for asylum**Convention Reason**

8. It is accepted that your reason for claiming asylum is on the basis of your political opinion and it is acknowledged that this reason engages the 1951 United Nations Convention relating to the Status of Refugees.

Nationality

9. In order to be considered as a refugee, a person must be outside their country of nationality (or country of former habitual residence if they are stateless) and be unable or, owing to a fear of persecution, unwilling to return to it before they can qualify for international protection as a refugee (or be eligible for Humanitarian Protection).
10. It is noted that your extradition orders have been brought to the High Court. Your nationality has therefore been accepted.

Summary of Claim

11. Consideration has been given to your claim at its highest, in that it is accepted that the facts of your case took place as you have described. However, even when taken at its highest, it is not considered that there is a real risk of persecution by the Greek authorities if you returned to Greece for the reasons outlined below.
12. You claim that you will be put on trial and in prison by the Greek authorities if returned to Greece. Consideration has been given to the judicial system in Greece. The US Department of State Country Report on Greece in 2013 noted:

"The law provides for an independent judiciary, and the government generally respected this provision. Observers, nevertheless, reported the judiciary was inefficient and sometimes subject to influence and corruption. The judiciary was more lenient toward those claiming political motives for acts of property destruction than those who did not. Authorities generally respected court orders, and there were no reports of instances in which trial outcomes appeared predetermined.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence. Trials are public in most instances, and most felony cases use juries. The law permits denial of a jury trial in cases of violent terrorism. Defendants have the right to be present at trial and to consult with an attorney in a timely manner. The government provides attorneys to indigent defendants facing felony charges. Defendants may present witnesses and evidence on their own behalf as well as question prosecution witnesses. Defendants and their attorneys have access to government-held evidence relevant to their cases. They have the right to appeal.

On October 18, the ECHR issued a ruling against the country for violating article 5 of the European Convention for Human Rights (the right to a speedy review of the lawfulness of detention) in the case of an Albanian national arrested in February 2009. A review of the lawfulness of his pretrial detention did not occur until May 2009. The court ordered the country to pay 4,000 euros (\$5,400) in damages.

The government recognizes sharia (Islamic law) as the law regulating family and civic issues of the Muslim minority in Thrace. Muslims married by a government-appointed mufti were subject to sharia

The factual accuracy of statements recorded in this letter has been assessed for immigration purposes only

family law. Members of the Muslim minority also have the right to a civil marriage and the right to take their cases to civil court.

There is a generally independent and impartial judiciary in civil matters. The law provides citizens with the ability to sue the government for compensation for alleged violations of rights."

(<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dclid=220284>, accessed 18 May 2015).

13. You state that you left Greece in 2005. It is noted that a new political party has come to power in Greece since January 2015, and a new anti-corruption Minister has been appointed:

"From the makeup of his cabinet to an early warning sent to the European Union over Russia policy, Greece's new prime minister, Alexis Tsipras, on Tuesday signaled a sharp shift in direction for Greece as he unveiled the first government led from the far left in the country's modern history.

In assembling the new cabinet, Mr. Tsipras streamlined the number of ministries, but he did create a new one to fight corruption, led by the former head of Greece's anti-money-laundering authority."

(http://www.nytimes.com/2015/01/28/world/europe/greece-syriza-government-names-anti-austerity-economist-as-finance-minister.html?_r=0, accessed 18 May 2015).

14. It is further noted:

"Greece's new anti-corruption tsar Panagiotis Nikoloudis has been tasked with recovering 2.5 billion euros (\$2.8 billion) for the debt-strapped government's coffers through a ruthless crackdown on tax evasion.

The former Supreme Court deputy prosecutor and Greece's first ever anti-corruption minister told AFP he was itching to tackle the scourge blamed for the country's financial woes and its lack of credibility among its EU peers.

