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Greece – Country Report

Legal & Policy Framework of Migration Governance

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Executive summary

This report intends to present the current situation regarding migration and asylum policy in Greece since 2015. One of the main conclusions is that Greece continues to be a country of main entry in the EU having at the same time a permanent refugee population.

More precisely, report contains a presentation of the most up to date data concerning (a) arrivals of non EU citizens at the land and sea Greek borders mainly for the period 2011-2017, (b) asylum applications and decisions by country of origin, sex and age groups, (c) reception and accommodation centres (d) numbers of rejection and return to Turkey and (e) the latest numbers of migrants in Greece. The sources of data are mainly from governmental authorities such as the Asylum Service and international organizations and national nongovernmental organizations such as the UNHCR, GCR and most of them are open and available on the internet.

It contains a brief history of migration and border policies in Greece particularly since 1990s with the main turning points of immigration and asylum phenomenon and relevant national policies. It also highlights the main dimensions of socioeconomic situation particularly during the recession and underlines the most important features of political situation in Greece since the beginning of the economic crisis.

Specifically, it presents the most important laws and presidential decrees concerning migration and asylum as well as which EU directives have been incorporated by the national legal system. It describes the prevailing principles and goals of the legal framework and migration management. Moreover, it refers to basic provisions and debates on the naturalization process.

Furthermore, this report mentions different statuses and their rights and duties, procedures of reception, protection and different forms of granting protection. It presents the structure of the reception system and the responsible national authorities, NGOs and international organizations. It points out detention policies in pre-removal centers concerning non-EU nationals and asylum seekers.

Moreover, it includes a presentation of the integration measures for women and vulnerable groups as well as the main national goals of integration policies.

Finally, the report presents recent developments in refugee issues in Greek islands and mainland. Furthermore, it examines the compliance of agreements with international law for international protection and human rights as well as the ways that Greece deals with the international protection, reception and integration of asylum seekers and refugees.

Introduction

Forms of population movements in Greece have undergone changes all through the 20th and 21st centuries. However, it is safe to say that Greece has experienced two major changes regarding immigration and asylum movements in its territory since 1989. First, in the beginning of the decade of 1990s, when a considerable number of people from Central and Eastern European countries started to migrate to Greece due to the collapse of the socialist regimes. The second, in the period of 2015-2016, with the massive arrival, via Turkey, of people from countries at war or other conditions that endanger their lives. We can argue that immigration has become an issue in the public discourse mainly since 1990 even though it has been taking place at least since 1970.

In order to develop more coherent management policies, governments' priorities concerning migration and refugee issues led to the introduction and implementation of the National Action Plan for Migration Management in 2009. It was drafted by the Ministry of Public Order and Citizen Protection and was intended to be implemented gradually within a three years period. This emphasized the need for strategic management of migration in Greece and led to the introduction and adoption of Law 3907/2011 which introduced legislative changes in the screening mechanisms, registration procedures, detention, repatriation and returns. It established new services, such as First Reception Service, a new Asylum Service, and more accommodation centers in order to cover the needs of international protection and those with specific protection needs.

The priorities were evident and focused on the border control and combating unauthorized entries while close to zero percentage rates of recognitions of international protection, difficult access to asylum procedures, great delays and long waiting times for decisions, pending asylum applications, detention of asylum seekers and refoulement remained systematic practice. The UNHCR characterized the situation at the borders and the reception conditions as a humanitarian crisis and opposed transfers to Greece under the Dublin Regulation because of inadequate protection of asylum seekers. Following judgment of the European Court of Human Rights in *MSS vs Belgium and Greece* the other member states suspended Dublin transfers to Greece since 2011.

Sweeping operations in different areas were one of the main policies in order to reinforce controls to migrants since 1990s while in 2010, these operations became more frequent under the name of "Xenios Zeus" (Hospitable Zeus) and took place in Athens as well as in other areas.

Furthermore, since 2010 border controls were significantly increased in Greece, partly due to the efforts of the European Commission to guarantee that the border control procedures in the country were in line with the Schengen agreement. To this end, FRONTEX increased its operational support to Greece in the framework of the joint land and sea operations Poseidon, contributing personnel, equipment, and technical and operational expertise to the national authorities (mainly the Police and the Coast Guard) that were responsible for border control (UNHCR-CoA-Greece-2014).

Towards the end of 2012, a new electronic surveillance system was introduced along the Greek-Turkish land borders, while the construction of a wall of 12 Km was completed (even though the Commission was against its construction), making essentially impossible the entry from this part of the land borders by the river Evros. These measures led to a change in the mode of entry of refugees and migrants in Greece, who then attempted to enter the country by sea, on the islands of the North-Eastern and South-Eastern Aegean. This rendered the migrant

and refugee travel to Greece much more dangerous and often caused the lives of a significant number of persons.

A positive measure for the integration of immigrants in Greek society was the adoption of Law 3838 in 2010 (L. 3838/2010), which contained two important provisions. The first concerned the framework through which children of immigrants that were born in Greece or attended Greek school for a number of years could be granted Greek citizenship. The second concerned the participation of citizens of non EE countries to the local elections. However, in 2011, the Council of State annulled these two provisions on the grounds of being unconstitutional. Finally, Law 4332/2015 amended the previous L. 4251/2014 making provisions for the framework of naturalization of children of immigrants.

During the same period, there was an increase of the number of racial incidents, organized racial attacks, threats and sometimes lethal attacks against migrants and asylum seekers, mainly from extreme right organizations such as the Golden Dawn while in certain cases according to reports with the tolerance of the police.

In the spring of 2015, as a result of the war (mainly in Syria) and of the general adverse conditions prevailing in other countries, refugees mostly from Syria, but also from Iraq, Afghanistan, Eritrea, started to enter Greece from the sea borders with Turkey.

These movements coincided with the difficult economic condition in Greece because of the crisis but also with a turn of the immigration policy of Greece that was in favor of the reception of asylum seekers and the mobilization of international protection procedures. Unfortunately, these intentions could not be supported by the existing insufficient infrastructure and this was made even more difficult by the large number of people on the move. As an indication of this turn, one may note that the detention centers were closed down and the sweeping operations on borders and in urban areas were stopped, while the discourse was not based on illegality and irregularity but on the need for granting protection to refugees. On the other hand, there were no adequate numbers of reception centers and there were insufficient means (both from the point of view of material and human resources) for the effective implementation of the legal procedures for recording (transcribing) the requests of asylum applications or covering their needs. The answer to this problem was partially found on the solidarity of the population of various island or mainland regions and the mobilization of solidarity movements, activists, NGOs and immigrant organizations from Greece and all over the world who helped in covering part of the refugees needs. In February 2015 the Northern borders of Greece (Bulgaria and FYROM) were closed and later the Treaty with Turkey was signed, leading to the confinement of a large number of asylum seekers in Greece, which subsequently led to new developments in immigration policies.

The Ministry of Immigration Policy was founded, with responsibilities concerning immigration and integration, along with an Independent Asylum Service operating under the Ministry's supervision. The number of asylum applications increased, but so were the recognitions, while there were developments towards the access of children to the educational system. In general however, the access of asylum seekers and refugees to services and employment is difficult and limited, mainly because of the adverse economic conditions in Greece, resulting from the global financial crisis.

This report aims to present the basic refugee and migration policies and action plans implemented during the period 2011-2018 in Greece by both governmental and

nongovernmental actors and organizations. It is mainly based on published material collected by our research team from February- April 2018.

This material includes reports, reviews, data and corresponded statistics, provided by involved institutions and entities such as the Greek Asylum Service (AS), the Reception and Identification Service (RIS), the Greek Statistics Authority (ELSTAT), the UNHCR, various NGOs, independent researchers and the Press.

It consists of 4 sections:

The first section is oriented in presenting a quantitative approach using data and statistics generated by governmental entities.

Arrivals, asylum procedure, family reunification under the Dublin III regulation, the relocation scheme, return statistics regarding Non-EU citizens, are part of this section. Statistics concerning identification and reception along with the spatial distribution of the persons of concern (POCs) at different sites of the Greek mainland and islands are also presented. Moreover, apart from the new comers, the section refers to foreign population already settled in the country holding a residence permit or having obtained the Greek citizenship.

The second section points out the effects of the economic crisis in labour market and living conditions in Greece, increasing rates of unemployment and poverty and deprived considerable numbers of population. In addition, it presents the main results of the Greek national elections and cabinets since the beginning of the crisis. Furthermore, it presents the main aspects of immigration and asylum as well as the main goals of the immigration policy in Greece.

The third section highlights an overview of the national legal framework regarding rights, obligations and penalties applied on non-EU citizens in Greece and its implementation. More specifically, the section refers to legislation such as controlling entry and exit of the territory, asylum and first reception procedure law, detention and control policies, migration law including general requirements for rights on residence, and categories of residence permits. This section also refers to the establishment of the National Asylum and Reception System through the creation of three national authorities: Asylum Service, Reception and Identification Service and Appeals Authority.

It also focuses to an in depth overview of the reception system structure and its applicable policies after the year 2015 along with the relevant legal framework. This structure includes the various reception and identification centers, open temporary reception sites and open temporary accommodation facilities, along with pre-removal (detention centers) where POCs are distributed according to their legal status as well as to the responsible authorities, which operate in the above mentioned system in Greece.

Moreover, it deals with the integration process of asylum seekers, refugees and migrants in Greece. The scope is to present a comparative overview of recent versus past developments in legislation and practices of integration. It also includes the Greek state's attempts to introduce a national strategy for the inclusion of non-EU-citizens, while emphasizing in the training and development of those already "integrated" in the Greek social context. The section finally assesses the differentiation between the notion of citizenship and nationality, as well as the prerequisites for obtaining the Greek citizenship as defined by the Greek national law.

The last section tackles the recent reception policy initiatives and emergency measures as an initial response to the exceptional flows after the year 2015. Furthermore the section refers to 2016 EU-Turkey Statement and its implementation onwards. More particularly it describes its influence on influxes, the reception and identification system plus the Asylum procedure. The recent decision by the Greek Council of State annulling the geographical restriction of asylum seekers on the Greek islands is also mentioned.

Statistics and data overview

The last years have seen an unprecedented increase in the number of people fleeing war, violence and persecution, undertaking dangerous sea and land journeys to reach safety in Europe. Located at an external border of the European Union (EU) area, Greece has traditionally been a ‘gateway’ for the crossing of migrants and refugees into Europe, and since 2015 has received more than one million people mainly fleeing the Syrian war as well as protracted conflicts and insecurity in other parts of the world in search of protection in Europe.

The starkest figures of incoming refugee flows in Greece were recorded over 2015, with an overall of 856,723 people having arrived by sea from Turkey to the North-Eastern Aegean islands throughout the course of the year – in comparison to a total of 41,038 sea arrivals over 2014, and accounting for 80 per cent of total arrivals in Europe in 2015¹. In terms of country of origin, more than half of this newly arrived population were Syrians escaping war, while Afghans accounted for 20% and Iraqis for 7%. Overall, as reported by UNHCR², 84% of the people reaching Europe in 2015 came from the world’s top ten refugee-producing countries – indicating that war and persecution indeed constituted the primary reasons for displacement.

Following the 2015 landmark arrivals and the emergency situation that was formed in the Greek islands, mainly in Lesvos, Samos, Chios, Kos and Leros, incoming flows via sea subsequently and substantially decreased to a total of 173,450 and 29,718 persons in 2016 and 2017, respectively (See Table 1). Regarding irregular entry at the land border of Greece and Turkey, the number of recorded arrivals in 2017 reached 5,677 persons – representing an approximately 50% increase compared to 2016, while the Turkish authorities reportedly intercepted over 28,400 persons trying to cross into Greece via this land route³.

Table 1: Sea arrivals in Greece (2014-2018)

Year	Sea arrivals	Dead and missing
2018	8,114 (last updated on 26 April)	
2017	29,718	54
2016	173,450	441
2015	856,723	799
2014	41,038	405

Source: UNHCR – <https://data2.unhcr.org/en/situations/mediterranean/location/5179> (last accessed on 28 April 2018)

The above drops in arrivals in 2016 and 2017 are attributed to two key political developments in Europe, namely the closure of the so-called Balkan route on 8 March 2016 and the entry into force of the EU-Turkey Common Statement on 20 March 2016 under the aim to halt irregular migration movement from Turkey to Europe.

¹<http://www.unhcr.org/afr/news/latest/2015/12/5683d0b56/million-sea-arrivals-reach-europe-2015.html>

²ibid

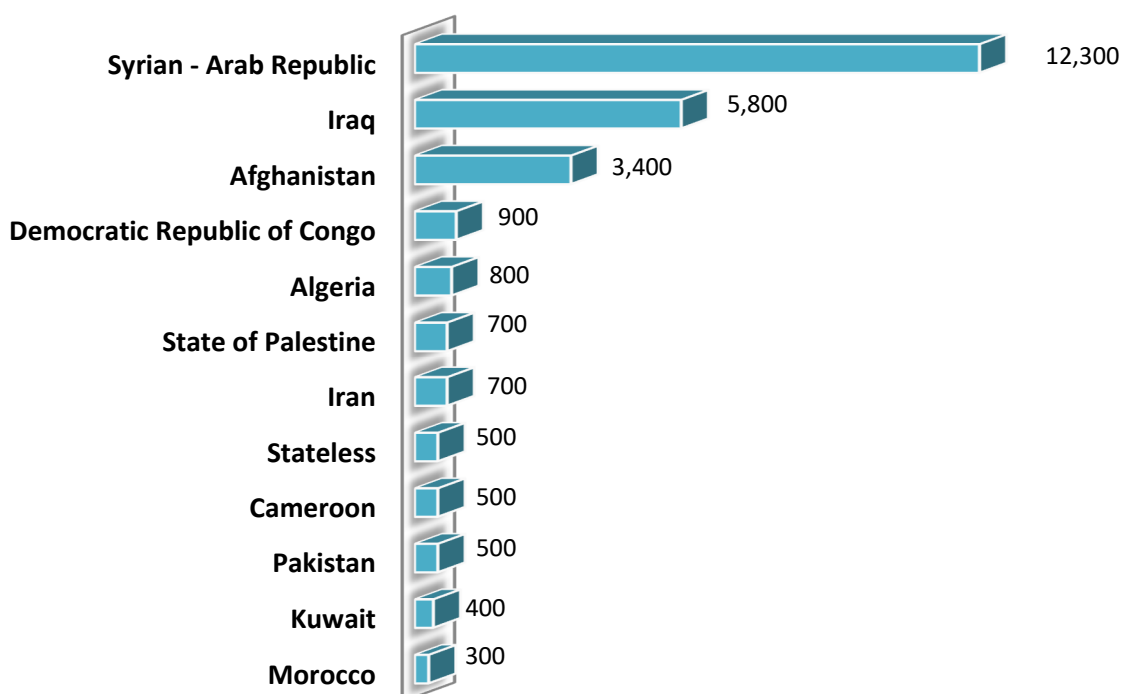
³UNHCR, *Desperate Journeys January 2017 – March 2018*, March 2018 <https://data2.unhcr.org/en/documents/download/63039>

Similar to 2015 as well as 2016, the vast majority of new arrivals in 2017 originated from Syria, Iraq and Afghanistan, while approximately 60% were women and children (see Figure 1). As noted in a recent UNHCR report, UN field staff operating at the islands of reception accounted that new arrivals from Syria and Iraq in the later part of 2017 were from conflict areas such as Idlib, Deirez-Zor and Raqqa in Syria, and Mosul in Iraq⁴.

Figure 1: Sea arrivals in Greece, January – December 2017



UASC: 1.458 children (13% of all children that arrived in 2017)



Source: UNHCR <https://data2.unhcr.org/en/documents/download/62023>

In 2018, as per the most recent UNHCR statistics⁵, a total of 8,114 refugees and migrants arrived in Greece by sea until 26 April 2018. Syria, Iraq and Afghanistan continue to feature as the top nationalities, accounting for 41,1%, 20,8% and 11,6%, respectively. Women (22%) and children (38%) accounted for more than half of the incoming population, while 40% were adult men. Arrivals during the first three months of 2018 were 33% higher than those of 2017, with the islands of Lesbos and Samos and the Dodecanese islands having received 94% of all new arrivals, followed by Chios (6%). Arrivals at the land border in Evros show an increasing trend

⁴ibid

⁵<http://data2.unhcr.org/en/situations/mediterranean/location/5179>

over 2018, with over 1,480 recorded in March, more than 50% of the arrivals in February (nearly 530) and January (over 560)⁶.

As of 28 February⁷ 2017, an overall of 50,800 refugees and migrants were present on the Greek islands and the mainland. More specifically, 11,000 people were on the islands of reception in the Northern Aegean Sea (at the Reception and Identification Centers, other state run or UNHCR facilities), seriously exceeding the overall reception capacity of 8,741 people. Population breakdown per island was as follows⁸:

- 6,000 Persons of Concern (PoCs) on Lesbos
- 1,600 PoCs on Chios
- 1,700 PoCs on Samos
- 500 PoCs on Leros
- 1000 PoCs on Kos
- 150 PoCs on other islands (Rhodos, Telos)

The trends in arrivals over 2012-2018 have changed compared to the first part of the decade. More specifically, from 2010 to 2012 there was a rapid increase in the incoming number of refugees and migrants from the land borders of Greece and Turkey, while migration activity at the sea borders was at a low level. After 2012, the activity at the land borders significantly decreased, probably as a result of the construction of the wall at the Evros area in Thrace, whereas incoming flows at the sea borders followed exactly the opposite direction (Papayiannis, et al., 2016)⁹.

Unaccompanied minors

According to statistics issued by the ‘National Centre for Social Solidarity’ (EKKA), 12,022 unaccompanied children (UAC) were identified in Greece between January 2016 and 15 April 2018. 3,050 unaccompanied children were officially registered and present in Greece as of 15 April 2018. Only a third of these children have access to appropriate accommodation and care, while 2,200 UAC were on the waiting list for placement in shelters, including 186 children at the Reception and Identification Centres (RICs) at the islands of reception, 272 children in temporary accommodation in hotels¹⁰ in the mainland, 198 children at designated safe zones¹¹

⁶UNHCR, *Europe Monthly Report March 2018*, 22 April 2018: <https://reliefweb.int/sites/reliefweb.int/files/resources/63198.pdf>

⁷<https://data2.unhcr.org/en/documents/download/62950>

⁸<https://data2.unhcr.org/en/documents/download/63194>

⁹Papayiannis, G., Pistikos, I., Tselepi, N., Petracou, E. & Yannacopoulos, A., Migration in the North - Eastern Greek Islands with special reference to Lesbos: towards the construction of a qualitative & quantitative data base, ISISA Islands of the World XIV Conference 2016, Niss(i)ology and Utopia: back to the roots of Island Studies 23 - 27 May 2016 Mytilene, Lesbos Island, Greece

¹⁰**Hotels** are short-term accommodation spaces being used as a measure to care for UAC in light of the insufficient number of available shelter places. Priority is given to UAC in Reception and Identification Centers.

¹¹**Safe Zones** are designated supervised spaces within accommodation sites (camps), which provide UAC with 24/7 emergency protection and care. They should be used as short term (maximum 3 months)

in open refugee sites in the mainland, 103 children held under protective custody (detention) in police stations across the country, while 617 UAC were reported homeless.¹²

According to the same statistics by EKKA, the majority of UAC currently present in Greece are from Pakistan (42,01%), followed by Afghanistan (25,287%), Syria (13,16%) and other nationalities (19,55%). The vast majority of children are teenage boys between 14 and 18 years old.¹³

Asylum in Greece

Overall in 2017, the Greek Asylum Service registered 58,661 asylum applications of which 26,668 were submitted on the five islands of reception (Lesvos, Chios, Samos, Leros, and Kos)¹⁴. In total, the vast majority of the applications (40,127) were submitted by men, followed by applications submitted by women (18,535), while 2,275 applications concerned cases of unaccompanied minors. In January 2018, a total of 4,752 asylum applications were registered.¹⁵ As illustrated in Table 2, the main nationalities of asylum seekers in Greece are Syria, Pakistan, Afghanistan and Iraq.

Over 2017, more than 10,000 asylum seekers were granted refugee status or subsidiary protection in Greece in first instance procedures, compared to less than 3,000 cases in 2016 (see Table 3). 34,646 applications were rejected either as ineligible (12,149) or as inadmissible (22,497). The grounds for rejection of cases based on inadmissibility relocation in another EU Member State (12,323 cases), acceptance by another Member State pursuant to the Dublin III Regulation (8,330 cases, primarily for reasons of family reunification), and the application of the concept of 'safe third country' as part of border procedures (919 cases). In 6,989 cases, the asylum procedure was discontinued, primarily owing to the tacit withdrawal of the asylum claim by the applicant.¹⁶

The increase in the number of people granted refugee status in Greece is considered both as a result of the increased capacity of the Asylum Service to review cases, as well as of the increase in the recognition rate from 26% in 2016 to 46% in 2017.

measures to care for UAC in light of the insufficient number of available shelter places. Safe Zone priority is given to UAC in detention as well as other vulnerable children, in line with their best interests.

