

United Nations High Commissioner for Refugees- Office in Greece

Contribution to the dialogue on migration and asylum

Introduction

In contributing to the public dialogue in Greece, UNHCR Greece will approach the debate on migration from the perspective of its mandate, namely asylum and the protection of refugees, which are linked to migration in general.

In a context of “mixed migratory movements”, it is not always easy to differentiate between refugees and migrants. A different approach is needed for each of the two groups of persons. An essential improvement and rationalization of the asylum system cannot resolve, by itself, the migration challenges, but can bring important benefits to the country. What should be the basic characteristics of a fair and efficient asylum system and where do we stand today?

One of the main challenges with regard to asylum and migration is, that thousands of migrants without legal documents as well as asylum seekers are ‘trapped’ in Greece. How can this challenge be addressed within the existing legal framework and what kind of changes, be these legal, administrative or policy changes, could be pursued? Are declarations by politicians or proposals for mass deportations, the granting of travel documents, the sealing of borders or the creation of 30 new detention centres solutions to the challenges?

If no kind of measure on its own is sufficient to improve the existing situation, then what set of measures could form the basis for a serious dialogue in order to formulate a national strategy for migration and asylum?

In order to contribute to the dialogue, UNHCR Greece provides some answers to 20 questions, which have been repeatedly raised in the public debate in Greece. The answers focus primarily on a series of questions relating to asylum and international protection of refugees (which is the mandate of UNCHR), but also touch on aspects of migration in general, in an effort to provide a meaningful contribution to the debate.

- **Refugees and migrants: what is the point of making the distinction today?**

Refugees are persons who are forced to leave their country of origin or habitual residence (if stateless), because of a well-founded fear of persecution for reasons linked to their political action, or their ethnic origin, their race, or religious beliefs, or due to the fact that they belong to a particular social group. They are entitled, on these grounds, to be granted asylum and international protection in the country where they seek asylum. The wider category of those entitled to international protection, also includes persons who, not facing persecution on the aforementioned grounds, however, face a real risk of

harm in their countries of origin due to situations of armed conflict or generalized violence. In both cases, the main characteristic is that refugees cannot avail themselves of protection in their countries of origin or habitual residence.

Migrants are persons who leave their countries of origin in the hope of finding employment or, generally, better living conditions in the countries of their destination. Even though the reasons for which people are leaving their countries of origin today are increasingly involuntary in nature, rather than the result of a free decision, including as a result of natural or environmental disaster or of abject poverty, migrants, unlike refugees, have first and foremost the opportunity to return to their countries of origin, if and when they decide to do so.

The distinction between refugees and migrants, therefore, remains meaningful and important, as refugees, in the absence of protection by their countries of origin, require international protection, as provided for by the 1951 Geneva Convention relating to the Status of Refugees and other international and European instruments. Their right to seek asylum constitutes a basic principle of the Universal Declaration on Human Rights.. Granting asylum is no 'humanitarian' act, or concession from the part of Greece. It is an obligation of the State based on international conventions, European and Greek law.

- **Is it possible to distinguish between refugees and migrants when they enter Greece?**

At the point of arrival in the Greek territory, it is not immediately possible to distinguish between the two categories of persons. Refugees as well as migrants use, today, the same routes of transit and entry, often resorting to the same smuggling networks in order to avoid increased border controls and to reach countries of destination (which, for most, is not Greece). This is why we are speaking of '**mixed migratory movements**'. In their vast majority, those who arrive in Greece do not have legal documents (such as passports, visas or other identification documents), something which is making it difficult to establish their identity, their country of origin, or their need for international protection when they cross the borders. It is only if they seek asylum and able to access the relevant procedure, and only if the asylum procedure is fair and efficient, that it will be possible to determine, by the end of the procedure, who is and who is not a refugee.

- **What does "a fair and efficient" asylum procedure mean?**

A fair and efficient asylum procedure entails that all conditions, procedural steps, guarantees and resources are in place to register and examine all asylum claims with a view to identify those who are entitled to international protection , to ensure that they are recognized as refugees or beneficiaries of subsidiary protection and are granted the relevant status in a timely manner. An essential condition for this is to enable unimpeded access to the asylum procedure, which requires the prompt receipt and registration of claims by the responsible authorities, the provision of adequate interpretation and legal services, a comprehensive interview of the asylum-applicant, an

assessment, comprising both legal and country of origin information and the issuance of decisions which are fully reasoned.