"I've heard so many times 'we're going to fight corruption', always 'we're going to, we're going to', and I was speechless, thinking 'but why don't we do it now?'" the 65-year old said in an interview.

"If the new government has come to see me it's because it really wants to act," said the bushy-eyebrowed minister, who describes himself as a stubborn man who "never stops, even when I hit a wall".

Waging war on corruption was one of the left-wing government's electoral promises, and Nikoloudis is under pressure to produce results that can be used as a bargaining chip in negotiations with Greece's creditors." (<http://www.eubusiness.com/news-eu/greece-government.zsz>, accessed 18 May 2015).

15. In light of the above, it is considered that there is a functioning judicial system in Greece. Whilst there may be some corruption in the country, it is not considered that this is indicative that your case will be prejudiced. Furthermore, it is noted that the situation in Greece has now changed, and there is a new Government in power, with a newly appointed anti corruption Minister. You will therefore be returned to Greece with a new Government and a revised system.

16. You claim that you will be imprisoned if returned to Greece and that it is against your rights under Article 3 of the ECHR. With regard to the prison conditions in Greece, consideration has been given to the High Court decision of *Ilia v Appeal Court In Athens (Greece) [2015] EWHC 547 (Admin)*, where it was held:

"The assurances are made by a responsible minister and official of the Ministry of Justice of an EU state. There is no evidence that the current Greek government disavows the assurance of 9 September 2014; indeed the terms of the letter of 16 February 2015 shows the opposite. Mr Cooper relied upon the fact that the CPT report of 2012 stated that facts given to it by the Greek authorities previously had not been

The factual accuracy of statements recorded in this letter has been assessed for immigration purposes only

reliable, but we do not regard that as sufficient evidence to say that we should find that these assurances will not bind the Greek authorities in this specific case. As Moses LJ said with respect to Spain in the case of *Hilali v The Central Court of Criminal Proceedings No 5 of the National Court of Madrid* [2007] 1WLR 768 at [77], we think that the courts should give great weight to the fact that Greece is a western democracy, subject to the rule of law, a signatory to the ECHR and a party to the Framework Decisions of 2002 and 2009. It is a country which has and which applies the same international obligations as the UK. The assurances have been given at the highest-institutional level. Unless there is some concrete, cogent, evidence that undermines the mutual trust upon which the whole EAW, indeed EU criminal justice co-operation venture is founded, then we have to accept that the assurances will be acted upon as stated.

There is no contrary evidence that does undermine the presumption that we can accept that those assurances will be binding. Mr Cooper relied upon the fact that in his report of 14 November 2014, Professor Tsitselikeis in a report argued that the Greek government would be unaffected by a concern that future extraditions would be in jeopardy if the assurances given in this case were not observed. He noted that a number of EU countries have suspended returns of asylum-seekers to Greece because of the conditions in which they would then be detained. We find this analogy to be unpersuasive. The EU Dublin Regulation which attributes as between the Member States responsibility for examining an asylum-seeker's claim imposes an obligation on Greece to accept their return in certain situations. The position with extradition is different. Whether the matter concerns a conviction or an accusation, when the Greek Judicial Authority issues a European Arrest Warrant it positively wants to have the requested person extradited. If it breaches the assurance in the present case, its prospect of realising such a request in the future will be very much diminished.

The second question is whether those assurances are sufficient to "dispel the doubts" that we assume are raised about Article 3 and prison conditions in Greece in relation to this appellant. The first assurance, in the letter of 9 September 2014, is very detailed and specific in setting out where and in what conditions the appellant would be kept if extradited. The second, in the letter of 16 February 2015, deals with the specific issue of possible overcrowding in the New Wing. We are prepared to accept that the letter sets out the up-to-date position there, so that even if there are 108 female inmates there at present, they have a personal space of 3.63m² per detainee, which is notably more than the level at which the ECtHR has stated will raise an Article 3 "issue". We also note the proposed regime for prisoners set out in the letter of 14 September 2014, which contemplates that the inmates will be outside their cells for much of each day and there are educational and recreational facilities available to inmates as well as suitable provision for visitors. Under cross-examination Professor Tsitselikeis agreed that the conditions in the New Wing did comply with the standards of Article 3 although we accept that it was not entirely clear whether this was in relation to the issue of overcrowding or conditions more readily.