¹²<https://data2.unhcr.org/en/documents/download/63153>

¹³ibid

¹⁴<http://asylo.gov.gr/en/?p=3259>

¹⁵ibid

¹⁶ibid

Table 2: Asylum Applications – Countries of Origin (7.6.2013 – 31.01.2018)

	2013	2014	2015	2016	2017	January 2018	2018	Total	%
Syria	252	773	3,490	26,675	16,396	1,213	1,213	48,799	34.4%
Pakistan	610	1,618	1,822	4,693	8,923	557	557	18,223	12.8%
Afganistan	803	1,709	1,720	4,366	7,567	528	528	16,693	11.8%
Iraq	107	174	661	4,811	7,924	967	967	14,664	10.3%
Albania	419	569	1,003	1,420	2,450	236	236	6,097	4.3%
Bangladesh	230	633	738	1,215	1,383	125	125	4,324	3.0%
Iran	131	361	241	1,096	1,316	94	94	3,239	2.3%
Georgia	342	350	386	687	1,107	112	112	2,984	2.1%
Palestine	17	74	60	852	1,311	48	48	2,362	1.7%
Turkey	17	41	43	189	1,827	122	122	2,239	1.6%
Other Countries	1,886	3,129	3,024	5,057	8,457	750	750	22,303	15.7%
Total	4,814	9,431	13,188	51,061	58,661	4,752	4,752	141,907	

Source: [Greek Asylum Service](#)

Table 3: 1st Instance Procedures (7.6.2013 – 31.01.2018)

	2013	2014	2015	2016	2017	January 2018	2018	Total
Refugee Status	229	1,223	3,647	2,451	9,319	1,026	1,026	17,895
Subsidiary Protection	93	487	347	249	1,041	154	154	2,371
Negative in Substance	1,754	4,254	4,434	6,588	12,131	1,254	1,254	30,415
Inadmissible decisions	261	1,453	2,019	15,241	22,485	613	613	42,072
a) due to the application of the safe third country principle (Border Procedures)				1,312	918	55	55	
b) due to acceptance				2,070	8,319	461	461	

	2013	2014	2015	2016	2017	January 2018	2018	Total
by another Member State (Dublin Regulation Procedures)								
c) due to acceptance by another Member State (Relocation Procedures)				11,000	12,323	0	0	
d) on subsequent (repeated) applications				775	915	97	97	
e) due to administrative reasons				84	10	0	0	
Implicit and Explicit Withdrawals	243	1,078	2,375	2,385	6,875	889	889	13,845
Total	2,580	8,495	12,822	26,914	51,851	3,936	3,936	106,598
Monthly Average	369	708	1,069	2,243	4,321		3,936	1,904
Recognition Rate (%)	15,5%	28,7%	47,4%	29,1%	46,1%	48,5%	48,5%	40,0%

Source: [Greek Asylum Service](#)

Of the 2,275 asylum applications submitted by unaccompanied children in 2017, a total of 160 cases were granted refugee status, 27 children were granted subsidiary protection, while 493 UAC asylum applications received negative first instance decisions. 740 UAC asylum applications were judged inadmissible, including as part of the Dublin III family reunification procedures (see Table 4).

Table 4: 1st Instance Procedures - Unaccompanied Minors (7.6.2013 – 31.01.2018)¹⁷

	2013			2014			2015			2016			2017			January 2018		
	M	F	T	M	F	T	M	F	T	M	F	T	M	F	T	M	F	T
Refugee Status	7	1	8	45	6	51	54	19	73	52	13	65	131	29	160	25	2	27
Subsidiary Protection	4		4	24		24	22		22	17		17	27		27	1		1
Negative in Substance	53	2	55	147	6	153	92	6	98	216	6	222	485	8	493	54		54
Inadmissible Decisions	12	3	15	56	21	77	68	10	78	310	117	427	572	168	740	30	3	33
Implicit and Explicit Withdrawals	14		14	85		85	106	10	116	55	9	64	235	29	264	48	3	51
Total	90	6	96	357	33	390	342	45	387	650	145	795	1,450	234	1,684	158	8	166

Source: [Greek Asylum Service](#)

Family reunification and relocation statistics

On 8 January, the Greek Asylum Service and the International Office for Migration (IOM) held a joint press conference on the conclusion of the EU Relocation Scheme. As per the relevant press release¹⁸ issued by the Asylum Service, 21,726 asylum seekers, predominantly Syrians, (6,982 men, 4,925 women and 9,819 minors) have been relocated from Greece to other EU Member States, since December 2015. The total number was expected to reach over 22,000 asylum seekers (out of 66,400 originally foreseen, 33% of the target), following the completion of pending cases.

According to the above press release, Germany (5,376), France (4,399), the Netherlands (1,748), Sweden (1,658), Finland (1,202), Portugal (1,193) and Spain (1,126) are the Member States which received the largest numbers of asylum seekers, within the framework of the relocation program. Finland (137) and the Netherlands (81), followed by Germany (57), Spain (46) and Ireland (38), received the largest numbers of unaccompanied children.

¹⁷The category of inadmissible decisions includes decisions:(a) due to the application of the safe third country principle (Border Procedures), (b) due to acceptance by another Member State (Relocation procedures), (c) due to acceptance by another Member State (Dublin Regulation procedures), (d) on subsequent (repeated) applications, (e) due to administrative reasons.

¹⁸http://asylo.gov.gr/en/wp-content/uploads/2018/01/Press_Releas-Conclusion-of-the-EU-Relocation-Scheme.pdf

Based on statistics of the Greek Asylum Service¹⁹, over 2017 Greece sent 9,675 Take Charge Requests (TCRs) for family reunification under the EC Dublin III Regulation. In the same period, 7,733 acceptances were received by other EU member states and 4,793 transfers were implemented – compared to 962 transfers in 2016. The majority of outgoing TCRs concerned applications under Articles 9 and 10, followed by Article 17 of the Dublin III Regulation. In 2018, as of 31 March 2018, 1,690 outgoing TCRs were sent by the Greek Dublin Unit, while 549 acceptances and 747 rejections were received and 1,168 transfers were effectuated.²⁰

Returns

Regarding the asylum procedure conducted in the framework of the EU-Turkey Statement of 18 March 2016, the procedure on the islands was completed in 25,814 cases over 2017. Of these cases, 5,437 resulted in a rejection of the asylum claim, and 20,377 resulted in the lifting of the geographical restriction and the subsequent transfer of the applicants to the mainland²¹.

According to statistics published by UNHCR, from April 2016 to 28 February 2018, 1,554 asylum seekers (94% men, children 5%, women 4%) have been returned from the Greek islands to Turkey on the basis of the EU-Turkey Common Statement. The vast majority of those returned to Turkey originate from countries other than Syria, with Pakistani nationals accounting for 42% of the total returns. In total, 258 Syrians have been returned to Turkey during the aforementioned period. Of all nationals returned, 47% did not express a will to apply for asylum or withdrew their will to apply for asylum or withdrew their asylum claims in Greece²². The European Commission has argued that the pace of returns is too slow, arguing that *'significant additional efforts are still needed to reduce the backlog of asylum applications, address the insufficient pre-return processing and detention capacity in Greece to improve returns.'*²³

From June 2016 until 14 February 2018, 9,611 people have been returned from Greece to their country of origin via the IOM's 'Assisted Voluntary Return and Reintegration Program'²⁴.

Immigrant population

Over the last thirty to forty years Greece has witnessed an increase in the number of immigrant population. In 2011, the national census data registered 713,000 third country nationals (TCN) and 199,000 EU citizens (non-Greek) living in Greece, accounting respectively for 6.5% and 1.8% of the total resident population. More updated figures of the 2016 Labour Force Survey suggest a significant decrease in the total migrant population to 586,164 people and 99,422 EU citizens (non-Greeks) in 2016 (see tables 5 and 6), accounting for 4.5% and 0.9% respectively

¹⁹http://asylo.gov.gr/en/wp-content/uploads/2018/04/Dublin-stats_march18EN.pdf

²⁰ibid

²¹<http://asylo.gov.gr/en/wp-content/uploads/2018/01/Press-Release-25.1.2018.pdf>

²²<https://data2.unhcr.org/en/documents/download/62508>

²³See p.2: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20171207_eu_turkey_statement_en.pdf

²⁴<https://greece.iom.int/worldmap>

of the total resident population. It is possible that the data of the Labour Force Survey over-represent the reduction of the immigrant population, as they are not as accurate as census data; nonetheless the decrease in migrant residents is dramatic (Triandafyllidou, et al., 2016)²⁵.

Table 5: Stock of foreign population in Greece, 4th trimester 2015

	Size of immigrant stock	% of total resident population
Total TCN population	491,850	4.5%
Total EU population (non-Greeks)	99,475	0.9%
Total immigrant stock	591,325	5.5%
Total population in Greece	10,814,188	100.00

Source: Hellenic Statistical Authority (ELSTAT), Labour Force Survey 2015

Table 6: Stock of foreign population in Greece, 2nd trimester 2016

	Size of immigrant stock	% of total resident population
Total TCN population	486,742	5% (4.5%)
Total EU population (non-Greeks)	99,422	1% (0.9%)
Total immigrant stock	586,164	6% (5.4%)
Total population in Greece	10,789,602	100.00

Source: Hellenic Statistical Authority (ELSTAT), Labour Force Survey 2016

Data on effective inflows and outflows of immigrants in Greece are based on the issuing and renewal (or not) of residence permits but may not be accurate as people may stay on in the country even if they lose their legal status or may enter the country undocumented. However, data on residence permits do give an indication of the actual trend in terms of inflows and outflows and also in terms of the possible de-legalisation of migrants who previously had a legal status (Triandafyllidou, et al., 2016).

²⁵Triandafyllidou A., Mantanika R., 2016. Migration in Greece: Recent Developments 2016 <http://www.eliamep.gr/wp-content/uploads/2014/10/2016.pdf>

Table 7: Valid Stay Permits for Third Country Nationals, per gender – 2010-2016

Valid Stay permits	2012	2013	2014	2015	2016
Men	297,924	292,469	288,837	298,800	298,830
Women	262,437	262,292	261,824	273,569	273,744
Total	560,361	554,752	550,661	572,369	573,574

Source: (Triandafyllidou&Mantanika, 2016)

Greece: society, economy and migration

The Greek socioeconomic and political context

After Greece's entrance into the Eurozone trade costs were reduced and low interest rates led to a rise in wages and incomes in Greece relative to Germany. This produced surpluses in Germany and widened current account deficits in Greece and some other member states. The credit ratings of Greece, Portugal, and Ireland were marked down, and spreads on their government debt relative to German debt began to rise. Because these countries were euro-area members they could not do any adjustment in currency and remained in the euro area and continued to run current account deficits, despite rapidly falling private capital inflows, and, in some cases, capital flight.²⁶

As consequence in 2009, an economic crisis has begun as the result of a global and regional economic instability, with enormous social and political consequences for the Greek Society. The global crisis and the traditional rigidities of the Greek labour market have, combined with the eruption of the crisis in Greece (2010) and the imposition of severe austerity measures, produced soaring unemployment rates and shrinking the public sector (Sotiropoulos, 2014:7). The economy of Greece was one of the first where the symptoms of the crisis are so intense, with particularly adverse effects on employment, income and living conditions of its inhabitants. The economic crisis and the fiscal discipline policies have already significantly changed the labor market, affecting the risk of poverty faced by both the total population of the country and individual groups such as the unemployed (Ioannidis et al, 2012:9).

The period 2010 – 2015 was accompanied by particularly negative social impacts as expressed by relative indicators of poverty and inequality. The human poverty and social exclusion was raised from 27.7% in 2010 to 35.7% in 2015. Also, the rate of unemployment increased approximately 14.3% in the same period. In addition the poverty rate of employed workers increased significantly after 2011 and was 18%. (INE GSEE, 2017: 18). In 2016, Greece continues to be confronted with the highest unemployment rate in the EU (23.6 % annual average) while the proportion of young unemployed (aged 15 - 24) among the labour force is highest in Greece (47.3%) as well as 17% of the active population in Greece (employed together with unemployed) are long-term unemployed²⁷.

Moreover, in 2012 as much as 35 per cent of the country's population ran the risk of poverty or social exclusion, while the share of those who were severely materially deprived was 19 per cent. Soon it became clear that social citizenship rights were curtailed. A series of welfare reforms led to severe restrictions in social protection and affected negatively social rights (Sotiropoulos & Bourikos, 2014). After the start of the economic crisis in 2008 it is estimated that more than 427,000 people left Greece. In 2013, 100,000 people migrated, tripling the annual average until then. The Greek immigration does not seem to slow down as unemployment rate remains in high levels.

²⁶Hale, Galina, 2013, Balance of Payments in the European Periphery, FRBSF ECONOMIC LETTER, January 14, 2013, <https://www.frbsf.org/economic-research/files/el2013-01.pdf>, 22-5-2018

²⁷European Parliament, EMPLOYMENT AND SOCIAL AFFAIRS Policy Department A: Economic and Scientific Policy, 2016, Unemployment and Poverty: Greece and Other (Post-)Programme Countries, [http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/602051/IPOL_BRI\(2017\)602051_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2017/602051/IPOL_BRI(2017)602051_EN.pdf), 22-5-2018

It is worth noting that Greece has limited welfare services and with the huge increase of indirect, direct and property tax rates and pension cuts the last years the result has been the poverty rates to rise dramatically. According to a report of Eurostat²⁸ 21.1% of people in Greece experience severe material deprivation²⁹ which it is the second highest rate among the EU member states. Among Member States, the at-risk-of-poverty or social exclusion rate has grown from 2008 in ten Member States, with the highest increases being recorded in Greece (from 28.1% in 2008 to 35.6% in 2016, or +7.5 percentage points)³⁰.

In 2009, approximately six months before bail out of Greece, national elections were called in October by Prime Minister Costas Karamanlis (ND) and PASOK returned to power. In the beginning of 2010, George Papandreou, the Prime Minister, requested a bailout for Greece and the European Union, the European Central Bank and the International Monetary Fund respond to this call. The first memorandum signed and the First bailout package for €110 billion was agreed by the Eurozone leaders and IMF. During 2010, austerity measures, concerning cuts on salaries, pensions, public expenditure and increase of retirement age etc, were passed by the Greek parliament while at the same time strikes and demonstrations took place in cities and the Square movement protested on daily basis in Syntagma Square, in Athens. The Prime Minister George Papandreou resigned under pressure in November 2011 and Lucas Papademos, former head of the Bank of Greece and not elected, became the new Prime minister of a three coalition party government consisting of the PASOK, New Democracy, and Popular Orthodox Rally (LAOS). Papademos resigned in April 2012 and after two rounds of election New Democracy won and formed a coalition government with PASOK and DIMAR (the Democratic Left) with Prime Minister, Antonis Samaras who was the leader of the New Democracy. An important dimension of the results of June's 2015 elections was that for the first time Golden Dawn, the right-wing extremist party, entered Parliament with a percentage of about 7.

In December 2014, Greek Parliament failed to elect the government's candidate for the president; Stavros Dimas replacing retiring president; Karolos Papoulias and national elections scheduled for January 2015. Syriza (the Coalition of the Radical Left) won elections and formed government with Independent Greeks (ANEL) a conservative-nationalistic party. Due to the end of bail out period in the end of June, capital controls imposed in Greece and Tsipras, the Prime Minister announced a new bail out referendum on measures that the European Commission, European Central Bank and International Monetary Fund proposed after five months negotiations between them and Greek government. The 61% of voters were against them however the Greek Parliament approved these measures in August 2015. Due to the SYRIZA former campaign against austerity packages and the split within the SYRIZA members of parliament and the party, Tsipras called snap elections in September 2015 and SYRIZA won the vote and formed once again a coalition with ANEL.

²⁸Eurostat, 24/04/2018 Can you afford to pay all your bills? 24/04/2018 <http://ec.europa.eu/eurostat/web/products-eurostat-news/-/DDN-20180424-1> 20-5-2018

²⁹Material deprivation refers to a state of economic strain and durables, defined as the enforced inability (rather than the *choice* not to do so) to pay unexpected expenses, afford a one-week annual holiday away from home, a meal involving meat, chicken or fish every second day, the adequate heating of a dwelling, durable goods like a washing machine, colour television, telephone or car, being confronted with payment arrears (mortgage or rent, utility bills, hire purchase instalments or other loan payments http://ec.europa.eu/eurostat/statisticsexplained/index.php/Glossary:Severe_material_deprivation_rate

³⁰Eurostat, Downward trend in the share of persons at risk of poverty or social exclusion in the EU, newrelease, 155/2017 - 16 October 2017

Short overview of migration policy in Greece

From 1950 until 1990s Greece was a country that sent refugees worldwide due to the 1944-1948 civil war, the subsequent persecution and marginalization of the left and the 1967-1974 dictatorship. Greece was also a territory on which International Organizations, such as the World Council of Churches and the UNHC, arranged mainly relocation programs of asylum seekers from countries of the Eastern block and the Middle East to other European countries and to the USA, Canada, Australia etc.

In the 1990s, immigration and asylum policies in Greece were characterized by the adoption of strict immigration laws, deportation policies, negative coverage of the migration phenomenon from the mass media, and racist attacks against migrants and particular groups of migrants. Greece is considered as an immigration and transit country by governmental entities, certain media and particular parts of the Greek society. The informal entrance of the majority of the migrants and the lack of their legal status is attributed to the alleged inability of Greece to exert effective controls against migration as well as to the natural form of its geographical borders that makes effective guarding difficult, rather than to the existence of very strict legal and policy framework within Greece but also in other countries involved. At the same time, Greece as a member state of the EU has participated in the attempts of gradual harmonization of migration and asylum policies, which began with the Maastricht Treaty, continued and strengthened with the Common European Asylum System (CEAS) and onwards, in the process of creating union policies even though each member state could incorporate directives and develop their own policies for asylum and migration as long as these policies ensured compliance with some minimum standards. We can argue that the priority has been set on the control of borders especially with the developments of the Schengen agreement and the consequent abolishment of internal controls which led to the establishment of Frontex. As a result, Greece has been established as the external border of the EU and one of the main entries in the Schengen area.

During the period 1990-2005 the main focus was to combat the irregular arrivals of people and to exercise border controls as well as to register the migrant population and give them temporary residence and employment permits. At the same time, especially in the 2000s, asylum policies were very restrictive, consisting of detention, time consuming procedures, very low rates of recognition and granting mainly temporary humanitarian protection.

In 2012 the focus of migration policy was on combating “illegal migration” while at the same year, the new government (New Democracy-led coalition) introduced a bill which returned the citizenship law back to the basis of the jus sanguinis. Moreover, it introduced Operations such as Aspida (Shield) at the Greek - Turkish land border and Xenios Zeus in mainland Greece in order to combat informal entry and stay of third-country nationals. Moreover, in October 2012, the government extended the detention period of migrants and asylum seekers by up to twelve months (18 months in total). Finally, in December 2012, the construction of a 12.5 km-long barbed wire fence was completed at the Greek - Turkish land border (Skleparis, 2017:2).

In addition to an economy in deep recession with economic and social hardships and harsh living conditions, an unprecedented numbers of asylum seekers came to Greece. In 2015 the arrival of hundreds of thousands of migrants and refugees fleeing war and political instability in the Middle East, Africa, and elsewhere strained the Greek state’s ability to accommodate such a large population, leading to a humanitarian crisis. Most refugees entered Greece by boat from Turkey to Greek islands: Lesbos, Chios, Kos, and Samos. In 2015 alone, more than 850,000

migrants made the crossing to, most of them Greece attempting to make their way to other EU countries. Generally, international and local NGOs, movements and activists provided their services and assist Greek government to respond to refugees' reception and assistance. Furthermore, people offered help and showed support refugees. NGOs together with solidarity and self-organized movements, which have already established networks for the economic crisis, started to provide their services and facilities to asylum seekers and refugees' arrivals.

Since February 2015, public discourse shifted from walls against "illegal" migration and sweeping operations to concern on humanitarian aspects of massive migration and European collaboration in order to protect people and their rights. The Alternate Minister for Immigration Policy Tasia Christodouloupoulou, who held her office in January 2015, pointed out that people, who arrived in Greece by sea and obtain temporary residence permits, cannot be held at detention centres but they should go to reception centres and they were free to move around Greece.

In March 2016, FYROM decided to close its borders with Greece and the Statement between the European Union (EU) and Turkey had resulted in a number of people left / remained in Greece and a reduction of numbers of new arrivals entering the country. So, a considerable number of people were forced to stay in inadequate and precarious conditions in overcrowded hotspots on Greek islands. Greek government with assistance of NGOs attempted to improve these conditions and tranfered people to the mainland. However, still asylum seekers are trapped in Greek islands due to implication of geographical restriction as defined in the EU-Turkey Statement.

The relevant legislative framework in the fields of migration and asylum

Institutionalization of the right to asylum in Greek legislation

Every person, on Greek territory has fundamental rights equating in many cases the status of aliens, including refugee, with that of Greeks. The relevant articles of the Greek Constitution are the following:

“It guarantees respect and protection of the value of the human being (art. 2); full protection of life, honour and liberty, irrespective of nationality, race or language, religious or political beliefs for all persons living within Greek territory (art. 5, para. 2) and inviolability of personal liberty (art. 5, para. 3). Furthermore, no person shall be arrested or imprisoned without a reasoned judicial warrant which must be served at the moment of arrest or detention pending trial, except when caught in the act of committing a crime (art. 6, para. 1) and torture, any bodily maltreatment, impairment of health or the use of psychological violence, as well as any other offence against human dignity are prohibited and punished as provided by law (art. 7, para. 2). Every person shall be entitled to receive legal protection by the courts and may plead before them his views concerning his rights or interests, as specified by law (art. 20, para. 1) and the right of a person to a prior hearing also applies in any administrative action or measure adopted at the expense of his rights or interests (art. 20, para. 2)” (Crépeau, 2013: 6).

Moreover, the national legislation has incorporated international and regional provisions and provides the rules and procedures for protection of asylum applicants and refugees as we present in the subsection.

The national legislation on immigration and asylum

Greece’s legal system on asylum is based on the 1951 Geneva Convention and its 1967 Protocol, as well as on European Union (EU) legislation on the Common European Asylum System (CEAS). Greece is bound to provide asylum to those who meet the criteria. Greece is also obliged to respect the binding Charter of Fundamental Rights of the European Union, which recognizes the right to asylum.

