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HELLENIC REPUBLIC
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Athens, 31 March 2010

TO: PERMANENT GREEK DELEGATION
IN THE COUNCIL OF EUROPE
(BY MINISTRY OF FOREIGN AFFAIRS ST'3)

COPY TO:

1. OFFICE OF THE DEPUTY STATE SECRETARY
2. OFFICE OF THE POLICE COMMISSIONER
3. OFFICE OF THE DIRECTOR OF KAT
Athens

BY US: DEPARTMENT A3

Subject: "Remarks and recommendations of the Commissioner for Human Rights of the Council of Europe
Ref.: Document A.P.F.6700.1/25/AS 268 dated 9/3/2010 of the Permanent Greek Delegation in the Council of Europe

Answering to the above referenced document please be advised as follows:

From 2005 to 2009 included, there is a considerable increase of the number of illegal migrants, with the number of those persons applying for asylum, of the order of about 28,86%, what has caused problems to the smooth operation of the mechanisms for their examination and the timely decision-making.

To this end, the political leadership decided the radical reform of the system and the examination of the cases of those applying from asylum by a body, independent from the Greek Police, under the auspices of our Ministry.

The target of the Government's new migration policy concerning the granting of the right of asylum, certainly with the simultaneous backing of our frontiers, is also to shape these structures so as to examine each case separately and to protect, from the legal point of view, the groups needing

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international protection, those who are entitled to the asylum, the unaccompanied minors and the families.

Within this frame, our Ministry proceeds with the radical reform of the Greek system for the granting of asylum. A Special Committee under the lead of the General Secretary of our Ministry, with the participation of representatives of the Office of the United Nations High Commissioner for Refugees, the NGOs, the Greek Ombudsman, the Athens Bar, the National Board for Human Rights, professors of the university, the Ministry of Health and Social Solidarity and the Ministry of the Interior, Decentralization and Electronic Control.

This board reached an integrated proposal to reform the procedure of examination of the applications for asylum.

The main points of the proposal are as follows:

Disengagement of the Police from the procedure of the asylum: We form an independent Asylum Service, under the Ministry of the Citizens Protection to be staffed with special scientific personnel. The main offices of this Service will be in Athens and there will be peripheral offices in the main areas of reception of refugees.

The management of the 44.560 accumulated applications for asylum is still pending. This will be the end of a peculiar regime of hostages for tenths of thousands of fellowmen. These accumulated applications will be studied by a special committee with the participation of employees of the Ministry of the Presidency, by representatives of the Office of the High Commissioner for Human Rights and jurists.

Administration of the Asylum procedures: Two procedures are adopted: the regular and the express one. The express procedure concerns the “obviously ungrounded” applications and the applications of those aliens detainees for deportation. There will be two degrees of examination of the applications for asylum. The maximum time limits for the issue of a decision on the applications of asylum cannot exceed six months in A’ and B’ degree for the express procedure and twelve months for the regular procedure. An expert special scientist (*eligibility officer*) member of the staff of the Asylum Service is charged with the interview. This officer proposes to the enforcer body the procedure to follow and passes an opinion. The decision in A’ degree is passed by the Committee composed by the Head of the Asylum Office, the eligibility officer above and also another special scientist of the Asylum Service.

Instituting of an independent procedure for the B’ degree examination: An independent Commission of Appeals is instituted to handle the appeals against the first degree decision with determinative capacities.

- The new system of asylum will result to a faster and right procedure originating from our international and European duties ruled by the respect for human rights and the protection of those people needing the international protection.

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- Special procedures are also provided for the unaccompanied minors, the defenseless/vulnerable groups as well as for the completion of the procedure within a reasonable period of time.
- In parallel, a special committee has been instituted to elaborate the structure, operation and organization of the new Asylum Service.
- Furthermore, a Special Standing Committee was instituted in order to prepare (i) the draft of the Presidential Decree in force for the between-period and (ii) the law draft that will rule the new procedure of the asylum.

New Special Stay Places for the Aliens

Other centers for the stay of the aliens (mainly in the islands and the Evros area) are now absolutely necessary.

A Work Team was instituted on our initiative in order to prepare a proposal for the establishment and operation of Centers for the Registration and Management of the Illegal Migrants and also supplementary structures for their accommodation. This Team is composed of representatives of the Ministries of Foreign Affairs, Decentralization and Electronic Control, Health and Social Solidarity as well as representatives of the Office of the High Commissioner for Human Rights, for the refugees of the International Migration Organization, of the Red Cross, the Ombudsman and other competent bodies.

In these Centers, the migrants will be recorded, they will be identified, they will have medical examinations and then they will be classified in categories and, on this basis, they will be driven up-country.

For the construction, reconstruction and lease of the installations for the recording and management as well as the operative costs, resources are sought from European Funds, as are the Refugees' Fund and other European Programs equivalent to "Aigeas". Our aim is to respond in the best way possible to our accountability towards the migrants, pursuant to the principles of our Democracy and our historical civilization, without charging the budget of the state.

Centers of accommodation

As far as the material conditions for the accommodation of the aliens applying for asylum are concerned, the Ministry of Health and Social Solidarity is the competent authority

The Director
Vasileios Kousoutis, Brigadier General

True Copy
Athens, this day
Signed and sealed
Epeameinondas Katopodis, Police Officer A'

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