We have borne in mind the factors set out in *Othman* at [189], in particular those at questions (1), (2), (3), (4), (6), (7) and (8), bearing in mind our view that, in relation to the last, we are entitled to rely on a presumption of mutual trust, as we have set out at [40] above. In all the circumstances, we accept that the assurances can be relied upon and, on the basis of them, we are satisfied that there is not substantial grounds for concluding that there is a real risk that the appellant's Article 3 rights would be infringed if she is extradited and detained in the New Wing of Korydallos." (paras 66-69)

17. In light of the above case law, it is not considered that the prison conditions in Korydallos breach Article 3 of the ECHR.

Assessment of future fear

18. In light of the above conclusions, it is not accepted that you have a genuine subjective fear on return to Greece.

The factual accuracy of statements recorded in this letter has been assessed for immigration purposes only

Consideration of Humanitarian Protection

19. I have considered whether it would be right to grant you Humanitarian Protection in the UK in accordance with paragraph 339C of the Immigration Rules (HC395 as amended).
20. After carefully considering your claim, taking into account the evidence provided in the documents noted above, along with the objective information and case law detailed in the above paragraphs, I have concluded there is no reasonable degree of likelihood that you would be at risk of serious harm on return to Greece.
21. Therefore, you do not qualify for Humanitarian Protection.

Article 2

22. You have claimed that you will be unlawfully killed on return to Greece and that is against your rights under Article 2 of the ECHR. I have considered the evidence put forward as part of your asylum claim. As stated in the above paragraphs, you have not demonstrated either that death is virtually certain (as required by Article 2) or that there is a real risk of treatment that would amount to a breach of Article 2.

Article 3

23. Consideration has been given to your claim that if you are returned to Greece you will face inhuman treatment or punishment. As stated in the above paragraphs, there are no substantial grounds for believing that there is a real risk that you would face treatment contrary to Article 3.

Article 8 – Family Life – Parent/Partner

24. Consideration has been given to whether the circumstances of your case mean that your removal from the UK would breach your right to respect for family and private life under Article 8 of the European Convention on Human Rights. Your application has been considered under Appendix FM to and paragraphs 276ADE – CE of the Immigration Rules, by virtue of paragraph 326B.

Consideration under Partner route

25. The requirements for leave to remain as a partner are set out in section R-LTRP of Appendix FM of the Immigration Rules. From the information provided it appears that you do not have a partner. You therefore fail to meet the requirements of paragraph R-LTRP with reference to GEN.1.2 of Appendix FM of the Immigration Rules.

Consideration under Parent route

26. The requirements for leave to remain as a parent are set out in Section R-LTRPT of Appendix FM of the Immigration Rules. However, for the purposes of that section, a "parent" is defined in paragraph 6 of the Interpretation Section of the Immigration Rules.
27. From the information provided it appears that you are not a parent. In view of this fact, it is not accepted that you meet the definition of a parent as defined in paragraph 6. You therefore fail to meet the requirements of paragraph R-LTRPT with reference to paragraph 6 of the Immigration Rules.

Article 8 – Private Life

28. In order to meet the requirements of paragraph 276ADE(1)(iii) an applicant must show that they have lived continuously in the UK for at least 20 years (discounting any period of imprisonment).