The 1950 European Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR), while not referring specifically to migrants, protects them insofar as it is applicable to all persons under a State’s jurisdiction. The 1961 European Social Charter (ESC) and the 1996 Revised European Social Charter (RESC) also afford some degree of protection to undocumented migrants, mainly on the basis of the right to non-discrimination in relation to different rights, such as labour rights and guarantees of non-expulsion (Estrada-Tanck, 2016:128).

The first attempt to regulate the entry and residence in Greece dates back to Law 1975 of 1991, which was followed by Law 2910 in 2001. Both these laws were focused on controlling entry and considered economic migration as temporary. These tendencies are also evident in Law 3386 introduced in 2005, which nevertheless attempted to also provide for long-term residence and integration.

The Law 2452 which introduced in 1996 established normal and accelerated procedures and introduced the concepts of manifestly unfounded applications and safe third country, in line with developments in EU soft law. Refugee and asylum laws were also introduced in late 2000, with the transposition of the Dublin Regulation (2003), the Reception (2007) Procedures and the Qualifications (2008) directives.

Following these developments, Law 3907/2011 led to the creation of needed services in Greece, introducing significant reforms of the asylum and reception systems and establishing three independent authorities: the Asylum Service, the First Reception Service, and the Appeals Authority. The provisions of Law 3386/2005, subsequent amendments and other laws transposing EU directives – for instance on family reunification and long-term residence status – were codified in Law 4251/2014.

More recently, the refugee crisis since 2015 represented a key turning point for asylum legislation in Greece. In particular, in order to facilitate the implementation of the ‘hotspot approach’ and the EU-Turkey Statement of 18 March 2016, Law 4375/2016 was adopted, introducing significant and controversial changes to asylum and reception procedures. Most notably, it introduced an ‘exceptional’ border procedure, the blanket detention of migrants in closed ‘Reception and Identification Centres’ (RICs), and the application of the concept of ‘safe third country’, so as to provide a basis for the return to Turkey of arrivals after March 20th 2016, as foreseen by the EU-Turkey Statement (Karamanidou,2017).

According to Gazette 51/A/3-4-2016 Law 4375/2016 refers on the organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EC “on common procedures for granting and withdrawing the status of international protection (recast) (L 180/29.6.2013), provisions on the employment of beneficiaries of international protection and other provisions”.³¹

Requirements and relevant procedures

Part III of Law 4375/2016, as modified by Law 4399/2016, transposes the provisions of Article 6 the recast Asylum Procedures Directive relating to access to the procedure.

Furthermore, any alien or stateless person has the right to apply for international protection according to Article 36 of the Law 4375/2016. Additionally article 39 points out that all applications for international protection are initially examined regarding the recognition of refugee status, and in case these are not fulfilled, they are examined for the recognition of subsidiary protection status.³²

³¹http://asylo.gov.gr/en/?page_id=113

³²http://asylo.gov.gr/en/?page_id=113

Greek Law (4375/2016) refers to registration to describe both the notion of “registration” and “lodging” of an application under the Directive. Applications for international protection are received and registered by either the RAOs, Asylum Units (AAU) or Mobile Asylum Units operating in different jurisdictions and locations. The Asylum Service shall as soon as possible proceed to the “full registration” of the asylum application, following which an application is considered to be lodged (AIDA,2017:31).

The number of asylum applications has fluctuated over the years, marking a significant increase in 2016, as a result to political measures put in place in response to the 2015 refugee crisis, including the EU-Turkey Statement.

Table 8: Applications and First Instance decisions

	2009	2010	2011	2012	2013	2014	2015	2016
Total applications	15,925	10,275	9,310	9,575	8,225	9,430	13,205	51091
Total decisions	14,350	3,455	8,670	11,195	13,080	13,305	9,640	9,319
Total positive decisions	165	105	180	95	500	1,970	4,030	
Geneva Convention status	35	60	45	30	255	1,270	3,665	2,467
Humanitarian status	25	30	45	20	70	115	10	
Subsidiary protection	105	20	85	45	175	590	355	244
Rejected	14,185	3,350	8,490	11,095	12,580	11,335	5,610	6,608

Source: Eurostat/Asylum Service (Karamanidou,2017:9)

Before June 2013, the authority responsible for receiving and examining applications was the Hellenic Police. Since June 2013, the designated authority to examine applications for international protection in the first instance under the regular or the accelerated procedure is the Asylum Service³³ under the Ministry of Migration Policy, including its central offices in Athens and Regional Asylum Offices (RAO) across the country.

³³Law 4375/2016 in article 1 (amended by law 4399/2016) operates an autonomous Service within the Ministry of Migration Policy, entitled “Asylum Service”, as it is established by article 1 of Law 3907/2011 (O.G. A’ 7), directly dependent on the Minister and with a territorial competence on the entire country. This Service operates as a Directorate and its mission is to apply the legislation on asylum and other forms of international protection for aliens and stateless persons, as well as to contribute to the development and the formulation of the national asylum policy

The applications of the following categories of persons have priority (accelerated procedure): (a) vulnerable persons³⁴, (b) those in detention or in transit, (c) persons whose applications are prima facie substantiated, (d) those whose applications are manifestly unfounded, and (e) persons who are deemed by the police in substantiated decisions to be a danger to national security and public order.

- **Regular procedure**

Applicants are subject to personal interviews through interpreters by staff who have experience in such matters and who are expected to maintain confidentiality.

Prioritised examination: For applications likely to be well founded or made by vulnerable applicants.

Fast-track processing: Accelerating the processing of specific caseloads as part of the regular procedure; “Fast-track processing” is not foreseen in the national legislation as such. The Asylum Service implements since September 2014 a fast-track processing of applications lodged by Syrian nationals, provided that they are holders of a national passport and lodge an asylum claim for the first time. Under this procedure, asylum claims are registered and decisions are issued on the same day (AIDA,2017 update:40).

- **Accelerated procedure**

Accelerated procedures are applied to people who:

(a) come from a safe country of origin: applications filed by nationals of safe countries of origin are fast-tracked and such persons are sent back to their countries of origin. Greece recognizes as safe countries of origin those third countries where (i) there is no threat to life or freedom based on religion, race, ethnicity, participation in a particular social group, or political convictions; (ii) there is no danger to the life of the applicant; and (iii) the non-refoulement principle of the Geneva Convention is followed.

(b) have submitted manifestly unfounded applications

(c) have presented false information or documents

(d) made another asylum application in another Member State with different personal data.

Applications must be reviewed within six months³⁵.

- **Border procedure**

As aforementioned, Article 60(4) of Law 4375/2016 foresees a special border procedure, known as a “fast-track” border procedure, connected to the implementation of the EU-Turkey Statement. A fast-track border procedure is applied to applicants who arrived on Greek islands after 20 March 2016, and takes place in the Reception and Identification Centres where hotspots have been established (Lesvos, Chios, Samos, Leros, Kos).

Under the fast-track border procedure, interviews may also be conducted by staff of the EASO, while very short deadlines are provided to applicants. The concept of “safe third country”

³⁴As vulnerability can be assessed at any stage of the procedure, legal aid should be available to the applicants in order to access information and get assistance in elaborating and supporting their vulnerability claim (medical records etc).

³⁵The Library of Congress website <https://www.loc.gov/law/help/refugee-law/greece.php#Legal>

has been applied for the first time for applicants belonging to a nationality with a recognition rate over 25%, including Syrians (AIDA,2017: 70).

- **Procedure for the application of the EC Dublin III Regulation**

The Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013, also referred to as the ‘Dublin III’ Regulation, as well as its two Implementing Regulations³⁶, provide the legal framework for determining the EU Member State responsible for examining the application for international protection lodged in another Member State by a third country national or stateless person.

The Member States which implement the “Dublin III” Regulation are: Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, the Netherlands, Hungary, Iceland, Ireland, Italy, Latvia, Lichtenstein, Lithuania, Luxemburg, Malta, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and the United Kingdom³⁷.

When an applicant over the age of fourteen submits an application for international protection, he/she is fingerprinted. The fingerprints are entered into the European Central Database EURODAC, which facilitates the implementation of the “Dublin III” Regulation.

Regarding the outgoing procedure from first reception countries such as Greece, on the basis of the Dublin III Regulation, applicants have the right to request family reunification with a family member or relative who is present in another EU Member State party to ‘Dublin III’, as per below:

- If the applicant is an *unaccompanied minor* and a member of his/her family (parent, brother/sister, uncle/aunt, grandfather/grandmother) is legally present in another EU Member State. If the applicant is an *adult* and a member of his/her family, provided the family already existed in their country of origin, is present in one of the “Dublin III” countries States as a beneficiary of international protection or as an international protection applicant, if the applicant so wish, that country is responsible for examining his/her application. In greek case, members of the family are considered to be: the spouse (husband or wife) and minor children.

If the applicant has a residence permit, the State responsible for the examination of his/her application is the “Dublin III” country that issued the residence permit, even if it has expired for two years. If, before entering Greece, the applicant illegally entered another “Dublin III” country, that country is responsible competent for the examination of his/her application. This responsibility expires twelve (12) months after the illegal entry. If none of the aforementioned criteria is applicable, then the country which is responsible for the examination of the application is Greece³⁸.

³⁶Regulations No.1560/2003 and No. 118/2014.

³⁷Asylum Service website http://asylo.gov.gr/en/?page_id=81

³⁸Asylum Service website http://asylo.gov.gr/en/?page_id=81

Table 9: List of Authorities Intervening in Each Stage of the Procedure

Stage of the Procedure		Competent Authority
Application	At the Border	Asylum Service
	On the Territory	Asylum Service
Dublin (Responsibility Assessment)		Asylum Service
Refugee Status Determination		Asylum Service
Appeal	First Appeal	Independent Appeals Committees (Appeals Authority)
	Second (Onward) Appeal	Administrative Court of Appeal
Subsequent Application (Admissibility)		Asylum Service

Source: (AIDA,2017: 21)

Overall, access to international protection (asylum) procedures is free of charge. The competent authorities to which the applicants need to submit the application in person are the Regional Asylum Offices and the Asylum Units. If the applicant is an unaccompanied minor (under 18 years of age) and not accompanied by an adult who is responsible of looking after him/her, according to Law 4251/2014, the authorities must immediately inform the competent public prosecutor. The Public Prosecutor will appoint a representative who will be responsible for the applicant and will defend its interests. If the applicant is detained by the Police or confined in a Reception and Identification Centre, the applicant needs to inform the Police Officers or the staff of the Reception and Identification Centre who will then inform the Asylum Service regarding his will to submit an application for international protection³⁹.

Interview

On the date determined by the Asylum Service, the applicant is interviewed by an Asylum Service staff member. The Asylum Service provides the applicant with all the necessary information regarding the procedure. The applicant will have to answer questions with absolute truthfulness. If the applicant is not able to communicate with the Asylum Service interviewer due to a language barrier, an interpreter is made available. A lawyer representing the applicant can also attend the interview. The interview is confidential and can be audio recorded. After the interview, the Asylum Service will decide whether to grant the applicant refugee status, subsidiary protection status, or reject the application⁴⁰.

³⁹Asylum Service website http://asylo.gov.gr/en/?page_id=316

⁴⁰Asylum Service website http://asylo.gov.gr/en/?page_id=75

Second instance procedures

The applicant gets notified with the decision concerning his/her application in person by an employee of the Asylum Service. If the application is rejected, the applicant has the right to submit an appeal to the Regional Asylum Offices or Asylum Unit. A subsequent application is an application for international protection which is submitted once more after a final negative decision by the Asylum Service. In order to submit a subsequent application to the Asylum Service, the applicant should have been notified by the Asylum Service with a final negative decision which has been appealed by the applicants against before the administrative courts.

The authorities responsible for examining appeals before June 2013 were Appeal Committees comprised of a civil servant from the Ministry of Interior or from the Ministry of Justice, a representative of the UNHCR, and a lawyer specialised in refugee as well as human rights law. Since 2013, appeals are examined by the Appeals Authority first established by Law 3907/2011 (Karamanidou,2017:7). Moreover, pursuant Law 4375/2016 (amended by law 4399/2016) establishes the Appeals Authority as an autonomous Service, which reports directly to the Ministry of Migration Policy. The Appeals Authority shall be composed of the Central Administrative Service and the Appeals Committees. The Appeals Committees shall be competent to examine, decide upon and issue decisions on quasi-judicial appeals against decisions by the Asylum Service, in accordance with article 7, paragraph 5 of this law and they shall be supported in the fulfillment of their tasks by the Central Administrative Service

Procedures at second instance are defined through Law 4375/2016 Article 61 and Article 62. In particular article 61 defines that any applicant has the right to lodge a quasi-judicial appeal against the decision rejecting the application for international protection and Article 62 defines the examination procedure of the appeals. The procedure before the Appeals Committee shall be, as a rule, in writing and the examination of the appeals shall be performed based on the elements from the case file, without the presence of the appellant. During the examination procedure of the appeal, the Committee shall examine both the legality of the act under appeal and the merits of the case shall accept or reject the appeal and issue a relevant decision. The decision on the appeal shall be notified to the appellant according to the provisions of Article 40 of the same law.⁴¹

Final provisions

Withdrawal of the international protection status

Based on Article 64 of the Law 4375/2016 the applicants for international protection have the right to apply for the annulment of decisions taken in application of the provisions of this Part, before the competent court, in accordance with the provisions of Article 15 paragraph (3) of Law 3068/2002 (O.G. A' 274), as amended by Article 49 of Law 3900/2010 (O.G. A' 13) as in force. In particular applicants for international protection may lodge an application for annulment (*αίτηση ακύρωσης*) of a second instance decision of the Appeals Authority Committees or the Backlog Committees, before the Administrative Court of Appeals within 60 days from the notification of the decision.⁴² The possibility to file such a request, the time limits, as well as the competent court for the judicial review, must be expressly stated in the body of the

⁴¹http://asylo.gov.gr/en/?page_id=113

⁴²Article 29 PD 114/2010 and Article 64 L 4375/2016, citing Article 15 L 3068/2002.

administrative decision. Following the application for annulment, an application for suspension (*αίτηση αναστολής*) together with a request for an interim order (*προσωρινή διαταγή*) can be filled (AIDA, 2017:50).

Current challenges in judicial review

Greek Forum of Refugees points out the following severe obstacles concerning the effectiveness of the above legal remedy:

- The application for annulment, application for suspension and request for an interim order can only be filled by a lawyer. In addition, no legal aid is provided in order to challenge a second instance negative decision on asylum application and the capacity of NGOs to file such application is very limited due to high legal fees. Legal aid may only be requested under the general provisions of Greek law,⁴³ which are in any event not tailored to asylum seekers and cannot be accessed by them in practice due to a number of obstacles: for example, the request for legal aid is submitted by an application written in Greek; free legal aid is granted only if the legal remedy for which the legal assistance is requested is not considered “manifestly inadmissible” or “manifestly unfounded” (AIDA,2017:50).⁴⁴
- The application for annulment, application for suspension and request for an interim order do not have automatic suspensive effect.⁴⁵ Therefore between the application of suspension and/or the request for interim order and the decision of the court, there is no guarantee that the applicant will not be removed for the territory. Moreover, in practice, even if suspensive effect is requested, the Administrative Court may not issue a decision on the request for suspension / interim order up until the decision on the application for annulment.⁴⁶
- The Administrative Court can only examine the legality of the decision and not the merits of the case.
- The judicial procedure is lengthy. GCR is aware of cases pending for a period between two to three years for the issuance of a decision of the Administrative Court of Appeals (AIDA, 2017:51).
- Last but not least it should be mentioned that the European Court of Human Rights (ECtHR) has granted interim measures under Rule 39 in two cases of rejected asylum seekers in 2017 in order to prevent their return.⁴⁷ Both applicants have challenged second instance negative decision before national Courts by submitting an application for annulment and an application for suspension together with a request for interim measures has been lodged (AIDA, 2017:51).

⁴³Articles 276 and 276A Code of Administrative Procedure.

⁴⁴Articles 276 and 276A Code of Administrative Procedure.

⁴⁵See e.g. ECtHR, *M.S.S. v. Belgium and Greece*, Application No 30696/09, Judgment of 21 January 2011.

⁴⁶ECtHR, *R.U. v. Greece*, Application No 2237/08, Judgment of 7 June 2011, paras 77-78.

⁴⁷Efsyn, ‘Μήνυμα ΕΔΔΑ κατά των απελάσεων’, 2 May 2017, available in Greek at: <http://bit.ly/2mYuS6s>; ECRE, ‘Greece: Strasbourg Court halts return of rejected asylum seeker to Turkey’, 30 June 2017, available at: <http://bit.ly/2t8dNJ3>.

Relocation

As part of the EU's response to the 2015 massive arrivals in Greece as well as to significant incoming flows in Italy, in September 2015, the European Council adopted two binding Decisions establishing a temporary 'Emergency Relocation Scheme', for the relocation of a total of 160,00 newly arrived asylum seekers from Greece and Italy to other EU Member States under a quota system.

The Relocation Scheme is not defined in Greek law, although it is referred to in Law 4375/2016. Asylum seekers, including unaccompanied minors, are eligible for relocation if they belong to a nationality with an EU-average recognition rate for international protection of 75% or higher (according to EUROSTAT figures), and have entered Greece after 16 September 2015. Eligibility also requires the submission of an asylum application in Greece. The examination of the claim is then examined by the Member State where the applicants is transferred. Relocation candidates were not provided with choice as to the relocation country, though some criteria such as vulnerability and family composition were taken into consideration.

The scheme ended on 26 September 2017, and in January 2018 the Asylum Service announced the closure of the program as additional transfers of processed were pending.

Irregular entry

Many persons arriving in the EU are without any travel documents. While some deliberately destroy them, others – especially those fleeing persecution or armed conflicts – are often forced to leave their country of origin without travel documents or lose them on their way to Europe. This issue presents complications during registration, immigration and asylum procedures to establish their identity and may cause negative consequences – ranging from delays in the asylum procedure to undermining actual chances of obtaining international protection (FRA, 2017:39).

Under Law 3386/2005 as amended by Art. 121 of Law 4249/2014 irregular entry into Greece is a penal offence. The Public Prosecutor of each jurisdiction has the option, within 48 hours from irregular entry, to press charges due to the absence of legitimisation documents or to abstain from charges against the individual entering in an irregular manner. In practice, the Public Prosecutor does not (or rarely) press(es) charges against third country nationals for irregular entry. Thus, following the Public Prosecutor's abstention, new arrivals should be immediately transferred to facilities where first reception procedures take place. Should a prosecution actually take place, the person who entered in an irregular manner is referred for a court hearing. The Public Prosecutor is notified of an irregular arrival either by the police, for crossings occurring at the land border, or by the Hellenic Coast Guard, for crossings occurring at sea (UNHCR, 2014:10).

Detention

According to Law 3907/2011, Article 7, third-country nationals who are entering Greece without residence status or documentation are subject to administrative detention. The purpose of this policy is to identify individuals, to manage removals, including to boost voluntary returns, and to deter further arrivals. Detention policies and practices have become more restrictive, affecting many who are in need of international protection, mainly through significant prolongation of the detention period (UNHCR, 2014:28).

When detention is imposed, it is done without a proper individual assessment or consideration of alternatives to detention. Particularly concerning is the absence of a proper judicial review, and the prolongation of the detention for periods that can exceed the maximum 18-month timeframe allowed by the Returns Directive. The conditions of administrative detention are also seriously problematic. According to administrative guidance by Asylum Service the detention is necessary on the grounds of “the verification of the applicant’s identity or origin” and “the speedy and effective completion of the examination of the application”. The police may also issue a detention order, on the grounds that the asylum-seeker constitutes a danger to national security or public order, provided there is due and specific justification of these grounds (UNHCR, 2014:29).

In line with the European legal framework, both the Law 4375/2016 as well as the Presidential Decree 114/2010 underline that third country nationals should not be held in detention for the sole reason that they are applying for international protection. It is also against the law to detain a person for the reason that he or she entered the country illegally. Pursuant to the Law 4375, Greek authorities retain the right to detain an asylum seeker based on one of the following grounds: a) in order to determine his or her identity or nationality, b) when there is a risk of absconding, c) when it is highly probable that the application for international protection has been made only for the applicant to delay the enforcement of a return decision, d) for reasons of national security or public order. The exact same grounds figure among the provisions of Presidential Decree 114/2010. The only difference is that Presidential Decree 114/2010 adds the reason that an asylum seeker can also be detained if it seems necessary “for the prompt and effective” completion of the application for asylum (Katsogiannou, 2017:15).