- **What is the asylum situation in Greece?**

The situation has been extremely problematic for several years and, in a number of areas, continues to be so.

First of all, unimpeded **access to the procedure** is not guaranteed for asylum-seekers, particularly at the entry points, where there is a lack of interpreters, a lack of information and legal aid, and where practices have been observed, which discourage new arrivals from filing an asylum application, namely because of prolonged periods of detention of those who file an asylum application, compared to those who do not apply for asylum. Similar problems of access to the asylum-procedure have also been observed in other Police Directorates of the country, to which asylum seekers go to file their claims. The most characteristic example is the Attica Aliens Directorate (Petrou Ralli), where, today, the possibility of access in order to register an asylum application and to receive a date for an asylum interview at the first instance are extremely limited: Only 20 to 30 persons are admitted to register their asylum applications once per week, of the hundreds queuing outside the premises and waiting since the day before - a situation which causes tensions and in some cases, results in serious incidents among the many waiting for their 'chance' to register their asylum-application. The risks, such limited access poses is obvious: Without access to the asylum-procedure, asylum seekers risk being arrested as "undocumented" third country nationals and returned to their countries of origin or habitual residence, where their life may be in danger.

Secondly, the asylum procedure was, for many years, characterized by a **lack of essential procedural guarantees**, including a lack of qualified interpretation during interviews, poor quality of interviews and interview records and poor quality of decisions as well as an extremely low recognition rates (of close to zero percent at the first instance), despite the composition of asylum-seekers, including many from countries of origin, facing serious human rights situations or conflict. The second instance of the asylum-procedure (which is the final administrative decision-making instance, in the event of an appeal against the first instance decision) has been through successive changes and "adventures", until it reached the configuration and regulation of today's Appeals Committees. Another serious problem was the delay in examining asylum-claims and in reaching a final decision, which resulted in thousands of people living in a state of uncertainty for many years. At the end of 2010, a backlog of some 47,000 asylum applications were pending examination at second instance, having accumulated over many years. While the processing and examination of these pending asylum-application has started in early 2011 and is underway, large numbers of cases still need to be managed.

The problematic functioning of the asylum system resulted in a situation, which continues today, in which many refugees and others in need of international protection are not able to or do not seek asylum in Greece, not having faith in the asylum-system

and hope to reach another country in Europe, with better prospects of being granted protection, if identified in need of such protection. By contrast, many third country nationals who arrived in Greece for economic reasons only, make every effort to apply for asylum as the only means to legalize their stay in the country temporarily and until their claim is rejected, which may take years. An indication of this can be found in the statistics of asylum applications, some 9.311 in 2011. Of this number of applications, 24,80% were filed by Pakistanis, 12.04% by Georgians, 6.84% by Afghans, 6.61% by Bangladeshis, 4.36% by Chinese, while other nationalities follow.

- **Why is the new Asylum Service a bet which still has to be won?**

The new Asylum Service was established by Law 3907/2011. It is an **autonomous civil service** in the Ministry of Citizens Protection, the operation of which will move the examination of asylum-applications out of police responsibility. The establishment of the Asylum Service is the result of long term engagement and advocacy, at the national and international level, and avails of the support of the European Union, in the framework of the National Action Plan for Migration Management and Asylum Reform which was submitted by the Greek government in summer 2010 and establishes the basis for Greece's national strategy and its commitment to the necessary reforms.

The legislative framework for the new Asylum Service provides for the establishment of Regional Asylum Offices, in up to 13 locations across Greece, which would permit the immediate receipt of asylum applications, their prompt examination by the qualified personnel, the provision of adequate interpretation, and fair and fully reasoned decisions. With this system, a chronic wound is going to heal. This wound has not only been painful for refugees, but has also exposed Greece internationally.