The factual accuracy of statements recorded in this letter has been assessed for immigration purposes only

29. When considering the requirements outlined in paragraph 276ADE(1), it is noted that you are a national of Greece and that you entered the UK in July 2005. You have therefore lived in the UK for 10 years and it is not accepted you have lived continuously in the UK for at least 20 years.
30. Consequently, you fail to meet the requirements of paragraph 276ADE(1)(iii) of the Immigration Rules.
31. In order to meet the requirements of paragraph 276ADE(1)(vi), an applicant must show that they are aged 18 or above and that there would be very significant obstacles to their integration into the country to which they would have to go if required to leave the UK. It is noted that you have lived in Greece for the majority of your life, and your family currently reside there. You were educated and have worked in Greece for a substantial period of time, and you are fluent in Greek, French and English. It is therefore not accepted that there would be very significant obstacles to your integration into Greece.
32. Consequently, you fail to meet the requirements of paragraph 276ADE(1)(vi) of the Immigration Rules.
34. In light of this and on the basis of the reasons set out at paragraphs 24 to 30 above, your application on the basis of your family and private life is refused under paragraphs D-LTRP.1.3, D-LTRPT.1.3. and paragraph 276CE with reference to R-LTRP, R-LTRPT, 276ADE(1) of the Immigration Rules.

Article 8 – Exceptional Circumstances

35. I have considered your claim that you should be allowed to stay in the UK based on Article 3 of the ECHR on medical grounds. You claim that you suffer from a thyroid condition, high cholesterol and osteoporosis (AIR q50).
36. Your claim has been considered in line with the caselaw of *N v SSHD 2005 UKHL 31*. Following this case, it is Home Office policy to accept that an applicant's article 3 (medical) rights would be breached by removal to their country of origin only if their illness has reached such a critical stage that it would be inhuman treatment to:
- deprive them of the care they are currently receiving, and
 - send them home to an early death (unless there is care available there to allow them to die with dignity).
37. The evidence that you have provided does not indicate that your conditions are at such a critical stage that it would be inhumane to remove you. Consequently, it is not accepted that your removal from the United Kingdom reaches the high threshold of severity to breach Article 3 of the European Convention on Human Rights on the basis of your medical condition.
38. Therefore, you do not qualify for Discretionary Leave.

Summary Refusal Paragraphs

39. Your claim has been carefully considered, but you do not qualify for asylum or Humanitarian Protection. It has also been decided that you fail to meet the requirements under the Immigration Rules for leave to remain on the basis of your family life or private life in the United Kingdom. Your claim was also considered in accordance with the published Home office Asylum Policy Instruction on Discretionary Leave and you do not qualify.
40. The reasons for refusing you leave to remain in the UK are given in detail above.

The factual accuracy of statements recorded in this letter has been assessed for immigration purposes only

41. Your asylum and human rights claim is one to which section 94(3) of the Nationality, Immigration and Asylum Act 2002 applies. This requires the Secretary of State to certify that your claim is clearly unfounded unless satisfied that it is not clearly unfounded. After consideration of all the evidence available, it has been decided that your claim is clearly unfounded. Therefore, it is certified under section 94(1) of the Nationality, Immigration and Asylum Act 2002 that your claim is clearly unfounded.
42. As your asylum and human rights claims have been certified as clearly unfounded, you may not appeal while in the United Kingdom.
43. In addition, your asylum claim is one to which paragraph 4 of Schedule 2 to the Immigration (EEA) Regulations 2006 applies. In accordance with paragraph 4 (5) to Schedule 2 the Secretary of State shall certify an asylum claim made by an EEA/EU national, with the effect that there is no right of appeal against the refusal of the asylum application, unless the Secretary of State is satisfied that the claim is not clearly unfounded. After consideration of all of the information available, it has been decided that your claim is clearly unfounded. Therefore, it is hereby certified that your claim is clearly unfounded under paragraph 4 (5) of Schedule 2 to the Immigration (EEA) Regulations 2006. There is no right of appeal against this decision in accordance with paragraph 4 (4) of Schedule 2.
44. If you have not yet taken advice on your position, you are strongly advised to do so now.

