



Nationality Assessments as a Barrier to Safety

People seeking asylum on Lesbos are continuously facing barriers to accessing protection due to the incorrect registration of their nationality. In recent months, the Greek Asylum Service has resumed the practice of registering newly arrived asylum seekers with a nationality different from the one they themselves have declared. This marks a repeat of the approach introduced early last year, despite a temporary hiatus following previous advocacy efforts, including by Fenix¹. This practice has serious consequences, as asylum claims are assessed through the lens of an incorrect nationality – often one with a much lower recognition rate – significantly reducing the applicant’s chances of being granted international protection.

Procedure

On arrival in Lesbos, asylum seekers are required to declare their nationality as part of the registration process (“declared nationality”). The Greek authorities can then further estimate each individual’s nationality (“estimated nationality”). It is not clear what methods are used for this estimation; however, based on our observations, it appears that language – particularly accent and dialect – is a key factor. In the majority of cases, the estimated nationality aligns with the one declared and no issue arises. However, in an increasing number of cases, we have seen that the Greek authorities have once again begun to estimate a different nationality to the one declared. If this discrepancy occurs, the individual is called to a nationality assessment.

Unlike last year, when the nationality assessment was conducted as a separate interview, it now typically takes place at the beginning of the applicant’s main asylum interview. Applicants are not informed in advance that this assessment will take place and no legal aid is offered. The caseworker (either Greek Asylum Service (GAS) or European Union Agency for Asylum (EUAA)) will ask a range of questions about the individual’s declared nationality. These questions can include topics such as:

- family background or tribal affiliation;
- traditions including food, costumes, and holidays;
- languages spoken;
- national symbols; and
- geographic and cultural features of their home area.

¹ Fenix Humanitarian Legal Aid, Denied Nationality and the Struggle for Fair Access to Asylum, 1 April 2024. Available [here](#).



Applicants are expected to provide personal information about their country of nationality. Their claim is considered more credible if they can demonstrate the knowledge a national of that country would typically possess – such as personal memories or information passed down by family or friends – going beyond what a Google search could provide.

Procedural Consequences

A person's nationality is fundamental to their application for international protection as the claim is assessed in relation to their *country of origin* – specifically whether it was safe for them there and whether it would be safe to return. According to EUAA Guidance, the *country of origin* refers to “for applicants who hold a nationality, the country of nationality”.²

Following the nationality assessment, the caseworker decides whether to accept the applicant's declared nationality or the estimated nationality. If the declared nationality is accepted, the applicant's claim proceeds to be assessed on the merits in relation to that country.

However, problems arise if the applicant is unable to answer questions in the nationality assessment to the satisfaction of the caseworker, who then determines that the estimated nationality is correct. In this situation, the applicant must choose whether to accept the estimated nationality or maintain their declared one.

If the applicant accepts the estimated nationality – sometimes under pressure from the caseworker – the claim will be assessed from the perspective of that country. This often places the applicant at a significant disadvantage, as the estimated country typically has a much lower recognition rate for international protection. Similarly, the applicant may also struggle to substantiate a claim of persecution in a country they never fled from.

Alternatively, if the applicant maintains their declared nationality, their application is likely to be rejected outright without a full merits assessment. This is because an asylum claim is fundamentally tied to an applicant's country of origin so if the caseworker does not accept the declared nationality, they are unlikely to accept any account of persecution connected to that country. As a result, applicants are often subject to administrative rejection without substantive consideration of their claim.

Law/policy

It is unclear what law or policy these nationality assessments are being carried out under. There does not appear to be any specific Greek law or regulation that sets procedural standards or criteria for evaluating an applicant's nationality. Crucially, there is no statutory

² EUAA Practical Guide on Nationality, March 2025. Available [here](#).



route to effectively challenge nationality assessments in the Greek Asylum Service and applicants are left without recourse to justice.

Case studies

We have seen many cases where asylum seekers declare Eritrean nationality but are registered by the Greek Asylum Service as Ethiopian. In some cases, following a nationality assessment, the applicant's nationality is accepted to be Eritrean and the interview proceeds to an interview on the merits. However, increasingly caseworkers assign Ethiopian nationality and refuse to assess the applicant's asylum claim on Eritrea as it is directly related to their declared nationality.

One Fenix client, AH, with declared Eritrean nationality and estimated Ethiopian nationality at registration received a negative decision less than 48 hours after his asylum interview. AH's decision stated that providing what the decision-maker determined to be merely "*encyclopaedic knowledge*" about Eritrea was insufficient. It stated that while he could not be expected to have "*personal memories*" about Eritrea – as he was nine years old when he fled – he could be expected to have some information from his mother, who likely spoke to him about Eritrea while they lived in Ethiopia.

