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The European Migration Network (EMN) was established in 2003, originally as a preparatory action of the European Commission, with the aim of providing the European Commission and the Member States with objective, reliable, comparable and up-to-date data on migration and asylum, to build policymaking in the European Union and hence their national policies in these areas. Subsequently, the Council of the EU in 2008, with the No. 381/2008/EK Judgment founded the EMN, as permanent structure that will operate within the European Commission, with the participation of member states in order achieve these goals.

More information on the EMN and its work can be found on the website http://emn.intrasoft-intl.com/html/index.html or on the Greek website http://emn.ypes.gr

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Executive Summary

In 2014, Greece continued to suffer from severe economic crisis, going through the 4th year of Memorandum politics, which had a direct impact also on the issues of migration, integration, employment and security, as well as on the granting of international protection and reception of asylum seekers and refugees, given the increased mixed migratory flows to the Greek territory.

The number of third-country nationals holding a residence permit in Greece in the reporting year is approximately the same as in 2013 (487,094 third-country nationals in 2014 versus 462,319 in 2013)\(^1\).

In the year 2014 there has been a significant increase mainly in the refugee flows, in particular through the sea borders of the country. The root causes include the dramatic developments in Syria resulting in the exit of millions of refugees, mainly to the Middle East region, as well as the recent developments in Iraq, in combination with the broader mobility of persons from Asian and African countries who are in need of international protection. Typical is the fact that 42% of new incomers arrested come from Syria.

This reporting year was too marked by multiple-fatality shipwrecks in the Mediterranean and the broader Greek waters. All through 2014, international organisations have been marking the urgent need to adhere to the rules governing rescue and protection of human lives at sea. The UN High Commissioner for Refugees calls for the deployment of robust European action in the area focusing on establishing a strong European Search and Rescue operation in the Mediterranean – similar to the Italian Mare Nostrum operation – and on intra-European solidarity ensuring adequate support and avoiding a few countries having to shoulder the main responsibility for hosting refugees. A considerable step is that the recommendations noted that countries such as Italy and Greece should be supported to adequately receive asylum seekers and process their asylum applications. Furthermore, the UN High Commissioner recommends a pilot project for the relocation of Syrian refugees rescued at sea in Greece and Italy to different countries across Europe, based on a fair distribution system\(^2\).

In December 2014, the European Parliament adopted a resolution for a comprehensive European approach to the matter of immigration and increased


\(^2\) “…..For asylum seekers, the Dublin Regulation, which defines state responsibility for processing asylum claims, should be fully implemented including using all tools available, such as family reunification, unaccompanied children, and the use of discretion for certain cases with more distant family links or other needs. These are tools which have been designed by EU States and should be used effectively. More opportunities for resettlement and other alternatives are needed, such as using private sponsorship, humanitarian visas, student and work visas. UNHCR is ready to explore conditions to expand programmes for more resettlement and for other forms of admission to the EU…..” UNHCR unveils far-reaching proposals for European action in the Mediterranean sea, 13 March 2015, [http://www.unhcr.org/55019bce6.html](http://www.unhcr.org/55019bce6.html)
efforts to avoid the loss of human lives at sea. The most important development in the area of regular immigration in the reporting year has been the adoption of the Immigration Code, which codifies, for the first time, provisions having to do with the resident status of third-country nationals who are in Greece, the categories of their residence permits and the requirements and procedures for their granting, rendering more functional and effective the implementation of the legislation (long-term resident residence permits, second generation residence permits, residence permits for dependent employment, for highly qualified employment, for humanitarian reasons, for family reunification, for victims of human trafficking etc). Nevertheless, the new law did not include provisions for the legalization of the residence of a large category of third-country nationals, who for many years live, work and are integrated in the Greek society and who lack residence permits either because they had forfeited the right of residence or because they had no access to the procedures leading to the granting of a residence permit of any category (sans papier). The new Immigration Code provides for the possibility to settle legally certain categories of immigrants that meet certain conditions of being granted a residence permit for extraordinary reasons (Article 19 of the Code). Furthermore, in the process of adopting the new Immigration Code, the gap that the absence of a legislative provision for the granting of citizenship to children/second-generation migrants leaves became apparent.

The key pillar of the policy pursued by the Ministry of Public Order and Citizen Protection for the implementation of the targets of the National Action Plan on Asylum and Immigration and the management of the immigration phenomenon has

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4 (Law 4251/2014 “Code of Migration and Social Inclusion and other provisions” GG A’ 80/1-4-2014)

5 A residence permit for extraordinary reasons may be granted to third country citizens residing in Greece that can prove that they have developed strong bonds with the country, against: «(a) an entry visa granted by a Greek consular authority no less than three years before filing the application; (b) a residence permit, even if expired; (c) a valid passport; (d) a fee of 300 euros; and (e) documents proving their particular bonds with the country that require their stay within the Greek territory. By way of derogation, documents under (a) may not be produced if the party concerned can prove the actual fact of his or her stay in the country for no less than ten consecutive years against documents bearing specific dates”. Moreover, “[…] in completely extraordinary cases of third-country citizens who risking their own lives do acts of social virtue, offer and solidarity that promote the values of humanitarianism […]” including “[…] when there is justified public concern, which may arise from bilateral agreements or specific circumstances concerning in particular the areas of foreign policy, defence, internal security, economy and development, investment, training, culture following a recommendation of the applicable public agency”. (Article 19 of the Code)