The factual accuracy of statements recorded in this letter has been assessed for immigration purposes only

Dear Mrs Ilia,

responding to your questions, I would like to inform you of the following:

I visited Korydallos Prison Women's Branch on Thursday June 4th, 2015. It is not allowed to visitors to inspect areas accommodating inmates, I had access to the administration area of the establishment. The data I have collected after discussions I had with prison staff, especially after my contact with the head of the prison custodial staff Mr Anestis Chryssovergis, confirmed the situation described in the February 1st and 28th 2015 common statements, written by Associate Professor Dr Konstaninos Tsitselikis and myself.

Updating the data presented in the above mentioned statements, I was informed that the number of female inmates on Tuesday, June 2nd 2015 was approximately one hundred (100). On Thursday, June 4th 2015, the respective number was one hundred and three (103) in the morning and ninety seven (97) in the afternoon. Six (6) of these inmates were accommodated in the prison sanitarium area. These numbers are much higher than the number given in the Greek Ministry of Justice 2014 assurances to the UK judicial authorities (sixty [60]). It is important to notice that the number of inmates in the Womens' Branch of Korydallos Prison is still high, despite the recent transfer of forty inmates to Thiva Womens' Prison and an April 2015 law providing for early release schemes to deflate prison overcrowding (without these measures the actual inmates' number would be higher). In any case, the 2014 assurances are not met. Moreover, this inmates' number, given the free space available to them according to the 2014 assurances description of the facilities and the certified accommodation of the women's branch, results in crowding levels which show a very serious risk of Article 3 ECHR violation (occupancy level 165 - 170%). This risk is further increasing because "real" free space is reduced, compared to the total surface of the rooms (cells) where inmates are locked in daily for about thirteen hours, during the night (20.30 or 21.00 - 07.00) and in the afternoon (12.00 -14.30 or 15.00). The reason is that in each room (cell) there are toilets, at least eight beds (four berths), two or three lockers, one or two tables, a number of chairs and small fridges (exact numbers depending on the number of accommodated inmates, who are not equally distributed in the rooms; in one room there were only three inmates, for security reasons, while in the other rooms there were six, eight, nine or ten, taking into consideration the activities they attend, their age, their legal status etc.).

Simultaneously, there is no indication that low staffing levels have been improved. On the contrary, they have reached the lowest possible point, with one member of the custodial staff per shift supervising all inmates in the wing and one more guard observing the yard when inmates are allowed to use it (three hours in the morning and two-three hours in the afternoon, depending on the season). Other staff posts in prison entrances, gates and offices are not directly related with the in-wing supervision of inmates. According to the President of Korydallos Prison Staff Union, Mr Marios Oikonomakis, interviewed by a tv journalist on May 29th, 2015, decisions have been made by the central prison administration to move some members of the Women's Branch to another prison (two custodial staff members according to my information). Understaffing, as Professor Nikolaos Paraskevopoulos, the new Minister of Justice, Transparency and Human Rights recently (on May 4th, 2015) declared, is connected with prison tensions and violence, questioning inmates' safety and prison security.

Violent events, the injury of eighteen inmates and the death of two other inmates in the Men's section of the same prison, operating in the same area, are the "living proof" of the situation. Events of this kind and severity, though, have not been reported in the Women's Branch of the prison.

Finally, it should be mentioned that current security needs have been multiplied due to recent activities and operational changes which are held and implemented within the wider women's prison branch area, namely the transformation of a wing previously belonging to the women's prison as a branch of Korydallos Hospital for inmates where HIV positive inmates are kept, the use of the lower floor of the new women's branch for the detention of the nationalist party "Golden Dawn" MPs and members who are remanded and attend a trial held in a special court room operating within the same establishments and the use of a special section for the detention of a group of inmates detained for terrorist actions.