Eight pre-removal detention centres were active in Greece by the end of 2017, compared to six in 2016. A ninth pre-removal centre has been legally established on Samos but is not yet operational. The total pre-removal detention capacity was 6,627 places in 2017, up from 5,215 places in 2016. (see Table 10)

Table 10: Capacity of pre-removal detention centres

Centre	Region	Year of Establishment	Capacity
Amygdaleza	Attica	2016	2,000
Tavros	Attica	2016	340
Corinth	Peloponnese	2016	1,536
Paranesti (Drama)	Eastern Macedonia-Thrace	2016	977
Xanthi	Eastern Macedonia-Thrace	2016	480
Fylakio (Orestiada)	Eastern Macedonia-Thrace	2016	374
Lesvos	Eastern Aegean	2016	420
Kos	Dodecanese	2017	500
Samos	Eastern Aegean	2017	300
Total			5,215

Source: Directorate of the Hellenic Police

As per table 11 below, an overall of 9,534 asylum seekers were detained in pre-removal detention centres in 2017:

Table 11: Breakdown of asylum seekers detained by pre-removal centre - 2017

Centre	Asylum Seekers Detained in 2017	Asylum Seekers in Detention at end 2017	Total People in Detention at end 2017
Amygdaleza	1,217	294	434
Tavros	603	116	238
Corinth	1,657	603	675
Paranesti, Drama	736	363	403
Xanthi	1,079	208	216
Fylakio, Orestiada	3,273	4	4
Lesvos	716	131	157
Kos	253	52	86
Samos	0	0	0
Total	9,534	1,771	2,213

Source: Directorate of the Hellenic Police

Apart from the aforementioned pre-removal facilities, and despite commitments from the Greek authorities to phase out such practices, third-country nationals including asylum seekers continue, to date, to be detained in police stations and special holding facilities during 2017, as confirmed inter alia by GCR visits. The only available data on police stations concerns the Eastern Aegean islands. (Aida, 2017:160)

Table 12: Detention capacity and occupancy of police stations on the islands

Police Station	Capacity	Occupancy at end 2017
Lesvos	40	5
Chios	18	29
Samos	21	25
Leros	6	1
Kos	35	2
Rhodes	63	28

Source: National Coordination Centre for Border Control, Immigration and Asylum: <http://bit.ly/2o1jivV>

The implementation of the EU-Turkey Statement (see below), as of 20 March 2016, had an important impact for the detention practice on the Eastern Aegean islands but also in the mainland, resulting in a significant toughening of the practices applied in the field. In 2017, a total of 46,124 removal decisions were issued, 25,810 (56%) of which also contained a detention order. In line with the Joint Action Plan⁴⁸ on the implementation of the EU-Turkey statement, which recommended an increase in detention capacity on the islands, the pre-removal detention centre of Moria in Lesvos, initially established in 2015, was reopened in mid-2017. A “pilot project” was also implemented on Lesvos in 2017, under which newly arrived persons with low recognition rates were immediately placed in detention upon arrival and remained there for the entire asylum procedure⁴⁹. This arbitrary detention practice ended in January 2018, while since the EU-Turkey Agreement came into effect in 2016 all newly arrived asylum seekers on the islands continue to be subject to geographical restriction, forcing them to remain on the island they arrived, as part of the application of fast track border procedures.

The reception system

Within the European legal framework the term ‘reception’ is not well defined, and the ‘Reception Conditions Directive’ sets out only minimum standards for the treatment of those in need of

⁴⁸On 18 March 2016, the European Council and Turkey reached an agreement aimed at stopping the flow of irregular migration via Turkey to Europe. According to the EU-Turkey Statement, all new ‘irregular’ migrants and asylum seekers arriving from Turkey to the Greek islands and whose applications for asylum have been declared inadmissible should be returned to Turkey. After the EU - Turkey Statement a series of meetings with Turkey occurred since November 2015 dedicated to deepening Turkey-EU relations as well as to strengthening their cooperation on the migration crisis, with notably the EU-Turkey Joint Action Plan activated on 29 November 2015 and the 7 March 2016 EU-Turkey statement. Available at: <http://www.europarl.europa.eu/legislative-train/theme-towards-a-new-policy-on-migration/file-eu-turkey-statement-action-plan>

⁴⁹Aida, Greek Council for Refugees <http://www.asylumineurope.org/reports/country/greece/detention-asylum-seekers/general>

international protection. In Greece, the “First Reception Service” (FRS) was established in 2011 as an important component of the Greek Action Plan. As stipulated in Law 3907/2011, the FRS operates under the supervision of the Minister of Public Order and Citizen Protection (MoPOCP). Composed of a Central Service and Regional Services (First Reception Centres - FRCs - and Mobile Units), the FRS’ objective is to process new arrivals, including through appropriate routing, assessment of needs, and the provision of assistance. The FRS is responsible for both establishing and running first reception centres (UNHCR, 2014:9).

According to Article 7 of the above Law, all third-country nationals who are arrested while entering the country without legal formalities shall be subjected to First Reception Procedures. First Reception procedures for third-country nationals shall include: (a) verification of their identity and nationality (b) registration (c) medical examination, and any necessary medical care and psycho-social support, (d) information about rights and obligations, in particular about the conditions under which one can be placed under international protection and (e) identifying those who belong to vulnerable groups, so that the relevant procedures are followed (Lymperopoulou, et al., 2016:39).

The Greek reception system has been long criticized as inadequate, and in year 2016 the asylum reform brought about institutional changes to the reception system by transferring responsibility from the Ministry of Labour, Social Insurance and Social Solidarity to the Ministry of Migration Policy. On 31 October 2016, a draft law on the transposition of the recast ‘Reception Conditions Directive’ was submitted for public consultation; however it has not yet been transposed into national law, with the exception of the ‘Detention provisions’, which have been partially transposed by Law 4375/2016. Therefore, Presidential Decree (PD) 220/2007 (transposing Directive 2003/9/EC), which lays down minimum standards for the reception of asylum seekers, is still applicable (AIDA, 2017:11). According to PD 220/2007, reception conditions should provide to asylum applicants “standards of living which guarantee their health, covering living expenses and protecting their fundamental rights” (AIDA, 2016:102).

As provided by Law 4375/2016, in 2016 the FRS was subsumed by the ‘Reception and Identification Service’ (RIS) under the General Secretariat of Reception of the Ministry of Migration Policy, and responsible for: “Registration, identification and data verification procedures, medical screening, identification of vulnerable persons, the provision of information, especially for international or another form of protection and return procedures, as well as the temporary stay of third-country nationals or stateless persons entering the country without complying with the legal formalities and their further referral to the appropriate reception or temporary accommodation structures.”⁵⁰

⁵⁰http://www.asylumineurope.org/reports/country/greece/asylum-procedure/access-procedure-and-registration/reception-and#footnote16_5zta9zo

Table 13: Overview Of The Legal Framework Reception Conditions

Legislation title (original and English) and number	Date	Type of law (i.e. legislative act, regulations, etc...)	Object	Link/PDF
Law 3907	26/1/2011	Law	«Establishment of an Asylum Service and a First Reception Service, adaptation of the Greek legislation to the provisions of Directive 1008/115/EC 'with regard to the common rules and procedures in Member States for the return of illegally staying third-country nationals' and other provisions»	http://asylo.gov.gr/en/?page_id=113
Law 4375	3/4/2016	Law	«On the organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EC "on common procedures for granting and withdrawing the status of international protection (recast) (L 180/29.6.2013), provisions on the employment of beneficiaries of international protection and other provisions»	http://asylo.gov.gr/en/?page_id=113
Presidential Decree 220/2007	13/11/2007		Adaptation of Greek Legislation to the provisions of Council Directive 2003/9 / EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers in the Member States	http://www.firstreception.gov.gr/PRIImages/EditorImages/pd220_2007.pdf
Presidential Decree 102/2012	3/9.2012		Organization and operation of the First Reception Service at the Ministry of Public Order and Citizen Protection	http://www.firstreception.gov.gr/PRIImages/EditorImages/P.D.102_2012_First_Reception_Service.pdf

At the national level, as provided by Law 3907/2011, families shall be provided with separate accommodation, while minors shall have the possibility to engage in leisure activities, have access to education and should be provided with accommodation in institutions with personnel and facilities, which take into account the needs of their age (Lyemperopoulou, et al., 2016:16). Article 12(1) PD 220/2007 provides that the authorities competent to receive and accommodate asylum seekers shall take adequate measures in order to ensure that material reception conditions are available to applicants of international protection. These conditions must provide applicants with a standard of living adequate for their health, capable of ensuring their subsistence and to protect their fundamental rights. While according to Article 17 PD 220/2007, the aforementioned standard of living must also be provided to persons who have special needs, as well as to persons who are in detention (AIDA, 2015:65). Therefore, the provision of all or some material reception conditions and health care is subject to the condition that applicants do not have sufficient means to maintain an adequate standard of living adequate for their health and capable of ensuring their subsistence (AIDA, 2016:92).

The structure of the reception system

The ‘National Centre for Social Solidarity’ (EKKA) is the official government body, under the Ministry of Labour, Social Insurance and Social Solidarity, managing the requests for the accommodation of adult asylum seekers and unaccompanied minors at accommodation schemes mainly run by Non Governmental Organisations (NGOs). However, parallel to the national accommodation management system of EKKA, a number of emergency temporary accommodation schemes were introduced in the mainland (including open-type camps) and the islands. These include the UNHCR accommodation scheme which has been in place since November 2015 primarily dedicated to asylum seekers eligible for relocation, family reunification candidates on the basis of the Dublin III Regulation and vulnerable applicants.

The legal system indeed includes provisions for the establishment of different accommodation facilities. In addition to Reception and Identification Centres, the Ministry of Finance and the Ministry of Migration Policy may, by joint decision, establish open Temporary Reception Facilities for Asylum Seekers, as well as open Temporary Accommodation Facilities for persons subject to return procedures, or whose return has been suspended.⁵¹ Though not withstanding these provisions, most temporary accommodation centres and emergency facilities operate without a prior Ministerial Decision and the requisite legal basis.⁵²

Accommodation is a key component of any reception system. On this matter, however, Greece presents a challenging case due to the absence of mainstream welfare services and allowances. These types of provisions are mainly provided via accommodation schemes funded mainly by EU Funds. As provided by Presidential Decree 220/2007, material reception conditions include accommodation in reception centres as well as a financial allowance. Asylum seekers may not stay in reception centres for more than one year, after which they are assisted with finding accommodation. As mentioned above, in order to address the needs of persons remaining in Greece after the imposition of border restrictions, several temporary camps have been created in the mainland in order to increase accommodation capacity, managed by the Greek government. Their legal status remains unclear and different administrative authorities are responsible for their operation in practice (AIDA, 2016:97).

⁵¹According to Law 4375/2016, art 10, by joint decision of the Minister of Finance and the Minister of Internal Affairs and Administrative Reconstruction, open Temporary Reception Facilities are established for third-country nationals or stateless persons who enter or reside in the country without the legal formalities, who:

- a) are in the process of return according to article 22 of Law 3907/2011 or in accordance with paragraph 3 of this article in conjunction with article 30 of Law 3907/2011; or
- b) are in deportation, in accordance with Article 24 of Law 3907/2011; or
- c) they are subject to the provisions of article 76 par. 5 or 78 or 78A of Law 3386/2005

⁵²<http://www.asylumineurope.org/reports/country/greece/reception-conditions/housing/types-accommodation>.

Table 14: Accommodation sites in Greece

Northern Greece	15,550	3,455
Polykastro (Nea Kavala)	4,200	853
Pieria (Iraklis Farm)	200	38
Veroia Imathias (Armatolou Kokkinou Camp)	400	259
Alexandria Imathias (Pelagou Camp)	1,200	418
Diavata (Anagnostopoulou Camp)	2,500	363
Derveni-Alexil	850	97
Thessaloniki (Sindos-Frakapor)	600	53
Thessaloniki (Kordelio-Softex)	1,900	450
Thessaloniki (Sinatex-Kavalari)	500	165
Vassilika (Kordogiannis Farm)	1,500	72
Derveni-Dion Avete	400	154
Konitsa (Municipality)	200	150
Ioannina (Doliana)	400	154
Preveza-Filippiada (Petropoulaki Camp)	700	238
Central Greece	4,160	3,083
Larissa-Koutsohero (Efthimiopoulou Camp)	1,500	978
Volos (Magnesia Prefecture)	1,500	978
Trikala (Atlantik)	360	217
Oinofyta Voiotia	600	679
Tirsona Evoia (A.F. Camp)	1,000	679
Thermopyles Fthiotida	500	442
Southern Greece	300	164
Andravida (Municipality)	300	164
Attica	10,666	7,796
Elaionas	2,500	1,984
Schisto	2,000	950
Skaramangas	3,200	3,200
Elefsina (Merchant Marine Academy)	346	320
Malakasa	1,500	483
Rafina	120	118
Lavrio (Hosting Area for Asylum Seekers)	600	407
Lavrio (Ministry of Agriculture Summer Camp)	400	334
Non-Official Settlements	4,100	1,517
Hockey Field ("Elliniko 1)	1,400	514
Airport Arrivals Area ("Elliniko 2)	1,400	689
Baseball Field ("Elliniko3")	1,300	314

Source: Coordination Body for the Management of the Refugee Crisis

Reception and identification centres

According to Law 4375/2016, newly arrived persons should be directly transferred to a Reception and identification Centre, where they are subject to a 3-day “restriction of freedom within the premises of the centre”, which can be further extended by a maximum of 25 days if reception and identification procedures have not been completed. This restriction of freedom entails “the prohibition to leave the Centre and the obligation to remain in it”. As provided by Article 9(1) of the Law 4375/2016: “All third-country nationals and stateless persons who enter

without complying with the legal formalities in the country shall be submitted to reception and identification procedures”. These include:

- the registration of their personal data and the taking and registering of fingerprints for those who have reached the age of 14,
- the verification of their identity and nationality,
- their medical screening and provision any necessary care and psycho-social support,
- informing them about their rights and obligations, in particular the procedure for international protection or the procedure for entering a voluntary return program,
- attention for those belonging to vulnerable groups, in order to put them under the appropriate, in each case, procedure and to provide them with specialised care and protection,
- referring those who wish to submit an application for international protection to start the procedure for such an application,
- referring those who do not submit an application for international protection or whose application is rejected while they remain in the RIC to the competent authorities for readmission, removal or return procedures” (AIDA, 2017:27).

Five ‘hotspots’, under the legal form of First Reception Centres – subsumed as Reception and Identification Centres (RIC) in 2016 – operate in Greece in the main islands of reception, Lesbos, Chios, Samos, Kos and Leros. The total capacity of the five hotspots was initially planned to be 7,450 places. However, according to official data available by the end of 2017, their capacity has been reduced to 5,576 places:

Table 15: Capacity and occupancy of hotspots per island of reception

Hotspot	Start of Operation	Capacity	Occupancy
Lesvos	October 2015	2,330	5,452
Chios	February 2016	894	1,742
Samos	March 2016	700	2,368
Leros	March 2016	880	643
Kos	June 2016	772	702
Total		5,576	10,907

Source: AIDA, 2017

Key actors present in the RICs include the:

Police: The Police is responsible for guarding the external area of the hotspot facilities, as well as for the identification and verification of nationalities of newcomers.

Frontex: Frontex staff is also engaged in the identification and verification of nationality. Although Frontex should have an assisting role, it conducts nationality screening almost

exclusively in practice, as the Greek authorities lack relevant capacity such as interpreters. The conduct of said procedures by Frontex is defined by an internal regulation.

UNHCR / IOM: Information is provided by UNHCR and International Organisation for Migration (IOM) staff, while interpretation services are currently provided by IOM and NGO Metadras.

Asylum Service: Similarly, the Asylum Service has presence in the hotspots. According to Law 4375/2016, those registered by the RIS and express their will to seek international protection shall be referred to the competent Regional Asylum Office in order to have their claims registered and processed.

EASO: EASO is also engaged in the asylum procedure. EASO experts have a rather active role within the scope of the Fast-Track Border Procedure, as they conduct personal interviews, they issue opinions regarding asylum applications and they are also involved in the vulnerability assessment procedure.

RIS: The RIS used to outsource medical and psychosocial care provision to NGOs, namely Médecins du Monde (MdM), PRAKSIS and Medical Intervention (MedIn). Since June 2017 the Centre for Disease Control and Prevention (KEELPNO), a private law entity supervised and funded directly by the Ministry of Health and Social Solidarity, has started taking over the provision of the medical and psychosocial services. The Hellenic Red Cross was providing services during the transitional period, albeit with drastically reduced resources. As reported, “following the departure of NGOs, medical and social services have seriously been minimised in the RICs, the needs of refugees are not being covered effectively (AIDA, 2017:30).

Competent authorities

The Reception and Identification Service (RIS) has the competence to effectively manage third country nationals and stateless individuals who enter Greece irregularly. The RIS also collaborates with other institutions such as the European Committee, the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), as well as Non-Governmental Organizations (NGOs)⁵³. According to article 12(1), PD 220/2007, the authorities responsible of receiving and accommodating asylum seekers, i.e. the Ministry of Migration Policy, shall take adequate measures in order to ensure that material reception conditions are available to applicants for asylum (Aida, 31/12/2016). The National Centre for Social Solidarity (EKKA) is the responsible authority for managing accommodation referrals to different housing schemes registered in its system.

In addition, the European Asylum Support Office (EASO) has been working with Greece since April 2011 on asylum issues, when the implementation of ‘Operating Plan Phase I’ started. Greece has faced particular asylum pressures in the past years due to a significant influx of irregular migrants at the European external borders. Following a request made by the Greek Government, in February 2011, EASO agreed to support Greece and to deploy Asylum Support Teams (ASTs) to Greece. Then, under ‘Operating Plan Phase II’, EASO assisted the country in building up a new asylum system, in particular by supporting Greece to enhance and build its capacity in tackling the backlog of asylum cases and supporting the setup of a sustainable and

⁵³http://www.firstreception.gov.gr/PRIImages/Prints/52_12042016_FRS_ENG.pdf

efficient asylum and reception structure: new First Reception Service, Asylum Service and Appeals Authority and improving reception conditions (EASO, 2014:2).

The authorities competent to receive and accommodate asylum seekers and the persons responsible for the management of accommodation centres must ensure that the right to family life and to personal security are protected within those centres. The Articles 17 and 20 PD 220/2007, which transpose into Greek legislation Articles 17 and 20 of Council Directive 2003/9/EC respectively foresees a referral system laying down minimum standards for the reception of asylum seekers. More specifically, the competent authorities must make sure that special treatment is provided to applicants belonging to vulnerable groups such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence (AIDA, 2015:73).

According to Amnesty International, although there have been attempts to increase reception capacity for asylum-seekers in Greece, available shelter space is currently well below the needs. In 2015, the National Centre for Social Solidarity (EKKA) received requests to place 1,839 asylum-seekers in a reception facility, while 12,771 adults and accompanied children sought asylum the same year. The actual need being much higher than the referrals of 2015 is also confirmed by representatives of Médecins du Monde (MdM), which operates reception facilities. According to Médecins Sans Frontières, many asylum-seekers do not ask for accommodation knowing that they would need to wait for a very long time. There are also no special shelters for asylum-seekers who require special care other than unaccompanied children, such as people with dementia or serious mental health disorders (Amnesty International, 2016:19).

The maximum length of stay in the reception centres

The EU - Turkey Statement of 18 March 2016, which brought about a significant decrease of refugee flows to the Greek islands, at the same time, launched a practice of blanket detention of all newly arrived persons on the hotspot facilities for a maximum period of 25 days. After this period, newly arrived third country nationals are obliged to remain on the island and to reside in the hotspot facilities for an uncertain period, thus resulting in a serious overcrowding. During these first 25 days, newly arrived are de facto detained under a decision imposing a freedom of movement restriction within the premises of the hotspot. After the expiry of this deadline, they are free to enter and exit the hotspot when they wish to (AIDA, 2016:100).

Although Article 13(2) Presidential Decree 220/2007 sets a maximum time limit of one year regarding the stay in accommodation centres, in reality this timeframe is often violated, as shown by a number of surveys such as a research led by the Greek Council for Refugees in 2014, which concludes that asylum seekers often stay in reception centres 18 months and even longer (AIDA, 2015:69).

According to a research by the Danish Red Cross, which took place at the RIC of Moria in Lesvos, the detainment of asylum seekers can cause long-term effects on their mental health, whereas the negative impacts produced by detention conditions tend to persist over time. Under these living conditions that include the lack of basic resources, the risk of exploitation, and violence, common psychological symptoms that are developed among detained asylum seekers are hopelessness, self-harm, suicidal ideation, distress, and a diminished sense of dignity and

control, which in turn may lead to increased family violence. Also, the use of alcohol and drugs is common, as well as sleeping disorder, anxiety, and depression (Eriksen, et al., 2018:10).

As stated in Article 15(1) Presidential Decree 220/2007 the reception conditions may be reduced or withdrawn when the applicant: a) abandons the place of stay assigned without informing that authority or where required, without obtaining permission, b) does not comply with the obligation to declare personal data, does not respond to a request to provide information, or does not attend the personal interview within the set deadline, c) has lodged a subsequent application, d) has concealed their resources and illegitimately takes advantage of material reception conditions and e) violates the house rules of the reception centre ⁵⁴.

Returns and pushbacks

In practice, those arriving on the Greek islands and falling under the EU-Turkey Statement are subject to a “restriction of freedom of movement” decision issued by the Head of the competent RIC. The decision is revoked once the registration by the RIC is completed, usually within a couple of days. This is followed by a return decision “based on the readmission procedure” and a pre-removal detention order issued by the competent Police Directorate. The return decision and detention order are respectively suspended by a “postponement of deportation” decision of the General Regional Police Director.

Throughout 2017, cases of alleged pushbacks at the Greek-Turkish border of Evros have been systematically reported (AIDA, 2017:23). According to these allegations, the Greek authorities follow a pattern of arbitrary arrest of newly arrived persons entering the Greek territory from the Turkish land borders, *de facto* detention in police stations close to the borders, and transfer to the border, accompanied by the police, where they are pushed back to Turkey. In February 2018, a report issued by the Greek Council for Refugees (GCR) documented a number of complaints of pushbacks in the Evros region. GCR mentioned that allegations of push backs have been consistent and increasing in numbers, referring *inter alia* to large families, pregnant women, victims of torture, children and other persons belonging to vulnerable groups. The Council of Europe Commissioner for Human Rights has expressed deep concerns about reported collective expulsions from Greece (AIDA,2017:23).

Provisions for people with special needs

For persons declared as disable, who have a disability degree over 67% certified according to an opinion of the nearby Health Commission, the Ministry of Health and Social Affairs Solidarity grants an invalidity allowance for as long as period of examination of the application, if it is not possible for applicants to stay in accommodation centres⁵⁵. The amount of financial assistance is defined in accordance with the level of assistance provided by social welfare legislation. The level of financial assistance for asylum seekers must be equal to that available to Greek nationals (AIDA, 2016:93). However, contrary to what is stipulated in the law, the vast majority of asylum seekers still do not receive adequate reception conditions in Greece to date. There is no financial allowance in practice to cover the living expenses of applicants (AIDA, 2015:66-67).