A precondition for the successful and effective operation of the Asylum Service is that it will be **properly resourced**, in particular that it will be staffed with adequate and properly trained personnel. In this respect, however, the Asylum Service faces, today, huge difficulties due to the "freeze" and limitations in recruitments in the Public Sector, due to the administrative reforms envisaged in the Memorandum of Understanding. The official launch of the operation of the Asylum Service, which was initially foreseen for the end of January 2012, has been therefore postponed for six months, mainly due to the lack of the necessary personnel. The support of the new Asylum Service from all the political and social forces of the country is a pressing need, in order to win, in practice, the bet of finally moving fully away from the problematic and ineffective asylum system of the past.

- **What is in effect until the new Asylum Service becomes operational?**

Today, the **transitional phase of the asylum procedure**, established and regulated by P.D. 114/2010, is in force. The first instance remains the competence of the police, while the second instance is the responsibility of independent Appeals Committees, in which UNCHR participates with a representative as one of three voting members. Progress

was achieved over the course of the last year in the quality of the procedure (interviews, interpretation, reasoning of decisions), especially at the second instance. Furthermore, recognition rates, for refugee status and subsidiary protection as well as for humanitarian status have significantly increased, particularly at second instance, which is an indication of general progress, considering the countries of origin of asylum-seekers.

According to data communicated by the Ministry of Citizen Protection, in 2011, the **recognition rates** at first instance (for all three forms of status, including humanitarian status) ranged between 1.65% and 2.05% (depending on whether renewals are included in the calculation or not), in 8.685 claims examined. At the second instance (where, mainly appeals pending for many years were examined), the recognition rate for refugee status increased to 15.6%, while the overall rate (for all three forms of status) ranged between 28.2% and 40.62% (depending on whether renewals are included in the calculation or not) in 1.007 claims examined.

Other than the crucial issue of the start of operation of the new Asylum Service, challenges related to access to the asylum procedure as well as the more efficient clearing of the backlog of appeals need to be addressed as a matter of priority.

- **How will Greece benefit from a fair and efficient asylum system?**

The radical reform of the asylum system will not only entail a fair treatment of refugees, but will bring important benefits to Greece. It will reinforce the country's influence and ability to **negotiate at the EU level** changes in European policies, including (1) a revision of the Dublin II Regulation, which provides for the examination of asylum claims by the first country of entry and, therefore, return of the asylum seeker to that country, if the person has departed to another EU Member State, (2) solidarity in practice with states which are undergoing serious pressures of mixed migratory movements and are faced with high numbers of asylum applications, (3) the relocation within the EU of recognized refugees as well as other initiatives relating to solidarity and responsibility-sharing. Only if Greece demonstrates an important improvement in observing its international obligations, including those pertaining to the protection of refugees, will it be able to negotiate, from a better position, such changes at the European level.

The rationalization of the asylum system will also mean that thousands of persons, whose claims are pending examination for years, will finally move out of the state of uncertainty, in which they have been kept for years. By providing international protection and, with it, a legal status to those in need and entitled to it, **prospects for the integration** of refugees in Greek society will significantly improve. This will enable persons in need of international protection to emerge from exclusion and marginalization, with beneficial effects on issues of public order and security.

Rationalization [of the asylum system] will also mean that persons, having arrived in Greece for purely economic reasons, will not be resorting to the asylum system to legalize their stay in the country temporarily, since their claims will be rejected within a

short period of time. This of course implies **shifting the burden** of those who wish to be legalized, even temporarily, from the asylum route to the migration route, therefore appealing for more flexible criteria in the migration policy for migrants who have established strong links and livelihoods in the country.

- **What are the reasons for the escalation of the migration issue over the last years?**

It is known that Greece is, today, a main **entry point** to the European Union for thousands of migrants and refugees who enter the country without legal documents in mixed migratory movements. It is assumed that for most, the intended final destination is another European country with better employment and living prospects, or with a better asylum system. Given their inability to exit Greece by legal means, many are 'trapped' on Greek territory, where they remain without a legal status. This situation, in combination with the economic crisis, which the country is experiencing today, leads to an increase of marginalization and destitution for large numbers of third country nationals, while it creates **social tensions**, as well as a climate of growing discontent with the presence of foreigners in general. At the same time, a situation in which many third country nationals are trapped in Greece, also provides fertile ground for racist behavior and indiscriminate violent incidents by extremist groups. The existing problems of the degradation of areas that record a high concentration of 'undocumented' foreigners, jobless, homeless and destitute persons, coupled with the limited integration prospects in Greek society (in terms of law as well as in terms of practice) of third country nationals, are aggravating the problem further. They are also providing the ground for the operation of networks of human trafficking and other criminal activities.