6 Note that citizenship issues are not included in the regulatory context of this Code.


Meeting ΠΙ’ Wednesday 19 March 2014, [http://www.hellenicparliament.gr/UserFiles/a08fc2dd-61a9-4a83-b09a-09f4c564609d/es20140319.pdf](http://www.hellenicparliament.gr/UserFiles/a08fc2dd-61a9-4a83-b09a-09f4c564609d/es20140319.pdf)

Minutes ΠΘ’ Wednesday 18 March 2014 [http://www.hellenicparliament.gr/UserFiles/a08fc2dd-61a9-4a83-b09a-09f4c564609d/es20140318.pdf](http://www.hellenicparliament.gr/UserFiles/a08fc2dd-61a9-4a83-b09a-09f4c564609d/es20140318.pdf)
continued to be also in 2014 the policy of returns and operational actions “Xenios Zeus” and “Shield”, including “THESEUS” operational action.\(^8\)

The months-long detention of irregular incomers/residents pending their deportation also continued in 2014 as a practice despite Administrative Court case-law to the contrary; a major issue in terms of legitimacy has been the possibility to extend their detention time for over 18 months. This practice has been criticized by international organisations that still record detention conditions that constitute inhuman and degrading treatment.\(^9\)

In 2014, the Ministry of Public Order and Citizen Protection carried out 27,789 deportations (versus 26,186 in the year 2013), 7,475 of which were readmissions to Albania, FYROM and Kosovo (versus 7,533 in 2013), 12,818 compulsory returns/deportations (versus 8,780 in 2013), 7,334 voluntary returns assisted by IOM (versus 9,225 in 2013) and 162 by the Hellenic Police (versus 648 in 2013).\(^10\)

In the area of international protection, the new Asylum Service, Appeals Authority and First Reception Service established by Law 3907/2011 now count over one year of activities.

In 2014, they received 9,432 applications for asylum, out of which 8,680 have been reviewed at first instance, 1,223 have been given refugee status, 487 subsidiary protection and 4,252 requests were rejected. Rates of granting international protection at first instance\(^11\) rise to 20.5% (1,223); 8.2% (487) for refugee status, for subsidiary protection and 71.3% (4,252) rejection rate\(^12\). 4,226 appeals were filed before the Appeals Authority and decisions were made concerning 2,641 appeals, with international protection granting rates of 11.1% (294) as regards refugee status, 5.0% (133) as regards subsidiary protection and 83.8% (2,214) rejection rate\(^13\).

Despite these positive developments, there are problems, mainly related to the fact that not all Regional Asylum Office are still available, particularly at entry

\(^8\) Plan to combat crime, irregular immigration, irregular trade, drug trafficking and other crimes, Source : Ministry of Public Order and Citizen Protection, December 2014
\(^9\) Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 16 April 2013, http://www.cpt.coe.int/documents/grc/2014-26-inf-eng.pdf.
\(^11\) I.e. a total of 5,962 requests not including waivers, discontinued procedures and inadmissible applications, ibid
\(^12\) Ibid.
\(^13\) Ibid.
points on the islands and the understaffing of the offices that are in fact available, resulting in serious setbacks as to access to the asylum procedure.\textsuperscript{14} Moreover, serious deficiencies in the system of First Reception, particularly in terms of covering pressing needs on islands are recorded in 2014.

One of the most important developments during the year 2014 has been the adoption of Law 4285/2014 (Government Gazette Series A’, Volume No 191/10.09.2014) “Amendment of Law 927/1979 (Government Gazette Series A’, Volume No 139) and its compliance with the framework decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law (L328) and other provisions”. It should be noted that this particular law has been an issue of intense political controversy, mainly due to the negative stance of some MPs of the “New Democracy” party, resulting in serious delays in its discussion and adoption by the Greek Parliament.\textsuperscript{15}

The politically important trial of “GOLDEN DAWN” has been scheduled to begin April 20\textsuperscript{th}, 2015 before the Athens Three-Member Court of Appeals for felonies; MPs and members of Golden Dawn are charged with a series of offences, including having established and participated in a criminal organisation and in racist crimes against refugees and immigrants. We remind that their arrest and detention followed the assassination of antiracist activist Pavlos Fyssas in September 2013 that shocked public opinion and triggered a wave of antifascist and antiracist protests both in Greece and internationally.\textsuperscript{17}

By Law 4228/10-1-2014\textsuperscript{18} Greece ratified the Optional Protocol to the Convention against Torture (OPCAT) of the General Assembly of the United Nations. The Ombudsman was, according to the law, designated as the national prevention mechanism and it has already begun actions in that respect, which represents an important step for the safeguard of fundamental freedoms and human rights.

Greece headed the Presidency of the Council of the European Union in the first half of 2014. During the Greek Presidency, 71 laws were completed and agreement with the Council was reached on more than 15 legislative acts.


\textsuperscript{15} Kathimerini: “The antiracist law will be adopted”, \url{http://www.kathimerini.gr/488848/article/epikairothta/politikh/o-antiratsistikos-nomos-8a-yhfistei}, To VIMA: “We need an antiracist law”, published: 02/06/2013, \url{http://www.tovima.gr/opinions/article/?aid=515892}, Editors' Newspaper, 2-9- 2014, “Historians’ appeal on antiracism”, \url{http://www.startnow.gr/Details/414798/}

\textsuperscript{16} “Golden Dawn trial begins on April 20\textsuperscript{th}”, \url{http://www.tanea.gr/news/greece/article/5217124/stis-20-aprilioy-ksekina-h-dikh-ths-xryshs-ayghs/}

\textsuperscript{17} Political assassination by fascists – 34-year old Pavlos Fyssas is dead, \url{http://www.koutipandoras.gr/article/42999/politiki-dolofonia-apo-fasistes-nekros-o-34chronos-pavlos-fyssas}