⁵⁴<http://www.asylumineurope.org/reports/country/greece/reception-conditions/access-and-forms-reception-conditions/reduction-or>

⁵⁵Article 12(1) Presidential Decree 220/2007

The legal status of foreigners

Criteria for recognition of refugees and those eligible for subsidiary protection

Refugee status

Refugee status⁵⁶ is granted to a third-country national or a stateless person who meets the criteria established by Presidential Decree 141/2013. Legal assistance is essential to guarantee the procedural guarantees of detainees. The criteria for granting of refugee status are as follows:

- The applicant must face a well-founded fear of persecution within the meaning of article 1A of the Geneva Convention.
- The grounds for persecution must be related to the applicant's race, religion, nationality, political opinion, or membership in a particular social group.
- A causal link must exist between the well-founded fear of persecution on the grounds of one's race, religion, nationality, political opinion, or membership in a particular social group and the acts of persecution.
- The acts of persecution may take a variety of forms, such as physical or mental violence, including sexual violence, and in the case of a minor may also include acts of a gender-specific or child-specific nature.

Subsidiary protection status

In order to be granted subsidiary protection status, there must be substantial grounds to believe that an applicant who does not otherwise qualify for refugee status would face a real risk of suffering serious harm if returned to his/her country of origin. The applicant must provide information pertaining to his/her age, background, country of origin, relatives, travel documents (if any), and reasons for applying for international protection. Each application is examined individually. The qualification for subsidiary protection from a "real risk of suffering serious harm" includes the death penalty or execution, torture or other inhuman or degrading treatment or punishment, or a serious and individualized threat to persons due to violence in the case of internal armed conflict⁵⁷.

⁵⁶"Refugee" is defined in accordance to the definition provided in Art 1A of the Geneva Convention (UNHCR 2011) as a person 'owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is out-side the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it'

⁵⁷The Library of Congress website:<https://www.loc.gov/law/help/refugee-law/greece.php#Legal>

Applicants for international protection

According to Greek Law 4251/2014, a beneficiary of international protection is a foreign national or stateless person to whom the competent Greek authority granted refugee or beneficiary of subsidiary protection status. A person seeking international protection is any alien or stateless person⁵⁸ who declares to any Greek authority, orally or in writing, that he/she is seeking asylum or requests not to be deported because he/she is in fear of persecution because of his/her race, religion, nationality, participation in a particular social group or his/her political beliefs, or because he/she is in danger of suffering serious harm in his/her country of origin or country of previous residence, especially because he/she is in danger of facing the death penalty or execution, torture or inhuman or degrading treatment or his/her life or physical integrity is in danger because of an international or civil war. Also, any alien who is transferred to Greece by a European state which implements the EC “Dublin III” Regulation is regarded to be a person seeking international protection (asylum).⁵⁹

As of June 2013, applications for international protection fall within a new procedure established by Presidential Decree 113/2013. Every foreigner or stateless person has the right to submit an application for international protection, provided that he or she meets the criteria of the Geneva Convention and applicable national law or qualifies for subsidiary protection. The competent national authorities of first reception are obliged to inform the applicants of such rights. Decisions are made by the Asylum Service on a case-by-case basis. Applicants have the right to stay in Greece during the application process.⁶⁰

Rights and obligations according to law 4251/2014

Rights of applicants for international protection

As an applicant for international protection in Greece:

- Deportation is prohibited until the examination of the application is completed.
- He/she may move freely throughout the country, apart from specific areas of the country.
- If the applicant is homeless, he/she may ask to be hosted in a Reception Centre or another facility. Provision accommodation will depend on the availability of spaces.
- The applicant has the right to work under the conditions set by Greek law. As an employee, the applicant has the same rights and obligations, regarding social security, as any Greek citizen.
- The applicant has the right to receive medical and pharmaceutical treatment free of charge, provided that he/she is uninsured and indigent. If the applicant is a disabled person with a disability percentage of 67%, he/she has the right to receive a disability allowance.

⁵⁸The term "stateless person" means a person who is not considered as a national by any State under the operation of its law. According to Greek Law 4251/2014 “Stateless means any natural person who meets the conditions set out in the 1954 New York Conventions relating to the status of stateless persons, which has been ratified by Law 139/1975 (Government Gazette, Series A, No 176)”. http://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.24_convention%20stateless.pdf

⁵⁹http://asylo.gov.gr/en/?page_id=66

⁶⁰The Library of Congress website: <https://www.loc.gov/law/help/refugee-law/greece.php#Legal>

- Children have access to the public educational system free of charge and adults have access to vocational training.
- As long as the applicant remains an applicant for international protection, he/she cannot travel outside Greece and cannot transfer his/her family from their country of origin to Greece.

Obligations of applicants for international protection

As an applicant for international protection in Greece, it is his/her obligation to:

- Remain in Greece until the examination of the application is completed.
- Cooperate with the Greek authorities regarding any issue related to the application and the verification of his/her personal data.
- Go in person to the Asylum Service in order to renew his/her card before it expires and, at the latest, on the next business day after its expiry date.
- Inform immediately the Asylum Service regarding the address of his/her residence and contact information as well as any change in them. The Asylum Service sends documents related to his/her case to the address that he/she has declared.
- Abide by the deadlines, as these are determined throughout the different stages of the procedure of examination of the application.
- Disclose his/her true financial situation in the event he/she receives social benefits from the Greek state.
- Comply with the obligations that apply in the event he/she is housed in a Reception Centre or other facility.

Rights of refugees and beneficiaries of subsidiary protection

Greek law foresees the following rights and benefits for persons granted refugee status or subsidiary protection⁶¹:

1. Family unity

Greek asylum authorities are required to ensure the family unity of those who are recognized as refugees or beneficiaries of subsidiary protection. Family reunification is defined by the Directive 2003/86/EC as:

“the entry into and residence in a Member State by family members of a third country national residing lawfully in that Member State in order to preserve the family unit, whether the family relationship arose before or after the resident's entry”.

Third country nationals holding a residence permit valid for at least two years and recipients of international protection are eligible for family reunification. However, the existing legal framework does not specify if recipients of subsidiary protection or humanitarian status are eligible, despite generally having equal rights as recognised refugees (Karamanidou,2017:19)

⁶¹The Library of Congress website <https://www.loc.gov/law/help/refugee-law/greece.php#Legal>

Third country nationals legally residing in Greece can apply for family reunification with:

- spouses over 18 years old
- their biological or legally adopted children under 18
- biological or adopted children under 18 of either of the spouses, included those legally adopted where the spouse has custody and the children are dependent on him or her
- in cases of polygamy, with children under 18 by a another spouse only if the applicant has guardianship

In addition to the above family members, **refugees** can request reunification with:

- adult unmarried children of the applicant if they are unable to provide financially for themselves because of health issues
- parents dependent financially on the applicant in their country of origin
- partners to whom they are not married if there sufficient evidence of a long term relationship

Recognised refugees who are **unaccompanied minors** can ask for reunification with:

- first-degree relatives in the direct ascending line of the sponsor or their spouse, where they are dependent on them and do not enjoy proper family support in the country of origin
- the legal guardian or any other member of the family, where the refugee has no relatives in the direct ascending line or such relatives cannot be traced.

In case the family reunification application falling under the above categories is accepted and the family member is transferred to Greece, the family member acquires the same legal status as the applicant, unless they do not wish to have such status.

2. Residence permit

Recognized refugees or beneficiaries of secondary international protection are granted a residence permit for three years, which is renewable at the request of the person concerned, except for those who pose a threat to national security or to public safety due to conviction for an especially serious crime. The family members of refugees or beneficiaries of international protection are also granted a residence permit.

3. Travel documents/repatriation

Recognized refugees are provided travel documents to be able to travel abroad pursuant to the sample contained in the Annex of the Geneva Convention, unless reasons exist for banning the travel of the person concerned. The passport is granted by the Passport Office of the Greek Police and the required documents, duration and renewal are determined by Law 3103/2003. The Greek authorities are required to provide assistance to international protection beneficiaries to return to their countries of origin, if they so wish.

4. Education

All refugee children must have access to public education. In addition, adults have access to educational training and development under the same terms and conditions as nationals.

5. Access to employment

Those who are recognized as persons in need of international protection have access to employment, either salaried or independent, pursuant to Presidential Decree 189/1998. The national legislation on remuneration, terms of employment, training, and educational opportunities also applies to those who have been recognized as refugees.

6. Health care

Recognized refugees or persons with subsidiary protection status have the right to health care on the same basis and conditions as Greek nationals. Persons with special needs, such as pregnant women, the elderly, unaccompanied children, people who have been subject to torture or other inhuman or degrading treatment, or persons with disabilities, as well as trafficking victims and those who come from conflict areas, are entitled to appropriate medical care, including psychological care and support, also under the same conditions as Greek nationals. Presidential Decree 220/2007 provides for free healthcare services for all asylum seekers regardless of whether they are hosted in the reception facilities or not.

Unaccompanied foreigner minors

The mixed migration flows recorded in Greece over the last years have included increasing numbers of children under 18 years old who arrive alone in the country, unaccompanied by their parents, relatives or a legal guardian. These children are referred in the refugee jargon by the terms unaccompanied minors or unaccompanied children (UAC), and represent a specific category due to their high vulnerability that requires special attention from the authorities. As defined by the United Nations (UN) Convention on the Rights of the Child:

“Unaccompanied children (also called unaccompanied minors) are children, as defined in article 1 of the Convention, who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so”. (UN, 2005: 6)

Unaccompanied children who arrive in Greece are entitled to care and protection from the Greek State – including in line with its obligations deriving *inter alia* from the UN Convention on the Rights of the Child and the ECHR. However, Greece lacks a comprehensive protection system for unaccompanied children and faces a chronic shortage of suitable accommodation facilities. As a result, UAC are exposed to significant risks as they often remain homeless, in poor transit sites and under prolonged administrative detention in sub-standard and degrading conditions in protective custody at police stations, in pre-removal detention centres, and in closed facilities on the Greek islands (at the RICs), while awaiting transfer to appropriate accommodation centres (Human Rights Watch, 2016:2).

According to The Greek Ombudsman while Article 32 (1) of the Law 3907 underlines that detention of families and unaccompanied minors should only be perceived as "a measure of last resort",

“Greek law allows the detention of unaccompanied children identified at border areas or within the Greek mainland, for reasons of ‘protective custody’ while awaiting transfer to appropriate shelters. Also there are three legislative frameworks regulating the administrative detention of unaccompanied minors: a) the recent law

4375/2016, which in Article 14(2) provides for the restriction of the liberty of all irregularly entering third-country nationals, including unaccompanied minors, at the RICs, for up to 25 days, and in Article 46(10) the detention of asylum seeking unaccompanied minors for up to 45 days, and until they are referred to a suitable accommodation facility, an option that must be the last resort, b) law 3386/2005, which in Article 76(3), as in force, allows the administrative detention for the cases of unaccompanied minors who are arrested on the borders of the country, where deportation is possible, and c) Article 30 of Law 3907/2011, that allows the administrative detention of unaccompanied minors arrested on the mainland, for whom return is possible, according to Article 25 of the same law⁶².

Regarding the detention conditions of minors, Art. 32 of Law 3907/2011 stipulates that:

“minors shall have the possibility to engage in leisure activities, including play and recreational activities appropriate to their age, and shall have, depending on the length of their stay, access to education, in accordance with the provisions of article 72 Law 3386/2005. Unaccompanied minors shall as far as possible be provided with accommodation in institutions with personnel and facilities taking into account the needs of their age. The best interests of the child shall be a primary consideration in the context of the detention of minors pending removal”.

Guardianship

In case relatives or other next-of-kin are not identified as caregivers for unaccompanied and separated children (UASC) in Greece, by law the local Public Prosecutor is assigned as their legal guardian and they are then placed in accommodation facilities around Greece, including shelters, safe zones and emergency schemes (e.g. hotels). UNHCR observed that different issues pertaining to the protection of UASC are dealt with by different Ministries, which have so far not established sufficiently strong coordination mechanisms. Furthermore, no steps have been taken to mainstream services for UASC into the national child-protection system. In parallel, the competent Ministry of Justice established a working group for the review of the guardianship system for UASC. This group, engaging national authorities and human rights bodies, has been identifying existing gaps and looking at guardianship schemes elsewhere in Europe with a view to proposing improvements for Greece. However, the guardianship system remains highly insufficient (UNHCR, 2014:23).

According to Article 19 of the Presidential Decree 220/2007 :

“competent authorities shall take the appropriate measures to ensure the minor’s necessary representation. For this purpose, they shall inform the Public Prosecutor for Minors or, in the absence thereof, the territorially competent First Instance Public Prosecutor, who shall act

⁶²The Greek Ombudsman, 2017:26

as a provisional guardian and shall take the necessary steps in view of the appointment of a guardian for the minor”.

However, Greece lacks an effective guardianship system for UAC and minors identified throughout the country by border, police, or reception and identification authorities or NGOs are obliged to notify the Public Prosecutor who then acts as a provisional guardian. At the same time, the latter authorities refer the minor to the National Centre for Social Solidarity (EKKA) for placement in appropriate accommodation centers. In lack of an overall legal framework for effective guardianship, functions related to guardianship of UAC are implemented by NGOs, including shelter-providers.

Age assessment

Provisions on age assessment are included in the Joint Ministerial Decision 1982/2016 of the Minister of Interior and Administrative Reconstruction and the Minister of Health. They foresee age assessment via a macroscopic medical examination, and, in case of doubt, assessment of the person’s cognitive, behavioural, and psychological development. Referring the person to a hospital for specialized medical examination should be a measure of last resort. In the Reception and Identification centres, age assessment is often carried out by NGOs. Implementation issues related to age assessment have, in some cases, resulted in unaccompanied children being identified as adults and being placed in detention with no effective means of appealing against the outcome of the assessment. Furthermore, misidentification of migrant children as adults puts them in risk of abuse and lack of special care and protection guaranteed by Greek and international law (Civis Plus, 2018:20).

The Joint Ministerial Decision 1982/2016 (Government Gazette, series B, No. 335/2016) and Ministerial Decision G.P.oik. 92490/2013 (Government Gazette, series B, No. 2745/2013),

“instituted programs for the medical check, psychosocial diagnosis and support, in relation to third-country nationals arriving without documentation in first reception facilities. According to these, the age of unaccompanied minors is verified through a three-phase procedure. The verification of minority age at the first phase, excludes the second one, and so forth, making the medical check the last phase of the procedure. The verification of age appears to still be based mainly on the medical assessment carried out at the hospitals, according to a standard method that includes an x-ray and dental examination, without recording the method followed or other information, while the clinical assessment of the anthropometric figures and the psychosocial assessment is either absent or limited. This renders the verification of the scientific correctness of the assessments even more difficult”.⁶³

Rights and duties

As all third country nationals entering Greece without legal documents, according to Law 3907/2011 unaccompanied children identified in Greece are also subject to first reception

⁶³The Greek Ombudsman, 2017:25

procedures, including the provision of information on their rights and legal options. They have the right to apply for international protection under the regular procedure (Law 4375/2016) and depending on their individual needs and family links in Europe, they can apply either for (i) asylum in Greece, or (ii) family reunification under the Dublin III Regulation, or (iii) assisted voluntary return to their country or origin

In accordance with relevant provisions of the ECHR, the Dublin III Regulation and the UN Convention on the Rights of the Child, the best interest of the child must be a primary consideration. However, registration and asylum procedures are complex to navigate and assistance and representation by legal practitioners is in most cases necessary. Unaccompanied children younger than 15 years cannot submit an asylum application without a legal representative, and those younger than 14 years old are not subjected to fingerprinting in the context of Dublin III procedures.

Delays are noted in the processing of UAC asylum and family reunification applications, including their actual registration, which can have serious implications for their psychological state and well-being. The UN Committee on the Rights of the Child has underlined that delays or prolonged decision making have particularly adverse effects on children; recommending that procedures or processes concerning children be completed in the shortest time possible. Besides heightened protection risks and increased need for durable solutions resulting from their age and lack of family environment, unaccompanied children however are in many hotspots subject to additional restrictions compared with other persons, such as the placement in closed facilities or longer waiting times to be transferred to specialised accommodation (FRA, 2016:19).

Unaccompanied children also have the right to appropriate accommodation and supporting services that take into account their specific needs. The accommodation centres and shelters where these minors are placed by EKKA are operated by NGOs. Due to the lack of sufficient overall spaces in UAC shelter, other emergency or temporary accommodation alternatives have been introduced since 2016, including safe zones in the open sites in the mainland and emergency accommodation in hotels. These specialized accommodation centres are financed by the European Union, as well as by International Organizations such as the UNHCR, the International Organization for Migration, UNICEF or private actors. Unaccompanied minors may stay at the shelters until they are: a) relocated, b) reunited with members of their family in other EU countries or c) integrated into the Greek society (General Secretariat on Media & Communication, 2017:4).

According to a report led by the Institute of Child Health in September 2017, there were increased reports by UAC shelter providers of mental health concerns among UAC, including stress related aggressive behaviour, high levels of anxiety, depression or acts of self-harm and/or increasing incidents of high risk behaviour. Challenges to accommodate and respond to the increased caseload of UASC, combined with the limited availability of child and adolescent focused mental health services nationwide, raised questions among authorities and child protection actors about the most appropriate mode of response (Nikolaidis et al, 2017:1).

Moreover, similar to adult asylum seekers, unaccompanied children have free access to the national health care system, while, according to national legislation, children are entitled to education irrespective of their legal status. The Greek State implements two parallel systems for the education of refugee and minor children: a) enrolment and attendance at the regular school curriculum (for children accommodated outside accommodation centres and facilities) and b) integration in Facilities for the Reception and Education of Refugees (DYEP) for the rest of the

cases. In particular, the planning of the DYEPs aimed at meeting the need for a gradual educational integration of minor refugee populations living in accommodation centres or facilities of the Greek state or of the UNHCR, and to prevent any tensions and excessive burden on the basic educational system, without the appropriate preparation (The Greek Ombudsman, 2017:62). Law 3907/2011 also provides for constructive ways for minors to spend their free time. This means they have the chance to engage in leisure activities such as games and recreational activities (Katsogiannou, 2017:14).

The legal status of immigrants

General requirements for Right of residence

According to Law 4251/2014, the right of residence of third-country nationals legally entering Greece shall be subject to the following requirements:

- a) They shall hold valid travel documents recognised by Greece, the validity of which extends at least three months after the last intended date of departure
- b) They shall hold a valid national visa
- c) They shall pose no threat to public policy, national security or international relations, and not be registered in the national databases of undesirable aliens. If there are reasons relating to public policy and security, the competent agency may refuse to issue or renew the residence permit
- d) They shall pose no threat to public health
- e) They shall have full health insurance for all risks covered for Greek nationals⁶⁴.

Categories of residence permits

A third-country national who has been granted a visa in Greece for one of the reasons set out here must request a residence permit for the same reason on entry to the country. The categories of residence permits and the types of permissions that these include are:

- a) Residence permit for employment and business purposes (paid employment – provision of services or work, special purpose employees, investment activity, highly qualified employment EU Blue Card)
- b) Temporary residence (seasonal employment, fishermen, members of artistic groups, third-country nationals who move from undertakings established in EU or EEA Member States with the purpose of providing services, third-country nationals who move from undertakings established in third countries with the purpose of providing services, tour leaders, third-country nationals who are tertiary education students participating in traineeship programmes)
- c) Residence permit for humanitarian, exceptional and other reasons (humanitarian reasons, exceptional reasons, public interest)
- d) Residence permit for studies, voluntary work, research and vocational training (studies, voluntary work, research, vocational training)

⁶⁴Ministry of Interior website <http://www.ypes.gr/UserFiles/24e0c302-6021-4a6b-b7e4-8259e281e5f3/metanast-N4251-2014.pdf>

e) Residence permit for victims of human trafficking and smuggling of immigrants

f) Residence permit for family reunification (family members of third-country nationals, family members of Greek nationals or expatriates, individual residence permit for family members of third-country nationals or expatriates, and personal right of residence for family members of Greek nationals)

g) Indefinite-term residence permit (long-term resident permit, second-generation residence permit, ten-year residence permit).

Each residence permit indicates whether access to the labour market is allowed. The initial residence permit shall be valid for two years and each renewal shall be for a three-year period⁶⁵.

Temporary residence – Employment subject to a D-visa

Third-country nationals entering the country for a specific purpose and for a specific period of time which depends on attainment of the relevant purpose shall be granted by the competent consular authority a D-visa for a duration of over ninety days which allows them to reside in the country for employment or other purposes, without prejudice to the general and special provisions on visas. This D-visa shall be granted to third-country nationals that fall under the following categories: a. Seasonal workers b. Fishermen c. Members of artistic groups.

Issue of residence permit for exceptional reasons

The Minister for the Interior may exceptionally grant a one-year residence permit, on opinion of the committees referred to in Article 134(1), to third country nationals who reside in Greece and can prove to have developed strong bonds with the country.

Other reasons for the issue of residence permits

A third-country national who has been granted a visa shall be granted a residence permit accordingly:

- Financially independent persons
- Owners of property in Greece
- Adult children, over the age of 20, of members of the diplomatic staff and of the administrative and technical staff of a diplomatic mission, and children of consular officers and special consular employees serving in Greece, if they live with their parents.
- Dependent family members, being lineal ascendants, of members of the diplomatic staff and of the administrative and technical staff of a diplomatic mission, and of consular officers and special consular employees serving in Greece.
- By decision of the secretary general of the decentralised administration, residence permits shall be issued to the area of Mount Athos for studies or acquaintance with monastic life in Mount Athos⁶⁶.