- **How many are those who enter the country irregularly?**

The phenomenon of "mixed migratory movements" has **increased dramatically** during the last years, especially from 2006 onwards. According to official data published by the Greek authorities (Police and Coast Guard), in 2011, there have been 99.368 arrests of persons, having irregularly entered and stayed in Greece (132.524 in 2010, 126.145 in 2009, 146.337 in 2008, 112.364 in 2007, 95.239 in 2006, and 66.351 in 2005). These numbers cannot accurately reflect the number of those entering irregularly each year, as they include arrests which took place in the interior of the country and concern persons who entered the country in the past and do not include those who entered without being apprehended and arrested by the authorities. According to FRONTEX data, 90% of the arrests which took place in the EU during 2010 due to lack of legal documents, took place in Greece.

The **Greek-Turkish** (sea and land) border is of particular interest as it constitutes, today, the main entry route to Greece, exceeding in numbers of arrivals routes across the Greek-Albanian border. This border is the main passage not only for migrants, but also for refugees who need international protection. In 2011, 56.000 people were

apprehended while crossing this border and 53.000 in 2010. Between 2007 and 2009 the main focus was on the Greek-Turkish sea border (and the North-Eastern Aegean islands). Since 2010, a drastic shift in new arrivals to the land borders (and the Evros region) has been observed: 47.00 persons were apprehended in the Evros border area in 2010 and 55,000 in 2011. According to official data for the first four months of 2012, the increase of arrests in the Evros region was continuing (+30.75% arrests in comparison to the first four months of 2011). For the same period in 2012, there was also a documented increase of 21,91% arrests throughout the country. This development, in combination with the lack of suitable reception facilities has caused serious problems in the Evros region. UNHCR has described the situation as a “humanitarian crisis”.

- **What is the total number of those who live “without papers” today in Greece? Is their registration useful?**

It is not possible to provide close to accurate estimates for the total number of third country nationals who are present in Greece without legal documents and who are collectively referred to as “**illegal migrants**”. This would require a serious and coordinated effort to register and identify these persons. What should be stressed is that they do not constitute one uniform group. The group of persons who have entered or stay in Greece in an **irregular** manner, comprises completely different and distinctive categories of people, with distinct characteristics, different needs and different rights which, consequently, results in different obligations for Greece and requires different approaches in the way in which to treat them. Among those “without papers” are asylum seekers who could not file their applications (with the most characteristic example of the problem being the limited access to the asylum-procedure in Petrou Ralli), refugees who have not sought asylum (not trusting the problematic system), persons with special needs such as victims of torture, victims of trafficking, unaccompanied children, or migrants who were unable to regularize their stay or renew their stay permit due to administrative and bureaucratic obstacles.

The heterogeneity of the population lacking legal documents calls for the **registration and identification** of this population. This requires a coordinated and systematic effort which cannot comprise of the mere application of repressive measures. The registration of this population is therefore the first step to be able to identify who belongs to which of the distinct categories and, subsequently treat them, according to the applicable law and policy, taking into account the characteristics of each category. Different approaches and measures are needed for migrants whose stay permit expired or who cannot regularize their stay due to obstacles in the Greek bureaucratic system; those who have, or do not have, established links and livelihoods in the country; those who have, or do not have, opportunities for social inclusion; those who can be deported or those whose deportation is temporarily impossible; those who are implicated in criminal networks or are victims of trafficking; as well as other distinct categories. Registration will permit to identify who belongs to which specific category. This will help extract large numbers of persons from an irregular situation that now contributes to tensions and insecurity, including in areas of central Athens. Obviously, in order to deal with the existing and complex problems of security and public order, parallel measures are needed in order to

address criminal networks, in combination with interventions at the social policy level to upgrade impacted areas and alleviate the challenges faced by local residents.