Athens, June 7th 2015



Nikolaos Koulouris,
Assistant Professor in Social Policy and Offenders' Custodial and Non-Custodial Treatment,
Department of Social Administration and Political Science,
Democritus University of Thrace


greekcorruption.gr


I the undersigned Antonia ILIA date of birth 17.03.1963 declare that I am aware that I am to be extradited from the UK on a European Arrest Warrant to Greece on 9th June 2015.

I confirm that I have agreed to be at my bail address of Flat 3, 15 Tollington Way, London N7 6RG at 1300 hours on the afternoon of Tuesday 9th June 2015 where I will be picked up and escorted to the airport. I have been advised that my luggage should be restricted to hand luggage.

I understand that if I fail to be at that location on the agreed time and date I will be arrested and will not be granted further bail on the warrant.

My mobile telephone number is 07405413755. I confirm that I will keep my phone switched on and charged at all times.

Signature 

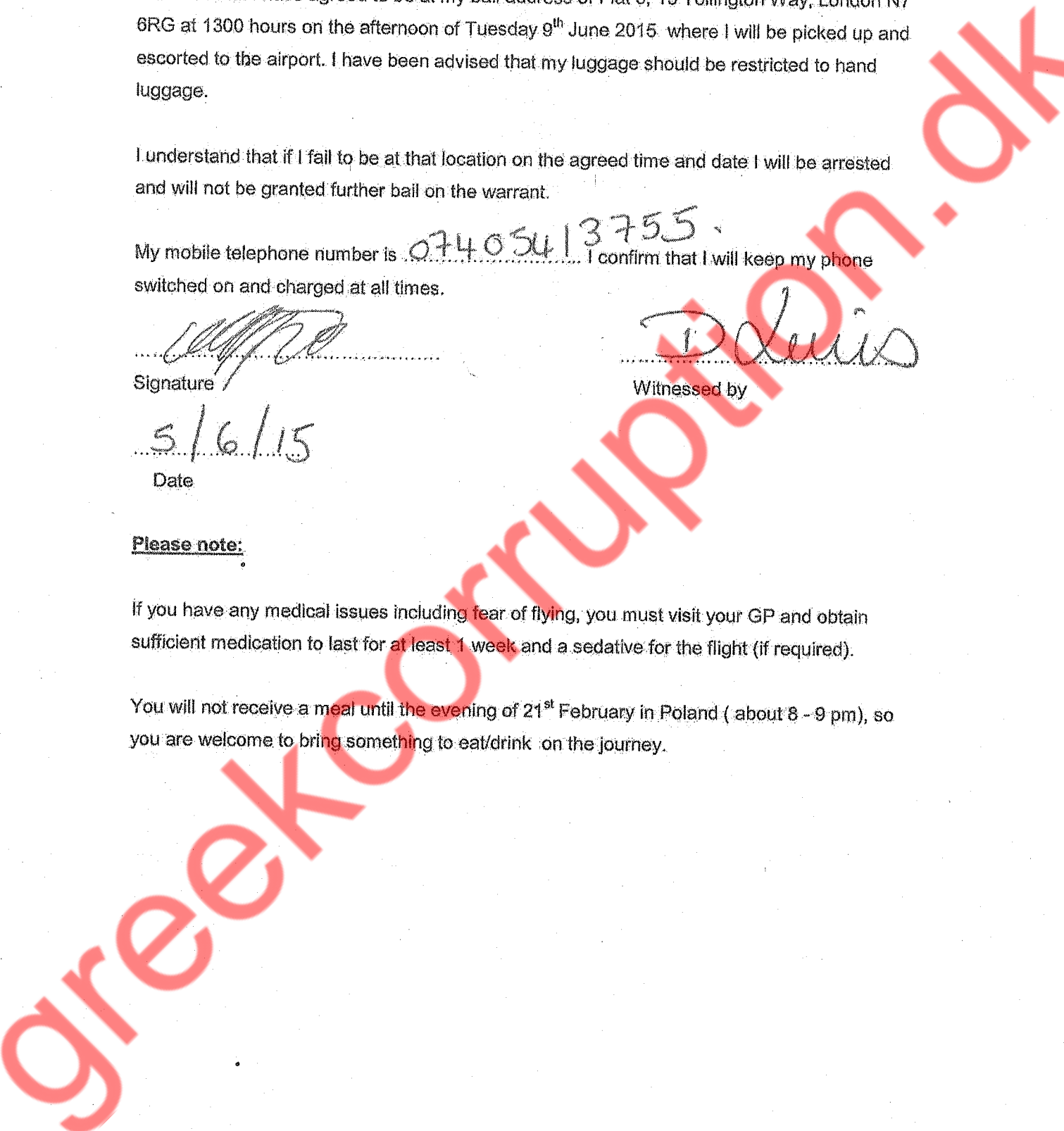
Witnessed by 

Date 5/6/15

Please note:

If you have any medical issues including fear of flying, you must visit your GP and obtain sufficient medication to last for at least 1 week and a sedative for the flight (if required).

You will not receive a meal until the evening of 21st February in Poland (about 8 -9 pm), so you are welcome to bring something to eat/drink on the journey.





HM Courts &
Tribunals Service

22
Upper Tribunal
Immigration and Asylum Chamber
Field House
15-25 Breems Building
London
EC4A 1DZ

T 020 7073 4278
F 0870 324 0185
DX 309301 STRAND 6
E utiac.londonjr@hmcts.gsi.gov.uk

ANTONIA ILLIA
15 TOLLINGTON WAY
LONDON
N7 6RG

www.justice.gov.uk/tribunals/immigration-asylum-upper

Our ref: JR/6861/2015 \UTIAC
Your ref: In Person

05 June 2015

Dear Sir / Madam,

Re. The Queen on the application of ANTONIA ILLIA versus SECRETARY OF STATE FOR THE HOME DEPARTMENT

Your claim for judicial review has been issued this day.

Fee Paid £140.00 (Cash) / Card / Cheque) or Fee Remission accepted.