⁶⁵Ministry of Interior website <http://www.ypes.gr/UserFiles/24e0c302-6021-4a6b-b7e4-8259e281e5f3/metanast-N4251-2014.pdf>

<http://www.ypes.gr/UserFiles/24e0c302-6021-4a6b-b7e4-8259e281e5f3/metanast-N4251-2014.pdf>

Common rights of third - country nationals

1. Third-country nationals who legally reside in the county may freely move and settle anywhere in its territory. By presidential decree issued at the proposal of the Ministers for the Interior, Foreign Affairs, National Defence and Public Order & Citizen Protection, residence or settlement may be prohibited in certain geographic regions of the country for reasons of public interest⁶⁷.
2. Third-country nationals who legally reside in Greece shall be insured with the relevant insurance organisation⁶⁸ and have the same insurance rights as Greek nationals.
3. The provisions of Legislative Decree 57/1973 on social protection, as amended and in force, shall also apply to third-country nationals who legally reside in Greece.
4. Detained third-country nationals shall be informed in a language they can understand about the rules of conduct and their rights and obligations as soon as they are admitted to an institution.
5. The validity of a residence permit shall not be affected by temporary absences which do not exceed six months in total per year, by longer absences for military service purposes or by one continuous absence of twelve months maximum, for serious reasons, especially related to motherhood or pregnancy, serious illness, studies or vocational training in another Member State or third country.
6. Minor third-country nationals who reside in the Greek territory shall be subject to the same requirement of compulsory education as Greek nationals. Minor third-country nationals who are students on any level of education shall have unlimited access to the activities of school or academic communities.
7. Enrolment of minor third-country nationals to Greek schools of any level shall require the same supporting documents requested from Greek nationals. Exceptionally, the children of third-country nationals may be enrolled to public schools with incomplete supporting documents if: a. They are protected by the Greek State as beneficiaries of international protection and the protection of the United Nations High Commissioner for Refugees; b. They come from highly turbulent areas; c. They have lodged an application for international protection; d. They are third-country nationals residing in Greece, even if their legal residence in the country has not been regulated.
8. The terms and conditions for the recognition of primary and secondary education degrees obtained in the country of origin and the conditions for inclusion in the Greek education system, and for the enrolment of students who are third-country nationals to public schools may be determined by decision of the Minister for Education and Religious Affairs.
9. Without prejudice to more special provisions of the applicable legislation, third-country nationals who are secondary education graduates in Greece shall have access to tertiary education, on the same terms and conditions as Greek nationals.
10. Exercise of any professional activity by third country nationals, provided that all other legal requirements are met, shall not require the procurement of a reciprocity certificate⁶⁹.

⁶⁶Ministry of Interior website <http://www.ypes.gr/UserFiles/24e0c302-6021-4a6b-b7e4-8259e281e5f3/metanast-N4251-2014.pdf>

⁶⁷Law 4251/ 2014 Article 21. It does not mention specific areas.

⁶⁸Health & Pension insurance.

Obligations of third - country nationals⁷⁰

1. While residing in Greece, a third-country national shall declare to the competent agencies to the decentralised administrations of Greece or to the Directorate for Migration Policy to the Ministry for the Interior: a. Any change to his home address; b. Any change to his personal status, particularly the change of nationality, entering into a marriage, dissolution or annulment of marriage, or birth of child; c. The loss or renewal of, or change to, the particulars of his passport or other travel document; d. The loss of the permit or of the residence or permanent residence certificate.

2. A third-country national who is in possession of a residence permit must depart at no further notice by the last day of the duration of validity, unless he has lodged an application for renewal before expiry and has been granted the certificate referred to in Article 8(7) and Article 9(6).

3. Public documents issued by foreign authorities which are required shall be authenticated by affixing the apostille of the Hague Convention⁷¹, if so required. In the cases where no apostille is required, these documents shall be certified by the Greek consular authority or the Greek Ministry for Foreign Affairs in terms of authenticity of signature of the foreign authority officer.

Rejection – Withdrawal of residence permit

A residence permit shall not be issued or renewed, or shall be withdrawn if:

- a. The requirements are not met no longer or at all;
- b. An official document issued by a competent Greek authority or a final court judgment declares that false or misleading information, false or falsified documents were used, that fraud was otherwise committed or other unlawful means were used for the issue of the residence permit;
- c. The applicant fails to respond within two months to a written notice relating to any matter pertinent to the issue of the residence permit. The applicant may submit an application for reconsideration within one month from notice that his application has been rejected.

If an issued residence permit is withdrawn or the request for the issue or renewal of a residence permit is rejected, the services competent as appropriate shall issue a return decision pursuant to the provisions of Article 16 to 41 of Law 3907/2011⁷².

Integration of immigrants, asylum seekers and refugees

The aim of this section is to present a overview of recent developments in the integration of immigrants and refugees in Greece, while the country has been struggling with the consequences of a financial and humanitarian crisis, and in the wake of the Syrian war the number of refugee and migrant flows in Greece increased dramatically. “The Greek state currently faces the major challenges of a shrinking labour market and an ongoing restructuring

⁶⁹Ministry of Interior website <http://www.ypes.gr/UserFiles/24e0c302-6021-4a6b-b7e4-8259e281e5f3/metanast-N4251-2014.pdf>

⁷⁰Law 4251/2014

⁷¹The Hage Convention of 1961 allows for the legal recognition of official documents of third countries

⁷²Ministry of Interior website <http://www.ypes.gr/UserFiles/24e0c302-6021-4a6b-b7e4-8259e281e5f3/metanast-N4251-2014.pdf>

of labour relations, which hinder, the already problematic, integration of legally residing third country nationals” (Skleparis, 2018:2).

Immigrants in Greece are among the most vulnerable social groups facing a constant risk of poverty and social exclusion. More specifically, immigrants are over-represented among the groups with low socioeconomic standing and are disproportionately affected by unstable employment and unemployment, in addition to the lack of housing or poor housing quality, poor access to the national health system and to education and training as well as to overall low living standards. In Greece, participation in the labour market is intertwined with social inclusion, while unemployment is intertwined with the risk of marginalization and social exclusion (Anagnostou, et al., 2015:27).

Refugee and migrant integration policies in Greece focus on three policy areas, which are key to social and economic integration: a) labour market; b) healthcare and social welfare services; and c) education and training (Skleparis, 2018). It took nearly twenty years for Greek authorities to realize that migration policy planning should be considered as a long-term and multi-faceted phenomenon rather than a temporary emergency phenomenon (Anagnostou, et al., 2015:20). In this context, one of the key purposes of the new Immigration Code in 2014,⁷³ was to promote the recognition and acceptance of legal migrants and their equal participation in the economic, social and cultural life of the country. According to this legal framework, TCNs legally residing in the country enjoy equal access to the labour market as Greek nationals, with a few exceptions (*e.g.* restricted access to public sector jobs). In reality however, legally residing TCNs are still mainly employed in low-skilled and highly precarious jobs, while facing large percentages of unemployment (Skleparis, 2018:2).

According to MIDAS Project from 2008 to 2013:

“the Greek authorities applied an ‘Integrated Border Management’ policy, by reinforcing Greece’s external borders through human and material resources, while at the same time pursuing a similar agenda in non-border areas by persecuting irregular migrant population. During this period, Greece was the biggest beneficiary of the European Return Fund (2008-2013) receiving around 125 million euro, plus almost 5 million in emergency funding, 50% of this allocation was earmarked for the implementation of actual returns, and approximately 32 % for costs related to detention facilities in order to improve their conditions. At the same time, voluntary return seemed to hold the key to an effective migration management” (Angeli, et al., 2014:15).

Those practices were largely in line with EU aims and objectives, as they were approved both by the European Council and the Commission, while the main sponsor of Greece’s asylum and migration policy was the European Commission, through the “SOLID” Framework Programme (funding period 2007- 2013) (Angeli, et al., 2014:18).

In April 2014, a new legal framework on migrant integration was introduced, with the adoption of law 4251/2014 ‘Code for Immigration and Social Integration’. This law simplified procedures and provided migrants possessing ten-year or indefinite duration residence permits,

⁷³Law 4251/2014, Article 128.

the right to convert them into permits for long-term residents, thus promoting legal security and establishing a status of rights and entitlements (Civis Plus, 2017:31). According to a 2017 'CivisPlus' report concerning the years 2014-2016, these measures have not worked as expected, since they were implemented without proper monitoring and evaluation, in addition to coordination problems in the design and implementation of integration policies. Until February 2015, at least five Ministries were directly involved in the design of immigration policy and three other services in its implementation. This situation changed, with the merging of the Ministry of Public Order with the Ministry of Interior, and the establishment of a new Ministerial position, that of the Deputy Minister for Immigration (Civis Plus, 2017:32).

A subsequent Law(4375/2016) established that all international protection beneficiaries and applicants have access to wage employment or self-employment on the same terms and conditions as Greek nationals. However, in practice, very few international protection beneficiaries and applicants make use of this provision and bureaucratic obstacles in obtaining the necessary documents for employment, as well as opening a bank account, hinder access of international protection beneficiaries and applicants to the labour market (Skleparis, 2018:3).

Prior to Law 4375/2016, the rights of the international protection beneficiaries in Greece (recognized refugees and beneficiaries of subsidiary protection) were regulated by Presidential Decree 141/2013, which incorporated Directive 95/2011/EC on the procedures of determining the refugee status. According to Presidential Decree 141/2013 and Article 128, Paragraph 2 of Law 4251/2014, "*Integration policies apply to all legally residing third country nationals and to members of their families*". The access to the labour market was regulated through Presidential Decree 141/2013 (Art. 27), in conjunction with Presidential Decree 189/1998 (Karantinos, 2016:2). However, even following the enactment of Law 4375/2016, it is exceptionally difficult for asylum seekers and refugees to find employment, as priority by employers is predominantly awarded to Greek and EU citizens. As a consequence, asylum seekers resort to illegal employment, which has severe repercussions, mainly the lack of certain basic social rights which in turn subjects them to further poverty and vulnerability (Karantinos, 2016:3).

According to National Statistical Service of Greece in Labour Force Survey (1st quarter 2008- 1st quarter 2011) recorded a steady increase in unemployment of foreigners since the beginning of 2009, surpassing by almost five percentage points the equivalent general average rate of unemployment during the first quarter of 2011. In absolute numbers, during 2009-2011 the number of unemployed foreigners exceeded the number of working foreigners. Last but not least, the fact that approximately 600.000 residence permits were valid in early 2010 and their number at the end of 2011 was around 445.000 indicates a decrease of the legal immigrant population that is probably associated with unemployment (Maroukis, 2012:2). In 2013, the regional authorities issued and renewed 6,952 work permits for asylum-seekers and rejected 1,620 requests while, in the same period, there were more than 33,000 active cases of applications for international protection pending with the police and the new Asylum Service. Without a valid work permit, asylum-seekers were deprived of the enjoyment of a series of rights, including the possibility to participate in EU-funded programs for access to the labour market, access to social benefits, such as unemployment allowances, allowances for children in single-parent families, enrolment of children in nursery schools and other rights (Karantinos, 2016:3).

Moreover, as illustrated by data of the NGO 'Solidarity Now', refugees in Greece appear to have an increased level of dependency which impedes their integration into Greek society. The country has yet to develop an integrated plan with regards to the integration of refugees,

beneficiaries of international protection (and TCNs for that matter). Indicatively: a) 73.68% of asylum seekers and refugees report that they depend on NGOs assistance to pay rent for their families, b) 72.19% report that their primary source of income derives from assistance by NGOs and international organisations, c) 32% of those stating that they have found employment work in the shadow labour market (Vasilaki, 2017:16).

In April 2013, the Greece introduced a National Strategy for the inclusion of third-country nationals,

“this Strategy places emphasis on training and developing the skills of those already in Greece; setting out the categories of professions for which there have been increased needs in the past five years, such as: seasonal employment (tourism), transfer of fishery workers, highly qualified workers, and transfer of seasonal workers to the agricultural economy. In addition, the Strategy also includes measures on access to: social and health services, reception and introductory courses, combating informal employment by fostering legitimate employment, combating discrimination and the promotion of equal treatment. Furthermore, it targets vulnerable groups such as women, children, elderly people and people with disabilities” (Karantinos, 2016:5).

However, the above National Strategy has only been partially implemented so far, mainly due to budgetary constraints and delays in the implementation of Asylum, Migration and Integration Fund (AMIF) related actions. Part of AMIF allocations go to international organisations such as UNHCR and NGOs as emergency funding. Greece received EUR 259.4 million under AMIF to increase its reception capacity to 2,500 places by the end of 2015, to improve the quality and speed of the asylum decision-making process, and to implement a comprehensive policy on the integration of immigrants. However, Greece could not absorb the biggest part of the funding (Samek, et al., 2017:60).

The Main Pillars of the Strategy include provisions for the promotion of regular migration with Country of Origin (CoO) pre-departure measures, enhancement of TCNs’ language skills, improvement of attainment in education system, assistance of TCNs integration into the labour market, promotion of access to social security, healthcare, participation in TCNs organisations, promotion of inter-culturalism and combating racism and xenophobia.

Additional provisions aim at the promotion of integration for specific vulnerable groups, the sensitisation of local society through awareness raising campaigns, intercultural training of civil servants, creation of intercultural dialogue platforms, etc. Other Pillars cover the accommodation in rented apartments for vulnerable groups of legally residing TCNs, the strengthening of intercultural mediation services, increasing cultural awareness, the establishment of a sustainable, efficient guardianship system for UASC, and the establishment of Community Support Centres (CSC), under the overall aim to create a sustainable and coherent integration framework⁷⁴.

In practice, to date most integration initiatives are implemented by civil society actors, including refugee and migrant communities, which have undertaken a key role for TCNs’

⁷⁴Main Pillars of the National Strategy on Integration, is available at http://asylo.gov.gr/wp-content/uploads/2016/12/Programme_2014GR65AMNP001_4_4_el.pdf

inclusion in Greece. Especially since 2015, UNHCR has also played a key role in relation to the accommodation of the recently arrived asylum-seeking population and vulnerable refugees. Notably, in the framework of the Emergency Support To Integration & Accommodation – ESTIA programme, as of 24 April 2018, the total number of places for refugees and asylum-seekers created by UNHCR, the UN Refugee Agency, reached 24,197.⁷⁵ Simultaneously the UNHCR works with the Ministry of Migration Policy, the Local Government and Non-Governmental Organizations to provide housing and support through prepaid cash cards for asylum seekers in Greece, funded the European Union's Civil Protection and Humanitarian Aid.⁷⁶

Housing in apartments improves the daily lives asylum seekers and refugees in Greece, facilitating their access to services, including education. In this way, the integration of those who will remain in the country is gradually being supported. The local community is enriched with coexistence with its new members, while the local economy is boosted by renting the apartments. Also financial support through prepaid cards strengthens the sense of dignity and empowers refugees and asylum seekers by enabling them to choose how they will meet their everyday needs. At the same time, the local market for products and services is directly enhanced.⁷⁷

Integration of refugee and migrant children

The Greek Constitution guarantees the right of all children to education and, according to the law, all children must attend school. In Greece, the schools' autonomy allows them to be in cooperation with parents' associations or with the municipality as well as to produce information in their languages of choice. Sometimes, at their own initiative, teachers inform stakeholders and NGOs about the curriculum of the so-called intercultural school in all languages, including in Swahili (Mancheva, et al.,2015:103). On 30 July 2017, the Minister of Migration Policy announced that the Ministry is currently working on an integral integration plan focused on education and employment, after systematic assessment of refugees' skills and qualification and consultation with all stakeholders in the field of employment. However, for the time being, this plan has not been translated into concrete measures. Efforts with regards to areas fundamental for the integration of the refugee or migrant community, such as education/training and employment/apprenticeships, are sporadic and mostly originating into civil society (NGOs and international organisations) (Vasilaki, 2017:16).

Acquisition of Greek citizenship

In Greece, the term *citizenship* (or *nationality*) refers to the legal link that connects the individual with the country in which he or she belongs, while the term *ethnicity* refers to a non-legal bond of a person with a particular nation. Those belonging to the same nation are regarded as part of a homogeneous whole, while the rest are referred to as *aliens* or *third country nationals*.

⁷⁵ESTIA- UNHCR Greece. Accommodation Programme – Weekly Update, 24 April 2018, is available at <http://estia.unhcr.gr/en/accommodation-programme-weekly-update-24-april-2018/>

⁷⁶ESTIA - A new chapter in the life of refugees in Greece is available at http://estia.unhcr.gr/el/home_page/

⁷⁷ESTIA - A new chapter in the life of refugees in Greece is available at http://estia.unhcr.gr/el/home_page/

The Greek legal framework concerning nationality is regulated by provisions of the Law 3284/2004, as subsequently altered by Laws 3838/2010 and 4332/2015. According to Law 3284/2004 and to Law 3838/2010, a child may acquire Greek nationality:

By birth

- a) A child of a Greek father or a Greek mother acquires Greek Citizenship by birth.
- b) Greek Citizenship is acquired upon the birth of a child in Greece in the event that one of the parents of the child was born in Greece and has been permanently domiciled in the country since his or her birth.

By birth or school attendance in Greece

- a) A child of foreign nationals who was born and continues to live in Greece and whose both parents have permanently and lawfully resided in the country for at least five consecutive years, acquires Greek Citizenship upon his or her birth in the event that his or her parents submit a common declaration and application for registration of the child at the City Registry of his or her city of permanent domicile within three years after the child's birth.
- b) A child of foreign nationals that has successfully attended at least six school years at a Greek school in Greece and resides lawfully permanently in the country, acquires Greek Citizenship upon completion of the sixth year of school by declaration and application at the City Registry of the city of his or her permanent residence, as submitted by his or her parents within three years from the completion of the required school attendance.

By adoption

A person who has been adopted as a minor by a Greek citizen becomes a Greek citizen upon the date of his or her adoption.

By enlistment in the armed forces

In accordance with current regulations, foreign nationals of Greek origin, who are either admitted to military academies as officers, or are non-commissioned officers of the armed forces, or have been enlisted in the armed forces as volunteers (including volunteers during mobilization or war), lawfully acquire Greek Citizenship upon their admittance to the academies or upon their enlistment.

By naturalization

A foreign national who wishes to become a Greek citizen by naturalization should have:

- a) reached the age of majority at the time of submission of the declaration of naturalization
- b) not been irrevocably sentenced to deprivation of liberty
- c) not been undergoing deportation or face other pending issues regarding his or her lawful stay in the country

d) lawfully resided in Greece for seven continuous years before the submission of the application for naturalization

Moreover, according to Article 13 on *Honorary Naturalization*, a foreign national who has provided special services to Greece or whose naturalization may serve the country's interest, can be naturalized as a Greek citizen by Presidential Decree, following a justified proposal of the Minister of Interior. Also, according to Article 16 on *Loss of Greek Citizenship*, the Minister of Interior may grant permission to an individual who wishes to renounce Greek citizenship, if he or she voluntarily acquired the citizenship of a foreign state, or took over a position in the public sector of a foreign state and by taking that position he or she would need to acquire the citizenship of that state.

Reform of the Greek nationality code

According to the *Law 4332/2015 'Amendments of provisions of the Greek Nationality Code'*, a child of parents of non-Greek nationality may acquire Greek nationality under the following conditions:

- a. Registration at the 1st class of a Greek primary school and continuous attendance at the time of declaration of nationality acquisition
- b. Continuous lawful residence of one of his or her parents for a minimum of five years before birth. If the child is born before the lapse of the five years' residence, Greek nationality may be acquired after a period of 10 years of continuous lawful residence of the parent
- c. Lawful residence of both parents at the moment of nationality declaration in addition to one of them holding one of the following residence permits: i) long-term residence permit, ii) ten-year or indefinite residence permit, iii) certificate of permanent residence of an EU citizen, iv) refugee residence permit or status of subsidiary protection, v) special identity card of Greek ethnic origin (Homogenis), and vi) 'Second generation' residence permit.

According to Article 1A of the above Law, a minor third country national permanently and lawfully residing in Greece may acquire Greek nationality if he/she has successfully attended nine years of primary and secondary education or six years of secondary education. Kindergarten preschool attendance does not count.

Furthermore, a non-Greek citizen who lawfully and permanently resides in Greece and has graduated from a Greek University or Technical School may acquire Greek nationality within a period of three years following graduation. If nationality acquisition is requested on the basis of school or university attendance after reaching majority age and until the age of 23, the third country national who continues to reside lawfully and permanently in Greece may submit the declaration within a period of three years upon graduation.

Key issues related to the law 3838/2010

The important reform of the Greek Citizenship Code dates back to the initial introduction of the Citizenship Law in 2010. The new law on citizenship and naturalisation demonstrated a vision for migrant integration and was deemed progressive. But Public debate and reactions ensued, leading to the Law's partial annulation after having been declared as unconstitutional by the

Council of State in 2012⁷⁸ and replacement by a new law in 2016. Until then, the issue of Greek nationality represented a non-issue in the political agenda of the country. The reactions centered around two issues. The first concerned the right to vote and be voted (for positions of municipal counselors) in local elections for specific categories of third-country citizens who live legally in the country, and their homogeneous. The second innovation was the establishment of special procedures for the acquisition of the Greek citizenship for children of migrant parents (2nd generation) i) either by birth – if the parents are staying legally in Greece for at least 5 continuous years – ii) or after the successful completion of at least 6 grades in Greek school.

⁷⁸Case number 460/2013

Reforms after 2015

Recent reception policy initiatives and emergency measures

The Greek reception system established by Law 3907/2011 was transformed in April 2015 by what the EU Commission established as the ‘Hotspot’ approach. In particular the “hotspot approach”, first introduced in 2015 by the European Commission in the European Agenda on Migration as an initial response to the exceptional flows, is implemented in Greece through the legal framework governing the reception and identification procedure under Law 4375/2016. In practice, the concept of reception and identification procedures for newly arrived populations under Greek law predates the “hotspot” approach (AIDA, 2016 update: 22).