- **Are the «closed accommodation centres» announced recently a solution to the problem?**

The answer to whether “closed accommodation centres’ are a solution to the problems, depends on what the objective of these centres is. The related public announcements focused on the crack-down on criminality and the relief of the centre of Athens, through mass arrests and transfers of irregular migrants to 30 new detention centres (and not «reception» centres as they were referred to). However, it is questionable whether the transfer away from public view of a small (compared to the total) number of third country nationals in an irregular situation will effectively address, in the longer term, issues of delinquency (issues which, in any case, are not caused by third country nationals, by virtue of their lacking legal documents), without establishing any parallel measures to address social exclusion and other challenges, which are at the root of, *inter alia*, the delinquency problem.

It is important to bear in mind that administrative detention is only permissible on grounds prescribed by law (such as, for example, a risk of absconding or reasons of national security), in the event that less onerous measures cannot be applied (e.g. regular visits of the individual to the authorities, obligation to reside in a specific area etc.), and for periods prescribed by law. This requires an assessment in each case. Administrative detention **for the purpose of removal from the country** due to the lack of legal documents (6 months with the possibility to extend for 12 months) is permissible only in cases in which such removal can be effected within this period. Therefore, detention as an end in and of itself is neither permissible by law nor an effective measure.

For UNHCR, the announced measures raise questions on the **criteria**, the conditions and terms under which the police operations of mass arrests will take place, especially if among those ‘without papers’ are refugees who have not been able to register their claim, due to problems with the access to the asylum procedure. Finally, particular efforts are needed in order to ensure that living and hygiene conditions in place in detention facilities comply with minimum standards of detention and **human rights**, especially if the facilities are intended to be used to the maximum of their capacity (1,000 detainees).

- **What are the issues arising from including into the categories of third country nationals, who can be detained or deported, persons who “constitute a threat to public health”?**

The relevant provisions, enabling the detention of third country nationals for reasons of public health, were included in law 4075/2012 and were, according to the statements made, justified as necessary “for the protection of public health, from the dangers caused by the uncontrolled influx of illegal migrants in the centres of the cities”. The

legislative changes were accompanied by declarations, referring to “a hygiene bomb is ready to explode”.

First and foremost, there are serious questions as to whether these provisions are in line with international conventions and the Greek Constitution, because they impose an obligation on individuals to be examined and treated, on the grounds of an assumed risk, and not on the grounds of real facts.

It is of concern that, with these provisions, additional grounds enabling the administrative **detention** of asylum seekers and the **deportation** of third country nationals (who may otherwise be legally residing in Greece) are added to already existing grounds. Detention and deportation can now be imposed if it is deemed that the third country national poses a “danger to public health”. In order to determine that such danger exists, it suffices to establish that the third country national belongs to a group, possibly vulnerable to contracting a contagious diseases, “especially because of the country of origin, or the use of intravenous non-legitimate substances, or because of being a prostitute, or because of living in conditions not complying with the minimum standards of hygiene”.

The determination as to whether a third country national falls into such categories and therefore constitutes a ‘**danger to public health**’ relies on the judgment of the police officer who is charged with the arrest, or the official who orders the arrest. Who will identify and how will countries of origin be identified, nationals of which regularly belong to a group vulnerable to contagious diseases? And why should living conditions, or the use of intravenous substances, or prostitution, entail more onerous public health consequences for third country nationals than they would for Greek nationals?

Measures which, by contrast, would have a multiplying effect and be beneficial to public health, are the registration and identification of persons in need of medical care, as well as medical screening and examinations of all persons irregularly entering the country, at the point of their entry into Greece. In addition, flexible procedures need to be established, enabling access to required medical examinations of people without legal documents, instead of the prohibitions and limitation which are in force today.