“Michaloliakos is responsible for Fyssas’ assassination” \url{http://www.kathimerini.gr/788357/article/epikairothta/politikh/gia-th-dolofonia-fyssa-ey8ynetai-o-mixaloliakos}

\textsuperscript{18} (Government Gazette 007 I 10.01.2014) ratifying the Optional Protocol to the Convention against Torture and other cruel, inhuman or degrading treatment or punishment of the United Nations General Assembly

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Particularly in the area of immigration\textsuperscript{19} protection of European borders and managing migration flows became a top security priority. Throughout the Hellenic Presidency, the list of countries, whose citizens are required to have a visa to enter the European Union was reviewed (including Moldova), the consultation process of the Council with the European Parliament was completed and Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of intra-corporate transfers and the Regulation on Frontex were published in the Journal of the European Union. Under the Hellenic Presidency, a text was prepared that will form the basis for defining Strategic Guidelines on legislative and operational planning in the area of justice and home affairs (post-Stockholm).

At a level of political processes aimed at promoting peace processes, both the Greek and Italian Presidencies were particularly concerned with the crisis in the Ukraine, the situation in Syria, the situation in the Gaza Strip and Israel, the establishment of the Islamic State (ISIS) and the unsettled situation in Libya.

In the field of political developments, results in the elections for MEPs were 26.57\% and 6 seats for the Coalition of the Radical Left (SYRIZA), i.e. the opposition party, 22.72\% and 5 seats for New Democracy party, i.e. the government party, 9.37\% and 3 seats for the right-wing extremist party Golden Dawn-whose chief, many MPs and members are detained in the context of criminal proceedings as referred to above-, followed by Elia party –a democratic party that gained 8.02\% and 2 seats-, Potami with 6.60\% and 2 seats, the Communist Party of Greece (KKE) with 6.1\% and 2 seats, Independent Greeks with 3.46\% and 1 seat, the Popular Orthodox Rally (LAOS) with 2.69\%, Democratic Left (DIMAR) with 1.21\% and Ecologist Greens with 0.90\%.

On 30 December 2014, national elections were announced after the failure of the Parliament to elect a President of the Republic. Elections were set to take place on 25 January 2015. A serious area of electoral confrontation between the Government Party and the main opposition party SYRIZA was the management and different approaches in dealing with migration\textsuperscript{21}.

The new government of alliance of SYRIZA and Independent Greeks (ANEL) was formed on 27-1-2015 and on 11-2-2015 the government was voted by the Hellenic Parliament (162 votes).\textsuperscript{22} A pivotal point in the area of immigration and international protection has been the establishment by the new government of a separate portfolio on issues of Immigration and Asylum under a competent deputy Minister of Migration Policy that reports to the Ministry of Interior.

\textsuperscript{19} Review of the Greek Presidency of the Council of the European Union, 1 January 2014-30 June 2014, \url{http://www.gr2014.eu/sites/default/files/1Results%20of%20the%20Hellenic%20Presidency_30%20July%202014_EL.pdf}

\textsuperscript{20} European Parliament/European Parliament elections results 2014 \url{http://www.europarl.europa.eu/elections2014.results/el/country-results-el-2014.html#table03}

\textsuperscript{21} The Coalition of the Radical Left (SYRIZA) won the elections with 36.34\% and 149 seats, followed by New Democracy with 27.81\% and 76 seats; the far-right party of Golden Dawn came third with 6.287\% and 17 seats, followed by Potami with 6.05\% and 17 seats, the Communist Party of Greece (KKE) with 5.47\% and 15 seats, Independent Greeks with 4.75\% and 13 seats and PASOK with 4.68\% and 13 seats. \url{http://www.ekloges.ypes.gr/current/more/level.html?lang=el&nav=1&ek1=}

\textsuperscript{22} Kathimerini, 27.01.2015, Announcing the new government, \url{http://www.kathimerini.gr/801141/gallery/multimedia/video/h-anakoinwsh-ths-neas-kyvernhshe}
On 19 February 2015 Prokopis Pavlopoulos was elected President of the Republic with 233 votes.23

1. Introduction

1.1 Scope of the Report

The Annual Report on Immigration and Asylum in 2014 was drafted in the context of the European Migration Network established by Council Decision dated May 14, 2008 (2008/381/EC). The objectives of the Report are to offer documented information on immigration and asylum issues to the direction of contributing in planning policies both at a European Union level and a national level, including present the developments in these areas for the wider public.

The Report reflects key political and legislative developments, public dialogue key issues and practices followed in the areas of immigration and asylum in the reporting year in Greece.

1.2 Methodology

To draft this Report, we followed the guidelines elaborated by the European Migration Network that will enable a comparative assessment of the information in the Report and their use at a national level.

To evaluate and present the most important development and to confirm the information in the Report, the authors used the following sources:

- Official information and statistics by executive authority agencies and public national agencies;
- Reports and information by international and national organisations and bodies, including European Union institutions;
- The national, international and Union law, including legislative documents and policy documents;
- The case-law of the Greek courts and the European Court for Human Rights;
- The parliamentary dialogue and public positions of political parties;
- Reports and information by NGOs and groups;
- Clippings in the Greek and international press;
- Studies and Reports of the European Migration Network.

The sources above are also cited in more detail in the text of the Report to ensure its objectivity and reliability. To draft the Report, we used the terms of the European Migration Network as reflected in the guidelines and the glossary.