In March 2016, Greek government prepared an emergency action plan in order to address the emerging gaps and problems concerning accommodation for 100,000 refugees and migrants. The provisions of the action plan foresaw that 50,000 would be hosted in reception facilities and the other 50,000 in hotels or other centres near big cities. Furthermore, those who arrived after March 20th 2016 face a different treatment, as they are detained in inadequate conditions on the islands where they arrived, while for most of them a potential return in Turkey is pending. In order to face a quickly escalating emergency in late February 2016, the ‘Coordinating Body for the Management of the Refugee Crisis’ was established on early March 2016 by the Greek government. This is an inter-ministerial body, headed by the Deputy Minister of National Defence, and composed by the ministries of National Defence, Citizen’s Protection, Migration Policy, Infrastructure – Transports and Networks, Marine, and the Ministry of Macedonia and Thrace. The task that this body bears is to organise and coordinate the management of the flows as well as the establishment of reception centres (Triandafyllidou, et al., 2016:21).

Additionally at institutional level, a crucial change was the establishment of a New Ministry of Migration Policy⁷⁹ in the Cabinet emerged after the elections of September 2016. Its responsibilities include asylum, migration and integration policies.

As per Migration Policy Minister, Ioannis Mouzalas:

“In 2017 we seek to gradually reduce the number of camps. For this reason, we are proceeding with a plan to create 8,500 accommodation places for asylum seekers and unaccompanied minors, following a call for expression of interest by the competent Special Secretariat for the Coordination and Management of the National Programs of AMIF/ISF. This is addressed to potential local administration bodies, international organizations, legal persons governed by public law, NGOs, charities etc., and supervised by the Ministry of Migration Policy Reception Directorate. We support the United Nations High Commissioner for Refugees (UNHCR) program for an additional 20,000 accommodation places” (General Secretariat on Media & Communication, 2017:17).

⁷⁹Presidential Decree 123/2016 – State Gazette 208/A/4-11-2016

The EU-Turkey statement

Over the time period of 2011 until 2016, the pivotal political development driven by the recent refugee crisis in Greece is undoubtedly the adoption – and subsequent immediate implementation – of the EU-Turkey Common Statement of 18 March 2016. This so-called ‘EU-Turkey Agreement’ represents a culmination of a series of EU-level discussions with Turkey, aimed at ending the unprecedented refugee and migrant flows to Europe recorded since early 2015. Combined with the definitive closure of the European borders (the Balkan route) in early March 2016, the EU-Turkey Agreement had a profound effect on the refugee situation in Greece and significant implications for the rights, reception conditions, living standards and the protection framework faced by new arrivals.

More specifically, the Agreement came into effect at midnight on 20 March 2016. Based on the Agreement, any new arrivals on the Greek islands or people intercepted in the Aegean Sea after the latter date – regardless of nationality and need for international protection – are subject to possible deportation back to Turkey after a fast-tracked asylum process. In return, the EU *inter alia* agreed to resettle directly from Turkey a number of Syrian refugees equal to the number of those intercepted and returned from Greece (see Box 1). The Agreement applies to all irregular migrants and asylum seekers who arrive in Greece after 20 March 2016, as Turkey was declared a “safe third country” and hence article 38 of the Asylum Procedures Directive about the Safe Third Country principle applies. Refugees and migrants can still claim asylum in Greece but applications can be declared inadmissible on the basis of the application of the latter principle.

Box 1: Snapshot of EU-Turkey Statement – What was agreed?

On 18 March, following on from the EU-Turkey Joint Action Plan activated on 29 November 2015 and the 7 March EU-Turkey Statement, the European Union and Turkey decided to end the irregular migration from Turkey to the EU. In short, the EU and Turkey agreed that:

- 1) All new irregular migrants crossing from Turkey to the Greek islands as of 20 March 2016 will be returned to Turkey;
- 2) For every Syrian being returned to Turkey from the Greek islands, another Syrian will be resettled to the EU;
- 3) Turkey will take any necessary measures to prevent new sea or land routes for irregular migration opening from Turkey to the EU;
- 4) Once irregular crossings between Turkey and the EU are ending or have been substantially reduced, a Voluntary Humanitarian Admission Scheme will be activated;
- 5) The fulfilment of the visa liberalisation roadmap will be accelerated with a view to lifting the visa requirements for Turkish citizens at the latest by the end of June 2016. Turkey will take all the necessary steps to fulfil the remaining requirements;
- 6) The EU will, in close cooperation with Turkey, further speed up the disbursement of the initially allocated €3 billion under the Facility for Refugees in Turkey. Once these resources are about to be used in full, the EU will mobilise additional funding for the Facility up to an additional €3 billion to the end of 2018;
- 7) The EU and Turkey welcomed the on going work on the upgrading of the Customs Union.
- 8) The accession process will be re-energised, with Chapter 33 to be opened during the Dutch Presidency of the Council of the European Union and preparatory work on the opening of other chapters to continue at an accelerated pace;
- 9) The EU and Turkey will work to improve humanitarian conditions inside Syria.

Source: [http://europa.eu/rapid/press-release MEMO-16-963_en.htm](http://europa.eu/rapid/press-release_MEMO-16-963_en.htm)

Following the entry into force of the Agreement, a worrisome new reality started to drastically shape at the islands of the Eastern Aegean Sea – the key entry points of sea arrivals in Greece. The open registration and reception sites processing and supporting the incoming refugee population, who previously freely transited through the Greek mainland to cross into Europe via the Northern Greek border of Idomeni, were suddenly transformed into closed, police-run detention facilities (hotspots), in order to manage the return and readmission of all new arrivals, as of March 20th 2016 to Turkey.

Additionally, one of the immediate impacts of the EU-Turkey Statement was a *de facto* divide in the asylum procedures applied in Greece. Asylum seekers arriving after 20 March 2016 are subject to a fast-track border procedure and excluded from relocation to Europe via the EU Relocation Programme. In particular, newcomers at the Greek islands after March 20th are:

- Returned to Turkey in case they do not seek international protection or their asylum applications are rejected.
- Geographically restricted at the islands of first reception until their asylum applications have been examined.
- Allowed to move to the Greek mainland if their asylum application is declared admissible, either due to exemption from the Statement or because the “safe third country” or “first country of asylum” concepts are not applicable to their case.

Substantial asylum reforms, many of which were driven by the implementation of the Statement, were also adopted in 2016. In particular, Law no 4375/2016 was adopted in April 2016, transposing the recast Asylum Procedures Directive into Greek law. The latter Law was subsequently amended in June 2016 and March 2017, while a draft law transposing the recast Reception Conditions Directive has not been adopted yet.

As a result of the Agreement and ensuing policy reforms, the mobility of asylum seekers and the options for official recognition of their status were reduced. In addition, while over 2015 and the first months of 2016 relief efforts had predominantly concentrated on providing frontline assistance and humanitarian aid to people throughout their transit all the way to the Northern border of Idomeni, as of late February 2016 Greece was called to provide both secondary reception facilities as well as implement border procedures and large-scale registration and examination of asylum claims.

Overall, the geographical restriction of asylum seekers on the islands, delays in transfers to the mainland of those exempted from return to Turkey led to significant over-crowding at the five Reception and Identification Centres (or hotspots) in Lesbos, Samos, Chios, Kos and Leros. Reacting to the new deal and the return (and detention) policy it mandates, many humanitarian actors, including UNHCR, were quick to suspend all – or part of – their activities in the hotspots. As a result, the humanitarian situation deteriorated dramatically, protection gaps and vulnerabilities were exacerbated, while frustration led to a series of protests by refugees and migrants as well incidences of violence within the closed facilities.

Key concerns raised by a multitude of humanitarian and other actors included issues around the compliance of the EU-Turkey agreement with international refugee law and human rights, its implementation in Greece given an overstretched Asylum Service and limited reception capacity, and safeguards for access to asylum and international protection, including for vulnerable groups. Meanwhile, the humanitarian response developing in the Greek mainland

in 2016 and 2017 was called to cover serious gaps in the provision of immediate basic needs while also taking into account more long-term needs as the profile of the refugee and migrant population in Greece changed from a transit population on the move to a more static one.

Serious concerns about the compatibility of the EU-Turkey statement with international and European law were also notably expressed by the Parliamentary Assembly of the Council of Europe (PACE) and the Greek National Commission for Human Rights (NCHR). Following a joint inquiry, the European Ombudsman stated that the political aspect of the Statement:

“does not absolve the [European] Commission of its responsibility to ensure that its actions are in compliance with the EU’s fundamental rights commitments. The Ombudsman believes that the Commission should do more to demonstrate that its implementation of the agreement seeks to respect the EU’s fundamental rights commitments”.⁸⁰

In February 2017, the General Court of the European Union (CJEU) declared that:

“the EU-Turkey statement as published by means of Press Release No 144/16, cannot be regarded as a measure adopted by the European Council or moreover by any other institution, body, office or agency of the European Union, or as revealing the existence of such a measure that corresponds to the contested measures”⁸¹.

An appeal was lodged before the CJEU in April 2017⁸².

On 17 April 2018, a decision of the Greek Council of State also called into question the legal basis of the geographical restriction imposed on key arrivals. As announced on the AIDA website:

“the Greek Council of State issued Decision No 805/2018, allowing an action brought by the Greek Council for Refugees for the annulment of the Asylum Service Director Decision which established the geographical restriction imposed on asylum seekers arriving on the islands of Lesbos, Rhodes, Chios, Samos, Leros and Kos after 20 March 2016.

The Council of State held that the regime of geographical restriction within the aforementioned islands has resulted in unequal distribution of asylum seekers across the national territory and significant pressure on the affected islands compared to other regions, including negative effects on their economy and public order.

It also highlighted that the Decision of the Asylum Service Director, issued pursuant to Article 41 of Law 4375/2016, does not set out legal grounds for the imposition of restrictions on asylum seekers’ freedom

⁸⁰European Ombudsman, *Decision of the European Ombudsman in the joint inquiry into complaints 506-509- 674-784-927-1381/2016/MHZ against the European Commission concerning a human rights impact assessment in the context of the EU-Turkey Agreement*, available at: <http://bit.ly/2ndlPyV>

⁸¹General Court of the European Union, Cases T-192/16, T-193/16 and T-257/16 *NF, NG and NM v. European Council*, Order of 28 February 2017, press release available at: <http://bit.ly/2lWZPrr>

⁸²CJEU, Cases C-208/17 P, C-209/17 P and C-210/17 P *NF, NG and NM v. European Council*.

of movement. Insofar as it deduced no serious reasons of public interest from the Decision in order to justify such a measure, the Council of State majority annulled the Decision in question. Accordingly, the basis for the restriction of persons who apply for international protection on the islands of Lesbos, Rhodes, Chios, Samos, Leros and Kos is void".⁸³

However, on 20 April 2018, the newly appointed Asylum Service Director quickly reinstated the annulled Decision⁸⁴.

⁸³AIDA website: <http://www.asylumineurope.org/news/17-04-2018/greece-council-state-annuls-geographical-restriction-asylum-seekers-islands>

⁸⁴(GCR Press Release on the reinstatement of CoS's annulled decision, 23 April 2018, available at: <http://www.gcr.gr/index.php/en/news/press-releases-announcements/item/813-pligma-sto-kratos-dikaou>).

Concluding remarks

The current report attempts to outline the refugee/migration issue in Greece, during the period from 2011-2018, emphasizing the years after 2014. The period after 2014 is by far the most crucial as there was a rapid increase of new arrivals with a peak on the summer of 2015 when the so-called refugee crisis took place and started the mass involvement of the international actors, NGOs and other partners.

Gradually the focus was totally shifted from migration to refugees and asylum seekers, and this is obvious from the availability of migration data in Greece which are very poor compared to data concerning asylum issues. Another important consequence was that the Greek state in order to cope with these conditions, established in 2016 a new Ministry called “Ministry for Migration Policy”.

In particular at first we attempted to feature recent statistical about the arrivals, asylum procedures, the relocation scheme, returns, identification and reception, as well as some data concerning the foreign population already settled in the country holding a residence permit or having obtained the Greek citizenship.

However, we can say that available data are still incomplete as they do not differentiate according to important features such as: gender, sexuality (LGBTQI persons), sexual and gender based violence, single-parent families, victims of torture, victims of trafficking etc. As we mentioned earlier, not only most of the data concern newcomers and asylum seekers but also the data concerning the foreign population already settled in the country are lacking details.

Following, we tried an overview of recent developments in the integration policies for immigrants and refugees in Greece while the main focus of the current report was the transforming legal framework and legislation concerning refugees, asylum seekers immigrants, persons with Greek citizenship.

Based on our primary results it seems that the most important highlights of the legislation changes and modifications are the establishment of the Asylum Service, the Reception and Identification Service (RIS), the Appeals Authority and the more intensive involvement of EASO and FRONTEX in Greece. Moreover, we identify as crucial issues the relocation of beneficiaries of international protection from the reception country to other EU members, the EU-Turkey Statement which implied among others the geographical limitation in the Greek islands that led to the trapping of the newcomers for a long period and the poor living conditions in the various reception centers.

In the upcoming reports, we are planning to further explore all the different aspects of the current report in order to achieve a more detailed record of the current situation in Greece concerning asylum seekers and refugees. Moreover, there is a need to focus on the conditions in the different sites that host non EU citizens, according to their legal status, and especially in the pre-removal centers in which the detention practice is implemented. In addition, there is a serious lack of data and information concerning those people that are detained in police stations which need to be further explored.

In conclusion Greek legal framework incorporates international protection provisions and treaties and seems to compliance with the international standards. Greece has also transferred relevant European Union regulations, directives and acts into national legislation. However, our research will explore whether there are discrepancies between what laws and regulations foresee and what happens in reality either in emergency or regular conditions.

References and sources

Amnesty International, 2016. *Trapped in Greece an avoidable refugee crisis*. [online] Available at: <<https://www.amnesty.org/en/documents/eur25/3778/2016/en/>> [Accessed 14 March 2018].

Anagnostou, D., Gemi, E., 2015. *Monitoring and Assessing the Integration of Vulnerable Migrants In Greece*. [pdf]. Available at: <http://www.eliamep.gr/wp-content/uploads/2015/03/ASSESSNatl.Report.Phase2_FINAL.pdf> [Accessed 2 April 2018].

Angeli, D., Dimitriadi, A., Triandafyllidou, A., 2014. *Assessing the Cost-effectiveness of Irregular Migration Control Policies in Greece*. MIDAS Report.

Asylum Information Database (AIDA), 2018. *Greece: Council of State annuls geographical restriction of asylum seekers on the islands*. [online] Available at: <<http://www.asylumineurope.org/news/17-04-2018/greece-council--geographical-restriction-asylum-seekers-islands>> [Accessed 25 April 2018].

Asylum Information Database (AIDA), 2017. Country Report: Greece, 31 December 2017. [online] Available at: http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2016update.pdf

Asylum Information Database (AIDA), 2016. Country Report: Greece, 31 December 2016. [online] Available at: http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2016update.pdf

Asylum Information Database (AIDA), 2015. Country Report: Greece, 27 April 2015. [online] Available at: http://www.asylumineurope.org/sites/default/files/report-download/aida_greece_final.pdf

Asylum Information Database (AIDA), Greek Council for Refugees, 2018. [online] Available at: <<http://www.asylumineurope.org/reports/country/greece/reception-conditions/housing/types-accommodation>> [Accessed 27 April 2018].

Asylum Information Database (AIDA), Greek Council for Refugees, 2018. *Reduction or Withdrawal of Reception Conditions*. [online] Available at: <<http://www.asylumineurope.org/reports/country/greece/reception-conditions/access-and-forms-reception-conditions/reduction-or>> [Accessed 26 April 2018].

Asylum Information Database (AIDA), Greek Council for Refugees, 2018. *Statistics on Detention*. [online] Available at: <http://www.asylumineurope.org/reports/country/greece/detention-asylum-seekers/general> [Accessed 12 April 2018].

Asylum Information Database (AIDA), Greek Council for Refugees, 2018. *Asylum Detention*. [online] Available at: <<http://www.asylumineurope.org/reports/country/greece/detention-asylum-seekers/legal-framework-detention/grounds-detention>> [Accessed 12 April 2018].

Asylum Information Database (AIDA), Greek Council for Refugees, 2018. *Grounds for Detention*. [online] Available at: <<http://www.asylumineurope.org/reports/country/greece/detention-asylum-seekers/legal-framework-detention/grounds-detention>> [Accessed 12 April 2018].

Asylum Information Database (AIDA), 2018. Country Report: Greece. [online] Available at: <<http://www.asylumineurope.org/reports/country/greece>> [Accessed 12 April 2018].

Civis Plus, 2017- 2018. *Mapping Migration in Greece*. [pdf] Available at:

<http://civisplus.gr/wp-content/uploads/2018/01/Civis-Plus_EVS-project-RM_Report-2.pdf> [Accessed 27 April 2018].

Civis Plus, (January 2018). *REPORT 2: Mapping migration in Greece 2017*.

Civis Plus, September 2017. *REPORT 1: Mapping migration in Greece 2014 – 2016*.

Civis Plus, January, 2018. *Report 2: Mapping migration in Greece 2017*.

Civis Plus, January, 2018. *Report 2: Mapping migration in Greece 2017*.

Convention relating to the Status of Stateless Persons. [pdf] Available at: <http://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.24_convention%20stateless.pdf> [Accessed 21 April 2018].

Crépeau, F., 2013. *Report of the Special Rapporteur on the human rights of migrants, Mission to Greece*. A/HRC/23/46/Add.4.

Dimitropoulou, G., Papageorgiou, I., 2018. *Unaccompanied Minors Asylum Seekers in Greece. The treatment of unaccompanied minors applying for asylum in Greece. A study commissioned by the UNHCR's Office in Greece*.

EASO (European Asylum Support Office), 2014. *Press Release, EASO delegation visits the Greek First Reception Service, 14 January 2014*.

EKKA, 2018. Situation Update: Unaccompanied Children (UAC) in Greece. [online] Available at: <<https://data2.unhcr.org/en/documents/download/63153>> [Accessed 25 April 2018].

Eriksen, D., B., Parvez, L., M. & Myhlendorph, M., S., Danish Red Cross, 2018. *Survey on the Mental Health and Psychosocial Wellbeing of Migrants Residing in Moria Camp, Lesvos*. Greece, 26 February 2018.

ESTIA - UNHCR Greece, 2018. *Accommodation Programme – Weekly Update*. [online] Available at: <<http://estia.unhcr.gr/en/accommodation-programme-weekly-update-24-april-2018/>> [Accessed 27 April 2018].

Estrada - Tanck, D., 2016. *Undocumented Migrant Women in Europe: A Human Rights Perspective from Public International Law*. [online] Available at: <<http://www.cyelp.com/index.php/cyelp/article/viewFile/253/158>> [Accessed 8 April 2018].

European Commission, 2017. *EU-Turkey Statement, The Commission's contribution to the Leaders' Agenda*. [pdf]. Available at: <https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20171207_eu_turkey_statement_en.pdf> [Accessed 28 April 2018].

European Commission, 2016. *Fact Sheet on the EU-Turkey Statement*. [online]. Available at: <http://europa.eu/rapid/press-release_MEMO-16-963_en.htm> [Accessed 26 February 2018].

European Commission, (2010). *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions European Platform against Poverty and Social Exclusion: A European Framework for Social and Territorial Cohesion*. Brussels, 16.12.2010 COM 758 final.

European Commission, Last updated 02/04/2018. *European Civil Protection and Humanitarian Aid Operation – Greece*. Available at: <http://ec.europa.eu/echo/files/aid/countries/factsheets/greece_en.pdf>

European Ombudsman, 2017. *Decision of the European Ombudsman in the joint inquiry into complaints 506-509- 674-784-927-1381/2016/MHZ against the European Commission*

concerning a human rights impact assessment in the context of the EU-Turkey Agreement. [online]. Available at: <<http://bit.ly/2ndlPyV>> [Accessed 28 April 2018].

European Union Agency for Fundamental Rights (FRA), 2017. *Fundamental rights and the interoperability of EU information systems: borders and security*. [pdf]. Available at: <[file:///C:/Users/Administrator/Downloads/fra-2017-interoperability-eu-information-systems_en-1%20\(1\).pdf](file:///C:/Users/Administrator/Downloads/fra-2017-interoperability-eu-information-systems_en-1%20(1).pdf)> [Accessed 1 April 2018].

European Union Agency for Fundamental Rights (FRA), 2016. *Opinion of the FRA on fundamental rights in the 'hotspots' set up in Greece and Italy. Opinion 5/2016 [Hotspots]*. Vienna, 29 November 2016.

First Reception Service, *The First Reception Service welcomes you to Greece, country member of the EU*. [pdf]. Available at: <http://www.firstreception.gov.gr/PRIImages/Prints/52_12042016_FRS_ENG.pdf> [Accessed 20 April 2018].

General Court of the European Union, 2017. *Press Release, Cases T-192/16, T-193/16 and T-257/16 NF, NG and NM v. European Council, Order of 28 February 2017*. [online] Available at: <<http://bit.ly/2IWZPrr>> [Accessed 12 February 2018].

General Secretariat for Media & Communication, 2017. *Refugee Crisis Fact Sheet, January 2017*. [pdf] Available at: <http://www.mindigital.gr/index.php/προσφυγικό-ζήτημα-refugee-crisis.pdf> [Accessed 22 February 2017].

Generation 2.0, 2013. *The "Unconstitutional Innovations" of the law 3838/2010*. [online]. Available at: <https://g2red.org/unconstitutional-innovations-of-the-law_38382010/> [Accessed 12 April 2018].

Greek Council for Refugees, 2018. *Press Release on the reinstatement of CoS's annulled decision*. [online] Available at: <<http://www.gcr.gr/index.php/en/news/press-releases-announcements/item/813-pligma-sto-kratos-dikaou>> [Accessed 28 April 2018].