You must now **within 9 days** of the date of this letter, provide to the Respondent [and any Interested Party/ies] a copy of the application and any accompanying documents, bearing the above reference number, and provide the Upper Tribunal with a written statement of when and how this was done using Form T485. Failure to comply with this requirement may result in the file in these proceedings being closed.

Please note our Case Reference number JR/6861/2015 which should be quoted whenever you communicate with the Upper Tribunal.

Your attention is drawn to Part 4 of the Tribunal Procedure (Upper Tribunal) Rules 2008 and the Senior President of Tribunals' Practice Directions entitled, "Immigration Judicial Review in the Immigration and Asylum Chamber of the Upper Tribunal", which give guidance on future procedural matters. Please be aware that the aforementioned can be obtained from the HMCTS website at www.justice.gov.uk/about/hmcts/index.htm

***** IMPORTANT INFORMATION – PLEASE READ *****

Please note that it is the practice of the Upper Tribunal to destroy all copy documentation and any bundles immediately following the conclusion of proceedings, and to retain original documentation on the file. **We therefore strongly advise you to keep copies of any documents that you submit to the Upper Tribunal.**

If you wish to have your copy documentation or bundles returned to you, you must **notify the Upper Tribunal, in writing, at the above address at your earliest convenience, and prior to the conclusion of these proceedings, specifying whether you intend to come to the Upper Tribunal and collect your documentation, or**

whether you would like the Upper Tribunal to return it to you by post or by DX. Please note that for reasons of cost, the Upper Tribunal will not return documentation by Recorded Delivery or Registered post.

23

If we do not receive such notification, the Upper Tribunal will assume that you do not wish to have your copy documentation or bundles returned, and they will be destroyed as confidential waste.