23 Election of a President of the Republic: Prokopis Pavlopoulos was elected to the highest office in the country with 233 votes. http://www.naftemporiki.gr/stream/1186/eklogi-proedrou-tis-dimokratias
2. Overview of Asylum and Migration Policy Developments in 2014

The years-long severe economic crisis tormenting Greece also had direct impact in the reporting year on issues of migration, inclusion, employment and security, including the provision of international protection and the admission of asylum-seekers and refugees, given the increased mixed migration flows to the Greek territory. Despite the economic crisis, the number of third-country nationals holding a residence permit in Greece in the reporting year is approximately the same as in 2013 (487,094 third-country nationals in 2014 versus 462,319 in 2013). This upward trend is obviously due to the entry into force in April 2014 of the new Immigration Code, which restored the legality of the stay of a significant number of migrants who had forfeited the right of residence due to the economic crisis and the lack of stamps.

In the year 2014 there has been a significant increase mainly in the refugee flows, in particular through the sea borders of the country. The root causes include the dramatic developments in Syria resulting in the exit of millions of refugees, mainly to the Middle East region, as well as the recent developments in Iraq, in combination with the broader mobility of persons from Asian and African countries who are in need of international protection. These events have resulted in humanitarian crises both inside those countries, and in neighbouring countries that admit refugees from Syria and Iraq (Lebanon, Jordan, Turkey etc).

Increased pressure as to the needs to host newcomers is also suffered by countries of first entry into the European Union, such as Greece and Italy.

During the reporting year, as it is known, multiple-fatality shipwrecks, in which...
even young children died, took place in the wider area of the Mediterranean sea as well as in the Greek territorial waters, demonstrating, perhaps more strongly than ever, the urgent need to adhere to the rules governing rescue and protection of human lives at sea. In particular with regard to the Aegean waters, 2014 has been marked by the tragedies of the shipwrecks in Farmakonisi and Samos that have caused the death of women and mainly children.

In December 2014, MEPs adopted a resolution demanding a comprehensive EU approach to migration and greater effort to prevent further loss of life at sea. “Parliament asks the civil liberties committee to assess the various policies at stake, draw up a set of recommendations and report back to plenary with a "strategic initiative report" before the end of 2015.”

Also in December 2014, the predominantly competent international organisations made a joint statement regarding the need to take steps to protect life at sea, i.e.: The UN High Commissioner for Refugees, the International Organisation of Migration, the International Maritime Organisation, UNODC and OHCHR expressed “…their deep concern about the loss of life, injury, trauma and serious human rights violations affective migrants, asylum-seekers and refugees travelling by sea…”, noted that concerted action from the international community is needed to address all aspects of this issue, emphasising on closer cooperation between States of origin, transit and destination, including tackling the real root causes of irregular maritime migration, which include lack of access to safe and regular migration channels.

UNHCR’s proposals to deal with migratory flows in view of the situation in the Mediterranean are particularly important; these include the establishment of a robust European search and rescue operation in the Mediterranean, similar to the Italian Mare Nostrum operation, and to set up a EU scheme to compensation shipping companies for losses incurred while rescuing people at distress at sea, to explore solutions ensuring adequate support once refugees arrive in Europe on an intra-European solidarity basis and avoiding a few countries having to shoulder the main responsibility for them. It is important that UNHCR notes that countries such as Italy and Greece should be supported to adequately receive asylum seekers and process their asylum applications. Moreover, UNHCR is proposing a pilot project for the relocation of Syrian refugees who are rescued at sea in Greece and Italy to different countries across Europe, based on a fair distribution system.

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33 “…For asylum seekers, the Dublin Regulation, which defines state responsibility for processing asylum claims, should be fully implemented including using all tools available, such as family
The entry of irregular new-comers via Greek-Turkish sea borders grew geometrically as compared to entries via land borders, which was recorded to be significantly lower, albeit slightly increased compared to 2013. According to statistics of the Ministry of Public Order and Citizen Protection, for the year 2014, the total number of arrests of irregularly residing aliens amounted to 77,163, against 43,002 in 2013. The total number of aliens apprehended when entering the country irregularly via the Greek-Turkish sea border was 43,518, as compared to 11,447 people arrested in 2013. The vast majority of these arrests concerns people coming from countries with armed conflict, generalised violence and/or serious human rights violations, which justify international protection (Syria, Afghanistan, Somalia, Eritrea, Iraq and Palestine). Approximately half i.e. 42 % of all detainees come from Syria.

In the year 2014, the key priority of the Ministry of Public Order and Citizen Protection has been the “progressive implementation of a full-fledged automated surveillance system along the Greek-Turkish land and river borders”. The operational plan under the code name “Poseidon Land Borders”, together with FRONTEX, in cooperation with Bulgaria, which also extends to the Greek-Turkish sea borders, continues in the running year. Law 4249/2014 (Official Gazette Series A’, Issue No...
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73/24-3-2014\(^{41}\) provides for a National Coordination Centre for Border Control, Immigration and Asylum (Ε.Σ.Κ.Ε.Σ.Μ.Α.) and the border control is placed under the coordination of the new Centre for Integrated Border Management and Migration (Κ.Ο.ΔΙ.Σ.ΜΕ.), operating together with FRONTEX\(^{42}\).

The operation “Xenius Zeus” and the months-long detention of irregularly entering/staying third-country nationals, in view of return procedures, have continued as a practice during the year 2014 as well. A major issue with regard to respect of the principle of legality has been the possibility to extend the duration of detention for a period exceeding 18 months, according to the relevant Ministerial decision\(^{43}\), under the justification of imposing the measure of compulsory stay in the detention facilities. This practice continued by the end of the year despite the contrary case-law of the competent administrative courts and criticism made by international organisations\(^{44}\). In addition, during the reporting year, international bodies and organizations continued to document detention conditions in detention centres and in police stations that constitute inhuman and degrading treatment\(^{45}\).