Greek Forum of Refugees, 2016. *Annual Report for 2016*. [online] Available at: <<http://refugees.gr/about-en/#AnnualReport>> [Accessed 21 April, 2018].

Government Gazette of the Hellenic Republic, *Law 4332/2015 (ENG)*. [pdf] Available at: <<http://www.ypes.gr/UserFiles/24e0c302-6021-4a6b-b7e4-8259e281e5f3/metan-n4332-2015.pdf>> [Accessed 14 April 2018].

Gropas, R., Triantafyllidou A., 2005. *Migration in Greece at a glance*. [pdf] Available at: <<http://www.eliamep.gr/wpcontent/uploads/en/2008/10/migration.pdf>> [Accessed 21 March 2018].

Human Rights Watch, 2016. *"Why Are You Keeping Me Here?" Unaccompanied Children Detained in Greece*. [online] Available at: <<https://www.hrw.org/report/2016/09/08/why-are-you-keeping-me-here/unaccompanied-children-detained-greece>> [Accessed 1 April 2018].

INE GSEE, (2017). *The Greek economy and employment. Annual Report*. Athens March 2017.

International Organization for Migration, Ministry of Migration Policy, 2018. *Press Release, Successful Conclusion of the EU Relocation Scheme*. [pdf] Available at: <http://asylo.gov.gr/en/wp-content/uploads/2018/01/Press_Releas-Conclusion-of-the-EU-Relocation-Scheme.pdf> [Accessed 10 March 2018].

International Organization for Migration, IOM Office in Greece, 2018. *Assisted Voluntary Return and Reintegration Programs*. [online] Available at: <<https://greece.iom.int/worldmap>> [Accessed 28 April 2018].

Ioannidis, A., Papatheodorou, Ch., Souftas, D. INE GSEE, (2012). *Observatory of Economic and Social Developments. Reports: Employees but poor: Dimensions of the poverty of workers in Greece*. January 2012.

Karamanidou L., 2017. *Global Justice and Migration in Greece*.

Karantinos, D., 2016. *Labour market integration of asylum seekers and refugees – Greece*. [pdf] Available at: <file:///C:/Users/Administrator/Downloads/Greece-AHR_LMIntegrationOfAsylumSeekers_RefugeesMay2016_Final.pdf> [Accessed 10 April 2018].

Katsogiannou, A., 2017. *After the EU- Turkey agreement: The impact Greek regulation as well as the living conditions of detained asylum seekers in Greek islands*. [online] Available at: <<http://arno.uvt.nl/show.cgi?fid=143763>> [Accessed 6 March 2018].

Legal Aid Actors Task Force, 2018. *Legal Aid (Individual Legal Representation in Asylum/Refugee Context) for Migrants, Asylum Seekers and Refugees in Greece: Challenges and Barriers*. [pdf] Available at: <<https://drc.ngo/media/4240248/legal-aid-gaps.pdf>> [Accessed 22 April 2018].

Library of Congress, 2016. *Refugee Law and Policy: Greece*. [online] Available at: <<https://www.loc.gov/law/help/refugee-law/greece.php>> [Accessed 4 April 2018].

Ministry of Migration Policy, Asylum Service, 2014. *Dublin III*. [online] Available at: <http://asylo.gov.gr/en/?page_id=81> [Accessed 23 March 2018].

Ministry of Migration Policy, Asylum Service, 2014. Who can apply for asylum [online] Available at: <http://asylo.gov.gr/en/?page_id=66> [Accessed 5 April 2018].

Ministry for Migration Policy, *Greek Citizenship*. [online] Available at: <<http://www.immigration.gov.gr/ktisi-ellinikis-ithageneias>> [Accessed 12 April 2018].

Ministry for Migration Policy, Asylum Service. *Asylum Legislation*. [online] Available at: <http://asylo.gov.gr/?page_id=141> [Addressed 28 April 2018].

Ministry of Migration Policy, *Asylum Service*. [online] Available at: <http://asylo.gov.gr/en/?page_id=113> [Accessed 27 April 2018].

Ministry of Migration Policy, Reception and Identification Service, 2016. *Emergency support enhancing the operational capacity of FRS to manage the extreme rise in migration flows into Greek national and European territory*. [online] Available at: <<http://firstreception.gov.gr/news-detail.php?lang=en&id=40>> [Accessed 5 March 2018].

Papayiannis, G., Pistikos, I., Tselepi, N., Petracou, E. & Yannacopoulos, A., *Migration in the NORTH-EASTERN GREEK ISLANDS with special reference to Lesvos: towards the construction of a qualitative & quantitative data base. ISISA Islands of the World XIV Conference 2016, Niss(i)ology and Utopia: back to the roots of Island Studies*. 23 - 27 May 2016 Mytilene, Lesvos Island, Greece.

Samek, Lodovici, M., Drufuca, S., M., Orlando, N., Crepaldi, C., Pesce, F., Koulocheris, S., Borbely, S., 2017. *Integration of Refugees in Greece, Hungary and Italy Comparative analysis. Study for the EMPL Committee*. European Parliament. Policy Department A: Economic and Scientific Policy.

Skleparis, D. 2017. *The Greek response to the migration challenge: 2015-2017*, Konrad-Adenauer-Stiftung KAS Κάτοπρον, 5 16/03/2017. Available at: <http://www.kas.de/wf/doc/kas_48205-544-1-30.pdf?170327142603> [Accessed 20 May 2018].

Skleparis, D. (2017). *The Greek response to the migration challenge: 2015-2017*. Konrad-Adenauer-Stiftung Greece.

Skleparis, D. 2018. *Refugee Integration in Mainland Greece: Prospects and Challenges*. Policy Brief, 02, Yasar University UNESCO Chair on International Migration.

Soova, K., LeVoy, M., 2015. *Report. PICUM Position Paper Undocumented Migrants and the Europe 2020 Strategy: Making Social Inclusion a Reality for all Migrants in Europe*.

Sotiropoulos, D. (2014). *The social situation of Greece under the crisis. Basic socio-economic data for Greece 2013*.

Sotiropoulos, D., Bourikos, D. (2014). *Economic Crisis, Social Solidarity and the Voluntary Sector in Greece*. *Journal of Power, Politics & Governance*. June 2014, Vol. 2, No. 2, pp. 33-53.

The Greek Ombudsman, Independent Authority, 2017. *Migration flows and refugee protection Administrative challenges and human rights issues. Special Report*. [pdf] Available at: <https://www.synigoros.gr/resources/docs/greek_ombudsman_migrants_refugees_2017_en.pdf> [Accessed 1 April 2018].

Triandafyllidou A., Mantanika R., 2016. *Migration in Greece: Recent Developments in 2016*. [pdf] Available at: <<http://www.eliamep.gr/wp-content/uploads/2014/10/2016.pdf>> [Accessed 15 April 2018].

UNHCR, 2018. *Desperate Journeys January 2017 – March 2018*. [online] Available at: <<https://data2.unhcr.org/en/documents/download/63039>> [Accessed 25 April 2018].

UNHCR, 2018. *Europe Monthly Report March 2018*. [pdf] Available at: <<https://reliefweb.int/sites/reliefweb.int/files/resources/63198.pdf>> [Accessed 22 April 2018].

UNHCR, 2015. *Over one million sea arrivals reach Europe in 2015*. [online] Available at: <http://www.unhcr.org/afr/news/latest/2015/12/5683d0b56/million-sea-arrivals-reach-europe-2015.htm>> [Accessed 10 March 2018].

UNHCR, 2018. *Operational Portal, Refugee Situations*. [online] Available at: <<http://data2.unhcr.org/en/situations/mediterranean/location/5179>> [Accessed 28 April 2018].

UNHCR, 2018. *Fact Sheet, Greece, 1-28 February 2018*. [online] Available at: <<https://data2.unhcr.org/en/documents/download/62950>> [Accessed 27 April 2018].

UNHCR, 2018. *Briefing Note on the Aegean Islands, 1-28 February*. [online] Available at: <<https://data2.unhcr.org/en/documents/download/63194>> [Accessed 28 April 2018].

UNHCR, 2014. *Observations: Current Situation of Asylum in Greece - December 2014*. [online] Available at: <<https://reliefweb.int/report/greece/unhcr-observations-current-situation-asylum-greece-december-2014>> [Accessed 11 April 2018].

UNHCR, 2018. *Returns from Greece to Turkey, in the framework of the EU-Turkey Statement*. [online] Available at: <<https://data2.unhcr.org/en/documents/download/62508>> [Accessed 15 April 2018].

UNHCR, 2018. *Weekly Accommodation Update*. [online] Available at: <<https://data2.unhcr.org/en/documents/download/61981>> [Accessed 20 April 2018].

UNICEF, Reach Initiative, 2017. *Access to Education of Refugee and Migrant Children outside Accommodation (Open) Sites*. [online] Available at: <<https://data2.unhcr.org/en/documents/download/57939>> [Accessed 15 April 2018].

UNICEF, Nikolaidis, G., Ntinapogias, A. & Stavrou, M., 2017. *Rapid Assessment of Mental Health, Psychosocial Needs and Services for Unaccompanied Children in Greece*. [online] Available at: <<https://data2.unhcr.org/en/documents/download/60380>> [Accessed 1 April 2018].

United Nations, 2005. *Convention on the Rights of the Child*. [pdf] Available at: <https://www.unicef.org/protection/files/CRCGC6_EN.pdf> [Accessed 18 April 2018].

Vasilaki, R., 2017. *Mapping the training needs of beneficiaries of international protection and the existing mechanisms for training provision in five EU Member States (with focus on*

women). [pdf] Available at: <<http://www.eliamep.gr/wp-content/uploads/2017/05/report-integratrain-greece.pdf>> [Accessed 15 April 2018].

Annexes

Annex 1: Overview of the Legal Framework on Migration, Asylum and Reception Conditions

Legislation title (original and English) and number	Date	Type of law (i.e. legislative act, regulations, etc...)	Object	Link/PDF
Law 2910	02/05/2001	Law	Entry and Stay of Aliens in Greek Territory	http://www.refworld.org/pdfid/3b209fd54.pdf
Law 3386	23/08/2005	Law	Entry, residence and social integration of third country citizens into the Greek Territory	https://www.mfa.gr/images/docs/ethnikes_theoriseis/codification_of_legislation_en.pdf
Presidential Decree 220/2007	13/11/2007	Presidential Decree	Adaptation of Greek Legislation to the provisions of Council Directive 2003/9 / EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers in the Member States	http://www.firstreception.gov.gr/PRIimages/EditorImages/pd220_2007.pdf
Law 3907	26/01/2011	Law	«Establishment of an Asylum Service and a First Reception Service, adaptation of the Greek legislation to the provisions of Directive 1008/115/EC 'with regard to the common rules and procedures in Member States for the return of illegally staying third-country nationals' and other provisions»	http://asylo.gov.gr/en/?page_id=113
Presidential Decree 102/2012	03/09/12	Presidential Decree	Organization and operation of the First Reception Service at the Ministry of Public Order and Citizen Protection	http://www.firstreception.gov.gr/PRIimages/EditorImages/P.D.102_2012_First_Reception_Service.pdf
Law 4198	11/10/13	Law	Transposing directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims	http://stoptrafficking.gr/images/nomothesia/N.4198.2013_TRAFFICKING.pdf
Law 4375	03/04/2016	Law	«On the organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EC "on common procedures for granting and withdrawing the status of	http://asylo.gov.gr/en/?page_id=113

Legislation title (original and English) and number	Date	Type of law (i.e. legislative act, regulations, etc...)	Object	Link/PDF
			international protection (recast) (L 180/29.6.2013), provisions on the employment of beneficiaries of international protection and other provisions»	
Law 4251	03/04/16	Law	Immigration and Social Integration Code and other provisions	http://www.ypes.gr/UserFiles/24e0c302-6021-4a6b-b7e4-8259e281e5f3/meta_nast-N4251-2014.pdf
Law 4375	15/05/2016	Law	«On the organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EC “on common procedures for granting and withdrawing the status of international protection (recast) (L 180/29.6.2013), provisions on the employment of beneficiaries of international protection and other provisions»	http://asylo.gov.gr/en/wp-content/uploads/2016/05/GREECE_Law_4375_2016_EN_final.pdf

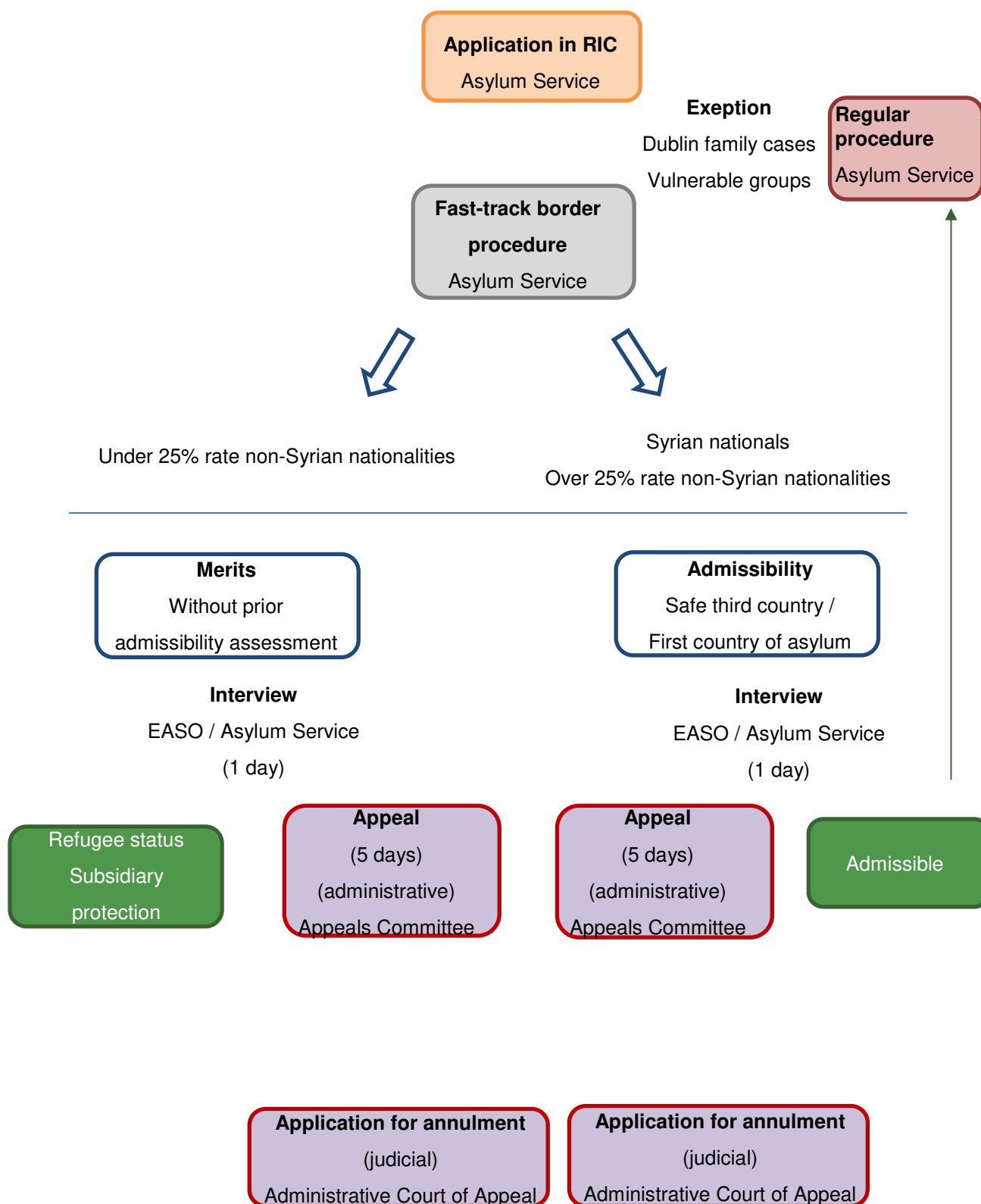
Source: AIDA, 2017

Annex 2: List of Authorities Interventing in Each Stage of the Procedure

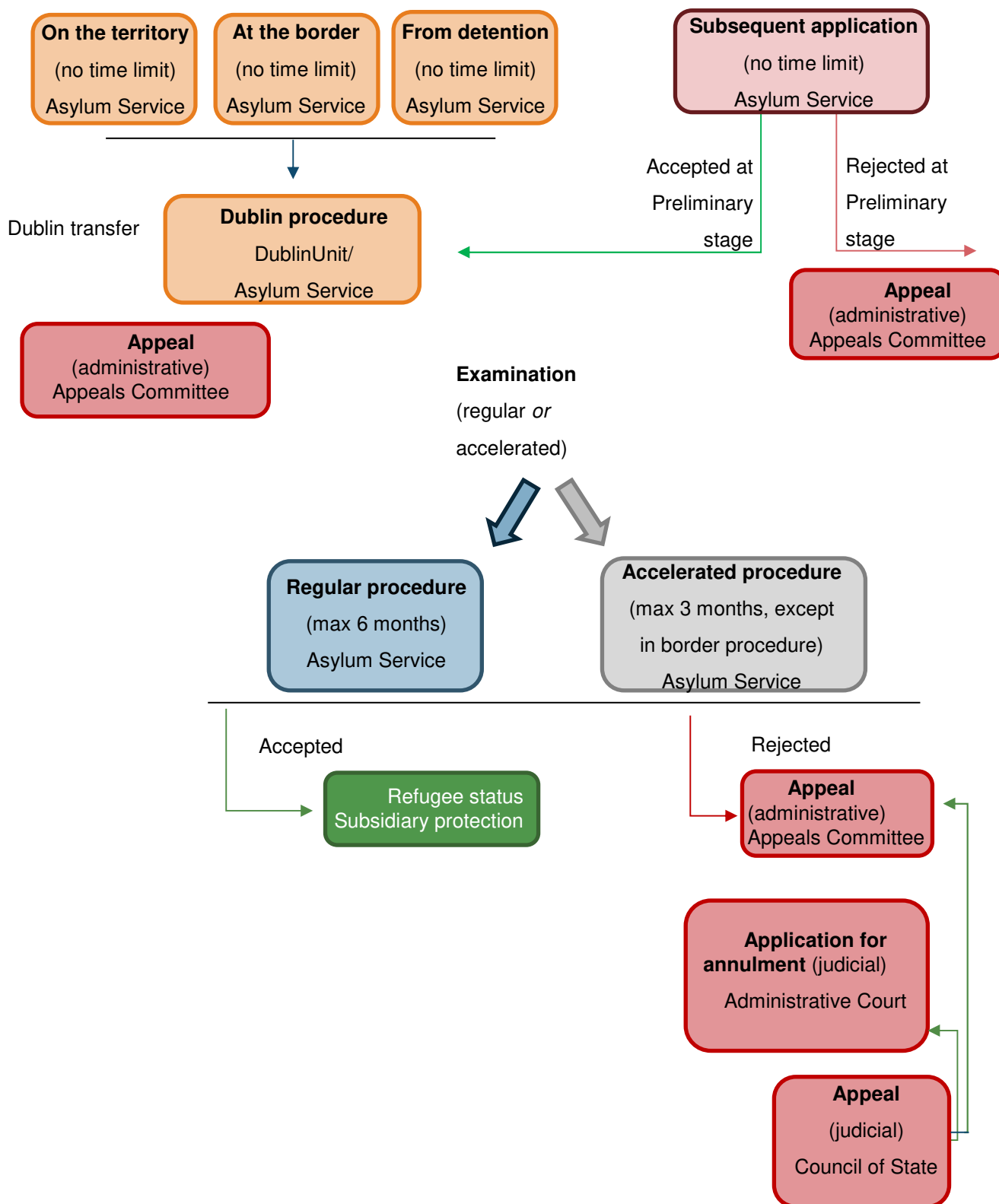
Stage of the Procedure		Competent Authority
Application	At the Border	Asylum Service
	On the Territory	Asylum Service
Dublin (Responsibility Assessment)		Asylum Service
Refugge Status Determination		Asylum Service
Appeal	First Appeal	Independent Appeals Committees (Appeals Authority)
	Second (Onward) Appeal	Administrative Court of Appeal
Subsequent Application (Admissibility)		Asylum Service

Source: AIDA, 2017

Annex 3: Fast-track Border Procedure: Applications on the Eastern Aegean Islands Subject to the EU-Turkey Statement



Annex 4: Applications not Subject to the EU-Turkey Statment



Source: AIDA, 2017

Glossary and list of abbreviations

AAU: Autonomous Asylum Units

AIDA: Asylum Information Database

AMIF: Asylum, Migration and Intergration Fund

AST: Asylum Support Teams

CEAS: Common European Asylum System

CJEU: Court of Justice of the European Union

CSC: Community Support Centers

DYEP: Facilities For The Reception And Education Of Refugees (Δομές Υποδοχής για την Εκπαίδευση των Προσφύγων)

EASO: European Asylum Support Office

ECHR: European Court Of Human Rights

EKKA: National Centre for Social Solidarity (Εθνικό Κέντρο Κοινωνικής Αλληλεγγύης)

ELSTAT: Greek Statistic Agency (Ελληνική Στατιστική Αρχή)

ESC: European Social Charter

EURODAC: European Central Database

FRS: First Reception Service

GCR: Greek Council For Refugees

IOM: International Office for Migration

ISF: Internal Security Fund

LGBTQI: Lesbian, Gay, Bisexual, Transgender, Queer and Intesex Life

POC: Persons of Concern

RAO: Regional Asylum Office

RESC: Revised European Social Charter

RIC: Reception and Identification Centre

RIS: Reception and Identification Service

TCR: Take Charge Request

UAC: Unaccompanied Children

UASC: Unaccompanied Asylum Seeking Children