- **Are mass deportations feasible? What other removal measures could be implemented?**

The ease with which mass deportations are presented, in the public discourse in Greece, as a viable and effective measure to address migration management challenges is misleading. The **difficulties**, including practical obstacles, **to implement deportations** in the case of third country nationals without legal documents are known and include, *inter alia*, limited readmission agreements with other countries, lack or unwillingness of the diplomatic authorities of the respective country of origin to identify and agree to readmit persons in the deportation process, factual problems, administrative challenges and others. It is, therefore, a given that the inability to implement deportations may result in undocumented migrants remaining in Greece, for an unknown period of time,

regardless of the political will of the Greek state, or of public opinion. For such undocumented migrants, other measures and policies need to be pursued, namely measures which will succeed in taking them out of invisibility, of exclusion and marginalization, and will contribute to their disengagement from networks of exploitation. The possibility that deportations may not be feasible, is acknowledged in the legislation, in that the police is authorized to issue a '**postponement of removal decision**', something which - combined with a permission to work that could be granted under certain conditions - may result in a form of temporary 'tolerated status'.

What could be done more easily and efficiently, particularly in the current situation of economic crisis (a situation which has led an important number of migrants, legally residing in Greece, to return to their countries of origin as well as attempts by migrants, staying irregularly in Greece to risk their lives by attempting to cross the Ionian sea, heading to other European destinations) is to encourage **assisted returns** to countries of origin through the provision of incentives (the cost of which are, in great parts, covered by European funds). Assisted return schemes would create the conditions for a return with dignity for thousands of persons who prefer to return to their countries of origin, rather than being 'trapped' here. According to information provided by the International Organization of Migration (IOM), which implements **programmes of "voluntary returns"**, around 3,400 third country nationals have been assisted to return to their country of origin during the last two years, while another 4,000 persons have been registered since the beginning of May 2012 in order to be returned.

- **Is it possible to seal the borders? How can we control the arrivals in large numbers of undocumented migrants?**

As experience has shown, border control measure alone will never suffice to halt the movement of poor or desperate persons, who seek a better life or a safe refuge. Mixed migratory movements are a global reality linked to underdevelopment, poverty, environmental degradation and destruction, persecutions and armed conflict. Agreements to support countries which generate mixed migratory movements, or readmission agreements with neighbouring countries and countries of origins of migrants and persons determined not in need of international protection (bilateral or at the EU level), may reduce flows, but they will not eliminate them. In the case of Greece, it is not possible to seal a border of 15,000 km. What would probably happen is a change of routes (for example from the land border of Evros where the fence is being constructed to the area south of the river, or possibly, to the islands of the North-East Aegean). On the other hand, the "sealing" of borders, in the sense of blocking access to whoever lacks legal documents, risks contravening international obligations (as well as against Greek laws that ratify international conventions), as it may violate the principle of non-refoulement.

Instead of "sealing" borders and adopting measures of indiscriminate exclusion, there needs to be a policy to manage arrivals as well as to ensure **stricter border-control**, combined, however, with mechanisms which will take into account the needs of those seeking **international protection**. This calls for negotiations and co-operation with

neighboring countries as well as the creation of first reception mechanisms in Greece, allowing for the identification and profiling of needs of persons entering (e.g. asylum seekers, vulnerable persons with special needs etc.) in order to allow for further treatment depending on the case.

- **What is the difference between “Initial Reception Centres” and detention centres? Are there open accommodation facilities for third country nationals today in Greece?**

The «**Initial Reception Centres**” have as their objective the improved management of persons arriving in mixed migratory movements (migrants and refugees) at the country’s entry points. These centres are intended to enable the initial registration of new arrivals, as well as their screening (profiling and assessment of needs), to identify asylum applicants, perform medical examinations and provide the appropriate care where needed. For these purposes, it is, by law, foreseen and required that new arrivals remain in these facilities for a short period of time. The next step foresees their referral to other facilities: support and reception facilities for those who need them, or detention facilities for those who are subject to removal from Greece. A precondition for the efficient functioning of Initial Reception Centres is their staffing with sufficient and adequately trained personnel of various functions, as well as functioning referral procedures of new arrivals to other facilities, depending each time on the characteristics of the new arrival, as soon as the registration and screening procedures are completed. To date, the Initial Reception Service has been set up under the Ministry of Citizen Protection, and we are expecting the establishment of the first Initial Reception Centres at one of the main entry points.