In 2014, the Ministry of Public Order and Citizen Protection carried out 27,789 deportations (versus 26,186 in the year 2013), 7,475 of which were readmissions to Albania, FYROM and Kosovo (versus 7,533 in 2013), 12,818 compulsory returns/deportations (versus 8,780 in 2013), 7,334 voluntary returns assisted by IOM (versus 9,225 in 2013) and 162 by the Hellenic Police (versus 648 in 2013)\(^{46}\).

\(^{41}\) “Restructuring the Hellenic Police, the Fire Department and the General Secretariat of Civil Protection, upgrading Services of the Ministry of Public Order and Citizen Protection and regulating other issues of competence of the Ministry of Public Order and Citizen Protection and other provisions”

\(^{42}\) This Centre comes under the Borders Protection Directorate of the Aliens and Borders Protection Branch, Hellenic Police Headquarters, and plays a key role in the monitoring and analysis of the irregular migratory flows and in the operational cooperation of the Agencies involved in tackling irregular migration, [http://www.astynomia.gr/images/stories/2014/prokirikseis14/04062014-kodisme.pdf](http://www.astynomia.gr/images/stories/2014/prokirikseis14/04062014-kodisme.pdf)

\(^{43}\) Decision No. 4000/4/59-στ/28-2-2014 of the Minister of Public Order and Citizen Protection, which accepted Opinion No 44/2014 of the Legal Council of the State, according to which: “in case a third-country national has been detained for an overall period of 18 months, after a return or deportation decision has been issued [...] the competent authorities [...] may automatically impose on him/her the measure of compulsory stay in the detention facilities”.

\(^{44}\) UNHCR asks the Greek Government to review the measure for prolonged administrative detention, 15 April 2014, [http://www.unhcr.gr/nea/artikel/2b713d4f68c7e44faa2b8917ee2ecf86/i-ypati-armosteia-z-3.html](http://www.unhcr.gr/nea/artikel/2b713d4f68c7e44faa2b8917ee2ecf86/i-ypati-armosteia-z-3.html)


In the area of migration, during the reporting year, the new immigration law, also called “immigration Code”, has been adopted (Law 4251/2014, “Immigration and Social Integration Code and other provisions”, Government Gazette of the Hellenic Republic Series A’, Issue No 80/1-4-2014), which indeed codifies, for the first time, provisions having to do with the resident status of third-country nationals who are in Greece, the categories of their residence permits and the requirements and procedures for their granting, rendering more functional and effective the implementation of the legislation (long-term resident residence permits, second generation residence permits, residence permits for dependent employment, for highly qualified employment, for humanitarian reasons, for family reunification, for victims of human trafficking et.).

The new Immigration Code goes largely in the spirit of the previous Law 3386/2005 “Entry, residence and social integration of third-country nationals on Greek territory” (Government Gazette Series A’, Issue No 212), bringing in, however, qualitative changes mainly in relation to the second generation residence permits and the residence permits of long-term resident third-country nationals. In addition, the new Code makes inclusion a basic element of migration policy and foresees institutions intended to promote inclusion.

Nevertheless, the new law did not include provisions for the legalization of the residence of a large category of third-country nationals, who for many years live, work and are integrated in the Greek society and who lack residence permits either because they had forfeited the right of residence or because they had no access to the procedures leading to the granting of a residence permit of any category (sans papier)47. The new Immigration Code provides for the possibility to settle legally certain categories of immigrants that meet certain conditions on the terms and the process of being granted a residence permit for extraordinary reasons (Article 19 of the Code). Furthermore, in the process of adopting the new Immigration Code, the gap that the absence of a legislative provision for the granting of citizenship48 to children/second-generation migrants leaves became apparent49. In the context of discussing the bill of the Immigration Code at the Plenary Session, two amendments with regard to citizenship issues were tabled by two parties of the opposition (SY.RIZ.A. and DIM.AR.), which the competent Minister did not bring in for discussion50. It should be noted that, after the decision No 460/2013 of the Plenary Session of the Council of the State, which declared the provisions of Law 3838/2010

47 The new Immigration Code however offers the possibility of the legal settlement of immigrants that fulfill the conditions set in Article 19 of the Code regarding residence permits for exceptional reasons
48 Note that citizenship issues are not included in the regulatory context of this Code
50 Ibid.
(Government Gazette Series A’, Volume No 49/24.3.2010) governing the acquisition of citizenship by birth and/or 6-year attendance at Greek school unconstitutional, no other relevant legislation has been adopted. In addition, particularly negative, with regard to the integration of third-country nationals, is the above decision’s holding that their participation in local elections is unconstitutional, thus leading to their exclusion from the local elections of May 2014 by a legislative arrangement51, despite the fact that they were registered in the voters’ lists. Furthermore, the income criteria for the family reunification and for the issuance of the long-term resident residence permits, as stipulated by the new law, have been heavily criticized, since they were considered to be high, given the economic crisis52, although reduced compared to previous provisions. Target of severe criticism have also been the multiple and expanded public order and security grounds, as well as the public health grounds for the granting of residence permits53.

