

The conduct of (remote) asylum interviews on Lesbos

Nearly two months since the restart of interviews on the island of Lesbos, following the destruction of the hotspot of Moria, legal organisations highlight serious deficiencies relating to quality, confidentiality and procedural guarantees.¹

The Greek Asylum Service has started implementing remote interviews for asylum seekers residing on the island of Lesbos, partly due to the COVID-19 pandemic and to the destruction of the Reception and Identification Centre (RIC) of Moria. Several interviews are carried out remotely via videoconference in the Regional Asylum Office premises in Pagani, Lesbos. The Ministry of Migration and Asylum described the premises as “excellent” and compliant with “all the necessary requirements for COVID-19” in a press release dated 17 October 2020.²

Lawyers and counsellors accompanying asylum seekers in their interviews with Asylum Service and European Asylum Support Office (EASO) caseworkers, including interviews carried out via videoconference, have identified several areas of concern.

Quality and confidentiality of interviews

In remote interviews, the caseworker participates in the interview remotely from home. The remaining parties are in Pagani: the applicant is in one room with their lawyer, and the interpreter in another. Limitations in technical infrastructure and sound quality, as well as the lack of sound isolation in the interview rooms used in Pagani, create echoes and pose severe problems in terms of ability of the parties to communicate clearly and likely constraints on adequate quality recording as required by the law.³

Moreover, serious issues arise regarding compliance with the requirement of confidentiality,⁴ given the aforementioned lack of sound isolation and technical difficulties. Parties in the interview are forced to speak loudly in order to be heard. As a result, the voices of applicants and interpreters can be heard by third parties, in dereliction of confidentiality requirements. In one case, for example, the voice of an interpreter from a different interview in another room could be heard throughout the entire interview, causing difficulties for the caseworker, the applicant and the interpreter.

In addition to videoconferencing, the Asylum Service carries out remote interviews by phone, including in cases of alleged minors. The aforementioned quality concerns are thereby compounded by the lack of visual contact between the applicant and the caseworker in those cases.

Scheduling of interviews

In recent weeks, several asylum seekers on Lesbos have been notified of upcoming interviews only one day ahead, or even on the very day of the appointment. Documented cases include interview summons carrying an earlier date from the

¹ GCR et al., 'Δελτίο Τύπου Νομικών Οργανώσεων σχετικά με την ποιότητα των εξ αποστάσεως συνεντεύξεων ασύλου στο ΠΓΑ Λέσβου και τις συνθήκες διεξαγωγής τους που θέτουν σε κίνδυνο την υγεία αιτούντων άσυλο και εργαζομένων', 8 December 2020.

² Ministry of Migration and Asylum, 'Εξαιρετικές οι συνθήκες εργασίας και η παραγωγικότητα στο Περιφερειακό Γραφείο Ασύλου Λέσβου. Πανερωπαϊκή πρωτιά στην υλοποίηση τηλε-συνεντεύξεων', 17 October 2020, available at: <https://bit.ly/2FYF6jQ>.

³ Article 77(14) International Protection Act (IPA); Article 17(2) Asylum Procedures Directive (APD).

⁴ Article 77(11) IPA; Article 15(2) APD.

actual date of the interview. Scheduling the personal interview on extremely short notice, contrary to domestic and EU law requirements,⁵ results in severe obstacles to preparation and access to legal assistance and counselling to support individuals in the procedure.

Interviews are conducted in two shifts, ending at 13:00 and 22:00 respectively. The aforementioned technical problems prolong interviews by several hours. In one case, the interview lasted for more than seven hours and finished late at night. Delays also result in rescheduling of interviews and waiting times of up to six hours in reported cases.

Conditions and guarantees for asylum seekers under the COVID-19 pandemic

Asylum seekers are required to wait for several hours in the waiting area of Pagani for interview to start, under conditions that do not allow for precautions to be taken against COVID-19. Social distancing is impossible due to the lack of sufficient physical space, no disinfectant is provided to people, no child-friendly space is available for children accompanying parents, and only one insalubrious toilet – separate for men, women and persons with special needs – is available. Moreover, on 26 October, approximately 30 people were put inside a 5x2 meter container without sufficient ventilation or chairs due to lack of space. Similarly, on the morning of 19 November, about 30 people, including infants, were placed in the same containers with the door shut.

Asylum seekers and their legal representatives and counsellors waiting in Pagani are not provided with water. Food is provided to them by a volunteer group only once a day, at 19:00. Lawyers have witnessed incidents of individuals asking for water and being refused, on the ground that water is only provided in urgent cases such as fainting or pregnancy.

Failure to provide interviewees with a safe space protecting their health and covering their basic needs to water and food for periods reaching up to several hours amounts to a severe violation of the state's duty to ensure that interviews are conducted under appropriate conditions and that applicants' reception and procedural needs are catered for throughout. The aforementioned conditions have palpable impact on the procedural fairness of the interview and refugee status determination, in particular for individuals in need of special procedural guarantees who should be provided with adequate support to be able to put forward their claim.⁶ Asylum Service staff have also warned against the lack of appropriate space and conditions for the conduct of interviews in Pagani.⁷

Access to the interview transcript

On several occasions, applicants who are not accompanied by a lawyer are denied access to the transcript of their personal interview by the Asylum Service, on the ground that the authority's services to the public are currently suspended on account of the pandemic. This means that individuals have no way of obtaining a paper or electronic copy of their interview so as to review its contents, in direct violation of the law.⁸

⁵ Article 77(12) IPA; Article 15(2) APD.

⁶ Article 67 IPA; Article 24 APD.

⁷ Sto Nisi, 'Ελέγχους από υγειονομικό και ΙΚΑ ζητούν στην υπηρεσία Ασύλου', 17 October 2020, available at: <https://bit.ly/2HSdFJs>.

⁸ Article 77(15) IPA; Article 17(5) APD.