The purpose of centres for the **administrative detention** of foreigners is the confinement of third country nationals who have illegally entered or stayed in Greece with a view to their removal. Their detention is limited in time by law for 6 months, with the possibility to extend detention for up to 12 months. If during this time their deportation is not possible, or if due to reasons of space and pressure by new arrivals, there is no possibility to keep them in confinement, then they are released upon issuance of a service note by which they are requested to leave the country within 30 days. Detention is therefore directly linked to the ability to implement deportations. Today, detention occurs automatically upon irregular entry to the country, despite the fact that the law stipulates the extraordinary nature of detention as a measure and requires an individual assessment of the grounds for detention in each case. In view of the lack of Initial Reception Centres, asylum seekers are also detained, until their asylum application is examined and their status (granting or rejection of their asylum application) decided upon.

Finally, the status of **open reception**, or hospitality **centres** is different. These facilities are intended for the shelter and care of unaccompanied children or asylum seekers who do not have sufficient means to cover their needs (until a final decision on their asylum-application is issued). Such centres are, at present, mainly funded by the European Refugee Fund and come under the responsibility of the Ministry of Health and Social

Solidarity. Their management has been assigned mostly to non-governmental Organizations (NGOs). These centres are today facing a serious challenge of sustainability due to insufficient or delayed funding, while their capacity in terms of the number of persons who can be accommodated is significantly lower than actual needs.

- **Why has Greece been internationally criticized for the existing conditions of detention?**

Greece has been internationally criticized, because it has been repeatedly found to violate minimum international standards of human rights, particularly regarding the conditions of detention.. This criticism related both to significant shortcomings in material detention conditions (unsuitability of facilities, hygiene conditions, lack of yarding etc.), as well as to the lack of guarantees and respect for the rights of detainees with regard to availability of interpretation, information about their rights, access to legal aid as well as lack of access to the asylum-procedure. Therefore measures have to be taken immediately to significantly improve the conditions of administrative detention of third country nationals, who have entered or stayed in Greece irregularly, especially in the detention facilities which operate today in the region of Evros.

- **Is the issuance of travel documents to those who wish to travel to another country a solution?**

The call for the issuance of travel documents to all third country nationals who wish to leave Greece has been promoted, at times, by the entire ideological spectrum of the political scene in Greece. Despite the fact that it may sound appealing, there is no possibility of it materializing in such general terms within the existing legal framework, as the basic condition to issue travel documents is for the State to grant some form of legal permission of stay (permanent or temporary) to the concerned person.

Travel documents to leave the country legally may be only given to recognized refugees and, under certain conditions, to beneficiaries of subsidiary protection, as well as, in some exceptional instances, to third country nationals legally residing in Greece (and again, in all those categories, without automatically establishing a right to enter and settle in a country of their choice). Right to freedom of movement and residence within countries of the European Union is envisaged for third country nationals who legally reside in a Member State of the EU for years and who are long-term residence permit holders, and in exceptional individual cases for the purpose of family reunification. The transposition into Greek law of the amended relevant EU Directive on long term residence, in order to enable beneficiaries of international protection access to long-term residence permits and therefore, access to benefit from the provisions of the EU Directive, could increase the mobility and freedom of residence of a number of third country nationals legally residing in Greece. But, for the big majority of those who are 'without papers', such an option does not exist today. The possible political position, calling for the granting of residence permits (and the subsequent issuance of some form of travel document), having as ultimate goal the departure of these persons from Greece,

is questionable, if pursued unilaterally by Greece, within the existing European framework, without prior negotiations at the EU level.

- **Is the integration of third country nationals possible in circumstances of economic crisis?**

It is a fact that an important number of migrants who lack legal documents are living in conditions of social exclusion without opportunities for their social integration, especially in the current situation of crisis. There are, however, also an important number of migrants who, with the contribution of the legislator and the administration could be inserted into a dynamic of integration, socially and economically. For recognized refugees (including those who have been granted subsidiary protection), as well as migrants who have a legal status, social inclusion is an imperative need.