One of the most important developments during the year 2014 has been the adoption of Law 4285/2014 (Government Gazette Series A’, Volume No 191/10.09.2014) “Amendment of Law 927/1979 (Government Gazette Series A’, Volume No 139) and its compliance with the framework decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law (L328) and other provisions”. It should be noted that this particular law has been an issue of intense political controversy, mainly due to the negative stance of some MPs of the “New Democracy” party, resulting in serious delays in its discussion and adoption by the Greek Parliament54. And although amendments have been tabled (by SY.RIZ.A., PA.SO.K., DIM.AR.) to include in the “anti-racist law” the extension of the registered partnership to same-sex couples, this did not get accepted by the competent Minister of Justice55. By the end of 2014 and despite Greece’s conviction by the European Court of Human Rights for violation of Article 8 of the European Convention on Human Rights, no relevant legislation has been adopted yet. Related to the anti-racist legislation was also the confrontation with regard to the provision dealing with the protection of victims of racist violence, which led to the uproarious withdrawal of the relevant Article (19) from the Immigration Code, provoking serious reactions and criticism not only by political parties but also by international organs and national authorities as well as by all human rights groups.56

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51 Law 4244/2014 (GG 60/11-3-2014) transposition of Council Directive 2013/1/EU of 20 December 2012 amending Directive 93/109/EC as regards certain detailed arrangements for the exercise of the right to stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals, in Greek law and amendment of Act 2196/1994 (GG I 41) and other provisions.
52 Ibid.
53 Ibid.
54 Kathimerini: “The anti-racist law will be adopted”, http://www.kathimerini.gr/488848/article/epikairothta/politikh/o-antaratsistikos-nomos-8a-yhistei,
55 Minutes of the Hellenic Parliament: IΕ’ Period (Parliamentary Republic), Summer 2014
Finally, Joint Ministerial Decision 30651/2014 “Determination of the residence permit for humanitarian reasons as well as the type, the procedure and the particular requirements for granting it” set out the procedure and the requirements for issuing residence permits for humanitarian reasons, inter alia, to victims of human trafficking, victims of racist violence and discriminatory treatment, victims of labour exploitation, persons whose right not be subjected to inhuman or degrading treatment according to Article 3 of the European Convention on Human Rights has been violated, to patients, victims of occupational accidents, minors staying at protection centres etc.  

In April 2014 the important sentence to life for murder and to 32 months imprisonment for other crimes (carrying arms etc.) of the two murderers of Shehzad Luqman took place. Shehzad Luqman was a young migrant from Pakistan, who was the victim of a racist, lethal attack by young offenders, while returning home from work.

Public opinion was shaken and perplexed by the acquittal, by the mixed jury court of Patras, of entrepreneur and employer of migrant workers in Manolada for the offence of labour trafficking in a case made known when employer’s associates fired indiscriminately against migrant land workers that tried to claim their overdue pays, leading to serious injury of many of them. Despite the intervention of the Prosecutor of the Supreme Court for a possible appeal, there was eventually no appeal against that judgement.

By decision of the Prosecutor of Piraeus Naval Court, approved by the Prosecutor of the Reviewing Court, the folder of the court investigation regarding the responsibilities of the Coast Guard for the tragic shipwreck on Farmakonissi on 20-1-2014 was archived in July 2014; during the incident and after the involvement of a vessel of the Coast Guard, 8 minor and 3 women refugees from Afghanistan that were aboard a small boat were drowned in their effort to enter Greece. The said ruling triggered serious reactions by human rights organisations and international bodies, complemented by the relatives of the victims that complained for lack of investigation of the serious testimonies of the ones that survived regarding the responsibilities of the coast guard personnel and the failure to bring the case to court.

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the surviving relatives of the victims filed an appeal against Greece before the European Court of Human Rights, for violation of Articles 2, 3, 6 and 13 of the European Convention on Human Rights\textsuperscript{61}.

In November 2014, the Five-Member Reviewing Court of Athens acquitted the two coast guard officers that faced second degree charges of torture against a Moroccan asylum-seeker in the summer of 2007, onboard a Coast Guard ship in the sea area of Chios. The two coast guard officers had been convicted at first instances for the said offences to six and three year penalties in November 2013\textsuperscript{62}. Driven by that case, international organisations remind the need to establish an independent mechanism of complaints for torture and inhuman and degrading treatment by state officers\textsuperscript{63}.

The politically important trial of “GOLDEN DAWN” has been scheduled to begin April 20\textsuperscript{th}, 2015\textsuperscript{64} before the Athens Three-Member Court of Appeals for felonies; MPs and members of Golden Dawn are charged with a series of offences, including having established and participated in a criminal organisation and in racist crimes against refugees and immigrants. We remind that their arrest and detention followed the assassination of antiracist activist Pavlos Fyssas in September 2013 that shocked public opinion and triggered a wave of antifascist and antiracist protests both in Greece and internationally\textsuperscript{65}.

In the field of the fight against trafficking in human beings, the National Rapporteur has already taken office since 2013 (Law 4198/2013 “on preventing and combating trafficking in human beings and protecting its victims and other provisions”, Government Gazette 215/11-10-2013). In cooperation with IOM and relevant players, the National Rapporteur will organise, in the framework of the Internal Security Fund (ISF) 2014-2020, actions to reinforce and train stakeholders in order to be able to identify different types of exploitation, to understand the legal concepts of human trafficking and the manner and timing for assisting victims and their supporting referral networks. The National Centre of Social Solidarity has assumed the training of staff of social protection structures.