AH explained in his interview that he had no recollection of Eritrea and his mother had never properly explained why they fled as she found the memories distressing. While living in Ethiopia, his mother was unable to secure stable employment and had worked in a domestic setting, frequently changing jobs. Undocumented and without any support from the Ethiopian government – including access to ID documents – they were unable to settle or integrate into Ethiopian society.

However, as AH could not sufficiently *prove* that he held Eritrean nationality, it was determined that his nationality was Ethiopian. His claim was subsequently dismissed as it was entirely about why Eritrea was not safe for him and why he could not return to Eritrea.

We also see nationality assessments conducted for, amongst others:

- Young Afghans who were either born in Iran to Afghan parents or born in Afghanistan but raised in Iran from an early age. In most cases, their families fled Afghanistan in the 1990s to seek refuge in Iran. However, they were unable to obtain Iranian citizenship and lived under the constant threat of deportation, growing up in Afghan communities without legal status or rights in Iran. Due to their inability to receive Iranian citizenship and their parentage, they themselves are Afghan. However, the Greek Asylum Service frequently registers them as Iranian.
- Palestinians who were born in Syria and have lived their entire lives in refugee camps in Syria, receiving support from UNRWA. These people often carry UNRWA cards and



ID cards issued by the Syrian government which clearly state that they are Palestinian. However, on arrival as their place of birth is Syria, they are often registered as Syrian.

- Stateless Bidoons who have lived in Iraq for the majority of their lives but are unable to obtain Iraqi citizenship are nonetheless registered as Iraqi.

The approach taken by the Greek Asylum Service is arbitrary, relying heavily on subjective judgments of language or cultural familiarity, which may disadvantage applicants with limited formal education or traumatic backgrounds.

Consequences

These cases reveal a common pattern: many of these individuals have spent years—or even their entire lives—in countries that are not their own, without access to basic rights or documentation, including citizenship. They often live on the margins of society, isolated within communities from their countries of origin and unable to fully integrate. There is a certain irony in the fact that, after fleeing these countries in search of safety, they are then presumed to be nationals of them.

These cases further illustrate the barriers created by this practice as the nationalities assigned to applicants are often from countries with significantly lower acceptance rates for international protection. For example, in 2024, the acceptance rate in Greece was approximately 80% for Eritreans and 99% for Afghans.³ In contrast, Ethiopia is often considered a safe country of origin and the acceptance rate for people from Iran and Iraq is much lower (statistics unavailable as the numbers are too low). Additionally, Palestinians registered as Syrians were subject to the freeze on Syrian cases from December 2024 – June 2025, with many still awaiting decisions as of end July 2025.

Similarly, it is deeply problematic for applications for international protection to be assessed on the basis of a country which is not their country of origin. This could be due to a combination of reasons including that the reason a person left this ‘third country’ could be completely different to their claim for international protection; the reason that they left their country of origin – or that their parents left their country of origin – could still be valid and outstanding; or there could be new reasons why they are unable to return to their country of origin, for example a regime change.

Conclusion

We have seen through our work with people who seek asylum on Lesbos, that the Regional Asylum Office has – with some regularity when it comes to certain nationalities – resumed

³ RSA Asylum Procedure Statistics In Greece 2024, May 2025. Available [here](#).



the practice of overriding applicants' self-declared nationalities using opaque techniques unsupported by domestic or international law. This mis-categorises individuals – particularly Eritreans, Afghans born in Iran, Palestinians from Syria and stateless Bidoons – as nationals of countries with significantly lower acceptance rates for international protection. This has the effect of reducing acceptance rates, eroding procedural fairness and denying applicants a merits-based determination of their claims.

Recommendations

Our recommendations have not changed since last year, we call on the Greek authorities and the European Commission to ensure that:

- The Greek Asylum Service creates and publishes a clear and defined procedure for applicants registered with an estimated nationality.
- Nationality tests are assessed with an intersectional and inclusive approach, during which culture, education, age and the varied lived experiences of people prior to fleeing are taken into consideration.
- Applicants who were compelled to proceed with their interview with an incorrect estimated nationality, and had their claim rejected, must be allowed to have their asylum reassessed in a subsequent application on the basis that they can now complete a fair nationality assessment.
- Applicants whose cases were dropped because they refused to continue with their claim with their estimated nationality must have the opportunity to submit a new or subsequent application in light of the wrongful rejection.

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