Developing a policy which encourages and supports the prospects of social and economic integration (through establishing measures and actions in the most basic fields of housing, vocational training, employment and welfare), calls for the combined efforts of the co-responsible Ministries and organizations (including the communities of migrants and refugees). Even if this may seem to be extremely difficult in a situation of economic crisis, it constitutes a prerequisite of social cohesion, dignity and safety for all those who live in the country, Greek or foreigners.

- **How can we deal with racist violence?**

Today it is not enough to make appeals to solidarity and to feelings of sympathy with those persecuted in order to address the growing xenophobia and conservatism of Greek society vis-à-vis 'foreigners'. Likewise, it is not prudent to label as 'racists' all those who speak about issues of public order and security, linking the degradation of their neighbourhoods with the increase in irregular migration. Still, regardless of who is calling for what, it is a fact that, lately, we are observing a dangerous upsurge in incidents of **racist violence**, targeting persons because of the colour of their skin, or their country of origin. In a situation, in which the lack of tolerance (for subjective or objective reasons) results in acts of violent behavior, serious issues of criminal law arise (criminal act with racist motivation), as well as challenges to the rule of law, democratic normalcy and civil conduct. This is particularly so, when extremist elements of the population take the lead as self-appointed "guarantors of public order" and "hunters of illegal immigrants".

The State needs to react immediately given the fact that incidents of racist violence are rarely officially declared and their perpetrators remain at large. Response measures must be targeted and include effective sanctions of acts of racist violence (e.g. creation of a special recording system of racist crimes, effective investigation on the part of the police and prosecution and punishment on the part of the justice system). Furthermore, complaints and allegations of cases in which no action was taken should be investigated to ensure that there is no sign of tolerance of racist violence by the police and other

authorities. These measures need to be complemented by policy measures which promote conditions for the improvement of the security environment and of social cohesion (crack down of networks, measures to upgrade burdened neighborhoods, social policy measures to limit marginalization etc).

- **What can be done to address the phenomenon of persons ‘trapped’ in Greece and the challenges caused by the large mixed migratory movements into and through Greece?**

A holistic approach to address the migration issue calls, first and foremost, for an acknowledgement of the complexity of the problems involved, and acceptance of the fact that there are no easy and quick solutions. No kind of measure can constitute “a solution” on its own. Instead, a set of complementary measures addressing different aspects and different groups among the third country nationals according to their actual situation are required, including the following:

- Grant asylum to refugees and others in need of international protection, by ensuring unimpeded access to the asylum procedure, as well as a fair and efficient procedure.
- Adoption of measures to facilitate local integration of third country nationals who reside legally in Greece.
- Apply the relevant national, European and international legal provisions in order to examine the possibility of regularizing the stay of third country nationals who cannot be deported (for legal or factual reasons) as well as those with established links and livelihoods in Greece. A precondition for the latter is to register and identify all those who are ‘without documents’, a task which demands appropriate measures and policies.
- Encourage returns to countries of origin or residence, by providing incentives. Relevant “programmes of voluntary return”, providing basic assistance for return, are implemented today by the International Organization for Migration, with European funding. Such programmes can and should be supported by all political forces. They should also be considerably expanded, as in the current situation of acute economic crisis and unemployment, there are thousands of persons who prefer to leave the country altogether, rather than remain in the country and live in destitution.
- In the event of forcible returns being implemented, for migrants without international protection needs or permission to remain on other grounds (permanently or temporarily), safeguards should be in place to ensure that people are not returned to countries where they are at risk of being subject to treatment amounting to torture, inhuman or degrading treatment as well as that those being returned do not belong to vulnerable groups.
- Enable freedom of movements of third country nationals legally residing in Greece by transposing the amended, as regards inclusion of beneficiaries of international protection, EU long-term residence directive as well as by issuing promptly travel documents to recognized refugees.
- In parallel, a dynamic policy by Greece at the European level is called for, in order to negotiate measures contributing to solidarity, burden and

responsibility sharing among EU Member States. To do so requires important improvements on the part of the Greek state in the area of asylum and migration management, including with regard to detention conditions, reception conditions and in the asylum system.

Such measures should form the basis for a serious dialogue which will address migration and asylum issues holistically and in the long term. Migrant and refugee communities should not be absent from this dialogue.

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