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\textsuperscript{61} TRAGEDY ON FARMAKONISSI- ONE YEAR LATER NO JUSTICE FOR THE VICTIMS, PRESS RELEASE, 20 January 2015, \url{http://www.amnesty.org.gr/one_year_after_farmakonisi_tragedy}

\textsuperscript{62} Press Release: Conviction of two coast guard officers for torturing a refugee after his entry into Greece, 26 November 2013, \url{http://omadadikigorwn.blogspot.gr/2013_11_01_archive.html}

\textsuperscript{63} International Amnesty demands a mechanism for complaints \url{http://www.avgi.gr/article/4736923/athooothikan-oi-limenikoi-pou-dikazontan-gia-basanismo}

\textsuperscript{64} “Golden Dawn trial begins on April 20\textsuperscript{th}”, \url{http://www.tanea.gr/news/greece/article/5217124/stis-20-aprilioy-ksekinh-ths-xryshs-aghs/}

\textsuperscript{65} Political assassination by fascists – 34-year old Pavlos Fyssas is dead, \url{http://www.koutipandoras.gr/article/42999/politiki-dolofonia-apo-fasistes-nekros-o-34chronos-pavlos-fyssas}

“Michaloliakos is responsible for Fyssas’ assassination” \url{http://www.kathimerini.gr/788357/article/epikairothta/politikh/gia-th-dolofonia-fyssa-ey8ynetai-o-mixalolialiakos}
In the field of the fight against discrimination, it is worth noting that in a recent judgment (3317/2014), the Council of State held that the condition of “Greek descent” was correctly removed from notices of admission to military academies as it was contrary to the principle of equality. The Ombudsman notes that it is now absolutely necessary in light of the rule of law that the law-maker abolishes all cases of discriminatory treatment on the basis of origin.66

In the area of international protection, the new Asylum Service, Appeals Authority and First Reception Service envisaged in Law 3907/2011 have already completed more than one year in operation. In 2014, they received 9,432 applications for asylum, out of which 8,680 have been reviewed at first instance, 1,223 have been given refugee status, 487 subsidiary protection and 4,252 requests were rejected. Waivers of requests, discontinued procedures and applications rejected as inadmissible were 2,718.67 Rates of granting international protection at first instance68 rise to 20.5 % (1,223); 8.2 % (487) for refugee status, for subsidiary protection and 71.3 % (4,252) rejection rate.69 4,226 appeals were filed before the Appeals Authority and decisions were made concerning 2,641 appeals, with international protection granting rates of 11.1 % (294) as regards refugee status, 5.0 % (133) as regards subsidiary protection and 83.8 % (2,214) rejection rate.70

Despite these positive developments, there are problems, mainly related to the fact that not all Regional Asylum Office are still available, particularly at entry points on the islands and the understaffing of the offices that are in fact available, resulting in serious setbacks as to access to the asylum procedure71.

Moreover, serious deficiencies in the system of First Reception, particularly in terms of covering pressing needs on islands are recorded in 2014. Other than the two mobile units that opened in 2013, no new host structure was established in 2014, despite increased refugee flows on islands72. New host structures are expected to open on the islands in 2015, i.e. a first reception centre in Moria that has been administratively delivered to the First Reception Service.

The issuance of a ministerial decision73 on the establishment of committees of the Appeals Authority in September 2014, triggered questions, considering that according to the National Commission of Human Rights the decision bypassed its institutional role and thus the processes foreseen by the law on the designation of the member of the committees of the Appeals Authority74. However, according to the

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66 http://www.synigoros.gr/resources/docs/531645.pdf
68 I.e. a total of 5,962 requests not including waivers, discontinued procedures and inadmissible applications, ibid
69 Ibid
70 Ibid
Appeals Authority\textsuperscript{75}, there was a reasoned decision by the Minister regarding the continuation of the procedure of setting up committee and selected their members based on the law.

At the level of judiciary protection for asylum-seekers and refugees, Greek courts’ case-law on cases of extradition has been considerable in 2014; the relevant courts decided against those cases of extradition of asylum-seekers and refugees to countries, where they fear persecution by authorities. It should be noted that already since the beginning of 2013 and to this date, there has been a considerable number of requests for extradition by the Turkish authorities to the Greek authorities that concern Turk asylum-seekers and recognised refugees in Greece\textsuperscript{76}. The said extradition requests, having also triggered red alerts and warrants by Interpol, have raised serious concerns about refugees’ protection by the state authorities in their countries of origin\textsuperscript{77}.

By Law 4228/10-1-2014\textsuperscript{78} Greece ratified the Optional Protocol to the Convention against Torture (OPCAT) of the General Assembly of the United Nations. The Ombudsman was, according to the law, designated as the national prevention mechanism and it has already begun actions in that respect, which represents an important step for the safeguard of fundamental freedoms and human rights.

As already known, Greece headed the Presidency of the Council of the European Union in the first half of 2014. During the Greek Presidency, 71 laws were completed; agreement with the Council was achieved regarding more than 15 legislative acts focusing on the following:

- Further integration of the EU and the EUrozone\textsuperscript{79};

\textsuperscript{75} Source: Appeals Authority, Ministry of Public Order and Citizen Protection, December 2014, see 5.1.2.xi below.