Please be aware that if you request copies of documentation kept on the Upper Tribunal file, a fee is applicable under paragraph 3.1 (a) and (b) of Schedule 1 to the Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011 (as amended) (£5.00 for first 10 pages, and £0.50 for each further page).

Yours faithfully,



Clerk to the Upper Tribunal

greekcorruption.ok

Statement under Upper Tribunal Rule 28A (2)(b)

Upper Tribunal Immigration and Asylum Chamber	UTIAC No. JR/6861/2015/UTAC
Name of Applicant Antonia Ilia	
Name of Respondent Government Legal Department	

On what day did you provide a copy of the application (as sealed by the Upper Tribunal) and accompanying documents to the Respondent and any interested party?

05/06/2015

What documents did you provide?

Please attach copies of the documents you have not already filed with the Upper Tribunal.

The same as the ones I gave to the Court

To whom did you provide copies?

(If appropriate include their position e.g. partner).

Government Legal Department

How did you provide the documents?

(please tick the appropriate box)

- by first class post or other service which provides for delivery on the next business day
- by personally handing it to or leaving it with (.....time left, where document is other than a claim form) (please specify)

- by other means permitted by the Upper Tribunal (please specify)

- by Document Exchange

- by fax machine (.....time sent, where document is other than a claim form) (you may want to enclose a copy of the transmission sheet)

- by other electronic means (.....time sent, where document is other than a claim form) (please specify)

Give the address where service effected, include fax or DX number, e-mail address or other electronic identification

One Kemple Street
London WC2B4TS

I believe that the facts contained in this statement are true.

Full name Antonia Ilia

Signed 

(Applicant) (Respondent) ('s solicitor) ('s friend)

Position or office held

(If signing on behalf of firm or company)

Date 05/06/2015

Post Office Ltd.
Your Receipt

19/20 High Holborn
London
Greater London
WC1U 6BS

Date and Time: 05/06/2015 12:16
Session ID: 5-410771
Dest: UK (EU)
Quantity: 1
Weight: 1.836 kg

Signed For 1st Small Parcel £6.55

Total Cost of Services £6.55

Posted after Last Collection? No

Barcode: 0788649559568

DESTINATION ADDRESS
Building Name or Number Postcode
1 Address Validated? MC2B4TS N

IT IS IMPORTANT THAT YOU RETAIN THIS RECEIPT AS IT IS YOUR PROOF OF POSTING

PLEASE REFER TO SEPARATE TERMS AND CONDITIONS

Royal Mail Signed For 1st Class aims to deliver your Parcel the next working day. This is not a tracked service. You can check proof of receipt and proof of delivery at www.royalmail.com or call 03459 272 100 quoting your reference number

This is not a VAT Receipt
Thank You

W
DRAW
SEEK
OVER

PRIZE
DRAW
SEEK
OVER

PRIZE
DRAW
SEEK
OVER

Post Office Ltd.
Your Receipt

19/20 High Holborn
London
Greater London
WC1U 6BS

Date and Time: 05/06/2015 12:39
Session ID: 2-839711
Dest: UK (EU)
Quantity: 1
Weight: 0.016 kg

Signed For 1st Letter £1.73

Total Cost of Services £1.73

Posted after Last Collection? No

Barcode: 8281925896968

DESTINATION ADDRESS
Building Name or Number Postcode
15-25 Address Validated? EC4A1DZ N

IT IS IMPORTANT THAT YOU RETAIN THIS RECEIPT AS IT IS YOUR PROOF OF POSTING

PLEASE REFER TO SEPARATE TERMS AND CONDITIONS

Royal Mail Signed For 1st Class aims to deliver your Letter the next working day. This is not a tracked service. You can check proof of receipt and proof of delivery at www.royalmail.com or call 03459 272 100 quoting your reference number

This is not a VAT Receipt
Thank You

DRAW
SEEK
OVER

PRIZE
DRAW
SEEK
OVER

PRIZE
DRAW
SEEK
OVER

greek.com