\textsuperscript{76} SYRIZA MP question to the Minister of Public Order and Citizen Protection entitled: “Extradition of asylum-seekers”, 26/03/2013, No. 8853, Α Session PERIOD ΙΕ΄ (PARLIAMENTARY REPUBLIC)


\textsuperscript{78} (Government Gazette 007 I 10.01.2014) ratifying the Optional Protocol to the Convention against Torture and other cruel, inhuman or degrading treatment or punishment of the United Nations General Assembly”

\textsuperscript{79} During the Greek Presidency, the conclusion of the Single Resolution Mechanism Regulation (SRM), together with the Inter-Governmental Agreement on the Single Resolution Fund (SRF), constitute a major step towards the completion of the Banking Union. Results of the Hellenic Presidency of the Council of the European Union, 1 January – 30 June 2014, (p. 5)
In the field of migration according to the Results of the Greek Presidency\textsuperscript{83} the protection of European borders and the management of migration became a major security challenge for the Union as a whole. Throughout the Hellenic Presidency, the list of countries, whose citizens are required to have a visa to enter the European Union was reviewed (including Moldova), the consultation process of the Council with the European Parliament was completed and Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of intra-corporate transfers and the Regulation on Frontex were published in the Journal of the European Union. Under the Hellenic Presidency, a text was prepared that will form the basis for defining Strategic Guidelines on legislative and operational planning in the area of justice and home affairs (post-Stockholm). Basic principles of this text are: The principle of solidarity focusing on areas of asylum and management of borders and migration flows\textsuperscript{84}-including via growth cooperation with third countries-, the principle of positive conditionality in terms of EU’s cooperation with third countries, as well as the development of policies of return, visas and readmission.

Note that during the Greek Presidency, among others:

- The Council’s conclusions regarding the evaluation of the Global Approach to Migration and Mobility (GAMM) were adopted;
- First reading agreement was reached with the European Parliament on the rules for the surveillance of external sea borders in the context of Frontex operations;
- Council’s conclusions on terrorism and border security were adopted;

\textsuperscript{80} The outcomes of the efforts of the Hellenic Presidency include: timely and steady financing of EU policies, in the framework of the Multiannual Financial Framework; agreement on the funding of the European Maritime and Fisheries Fund, the adoption of legislation, in the framework of the Single Market Act I and II, enhancing the competitiveness of the European economy as a whole, by providing the necessary facilitation and safeguards to EU citizens and businesses, ibid (p. 5-6)

\textsuperscript{81} Border and migration management was highlighted as a major challenge for the Union as a whole. Results of the Hellenic Presidency of the Council of the European Union, 1 January – 30 June 2014, (p. 6); see also below specific reference to matters of migration and mobility.

\textsuperscript{82} An aim of the Hellenic Presidency has been the promotion of a cross-sectoral strategy, which will cover all aspects of EU maritime policies, including security, growth and energy. A key component of this has been the European Maritime Security Strategy adopted by the June 2014 General Affairs Council. Results of the Hellenic Presidency of the Council of the European Union, 1 January – 30 June 2014, (p. 6)

\textsuperscript{83} Results of the Hellenic Presidency of the Council of the European Union, 1 January – 30 June 2014, http://www.gr2014.eu/sites/default/files/1Results%20of%20the%20Hellenic%20Presidency%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%20%2
• The first intergovernmental conference between EU and Serbia was held, which marks the opening of accession negotiations with Serbia, including a visit of the Greek delegation to capitals of Western Balkan states to promote and enhance their ties with the EU. EU Connection Conferences with Tunisia and Uzbekistan were also held;
• First reading agreement was reached with the EP aligning MS national policies in the area of intra-corporate transfer, thus enhancing the European framework on legal migration;
• The Council’s conclusions on the integration of third-country nationals legally residing in the EU, including the need to develop policies and actions of integration in new areas were adopted;
• The Council’s conclusions on EU Return Policy were adopted, emphasising on the more effective implementation of the existing rules and the strengthening of cooperation with third countries;
• The Council adopted the revised EU Strategy for combating radicalisation and recruitment to terrorism by implementing actions that among others concern training, enhance government communications, promote security, justice, align internal and external counter-radicalisation work etc;
• Council conclusions on the application of the EU Charter of Fundamental Freedoms were adopted;
• Council conclusions on preventing and combating all forms of violence against women and girls, including female genital mutilation, were adopted.

At a level of political processes aimed at promoting peace processes, both the Greek and Italian Presidencies were particularly concerned with the crisis in the Ukraine, the situation in Syria, the situation in the Gaza Strip and Israel, the establishment of the Islamic State (ISIS) and the unsettled situation in Libya.

The Report of the Italian Presidency that followed from 1-7-2014 to 31-12-2014 refers to the following important developments: smooth institutional transition by setting up, on time, Community institutional bodies (Chairman of the Commission, President of the European Council, EU High Commissioner on Foreign Policy), emphasis on promoting growth-employment-investment, adoption of a “European migration policy” similar to “TRITON” operation in the Mediterranean and the European Resettlement Programme, promotion of economic and investment activity in the Mediterranean through Amici initiative, agreement between the Ukraine and Russia on natural gas, agreement on environmental targets for 2030.

As regards migration management, the Italian Presidency promoted a text of recommendations that was adopted as Council Conclusion in October 2014, on the basis of the following guidelines: actions of cooperation with third countries, enhance management of external borders and Frontex, actions at a Member State level, reception and identification/fingerprinting. In this context, TRITON operation was launched, which is being carried out since 1-11-2014 by FRONTEX and funded by the EU, a border surveillance operation that also provides for search and rescue, where required. Note that this operation covers sea areas south of Italy, without however

http://ec.europa.eu/news/eu_explained/140704_el.htm
replacing “MARE NOSTRUM” operation that began in October 2013 and evolved to a humanitarian military operation funded by Italy.\textsuperscript{86}

Latvian Presidency begins on 1 January 2015 and its priorities are summarised to the following:

- Europe’s competitiveness, to boost employment and growth; this will include initiatives to make best use of the Investment Plan and the establishment of an Energy Union;
- Review EU border security and EU defence;
- Manage migration flows;
- Digital Europe: this includes initiatives to shield the institutional framework protecting privacy, boost internet security and reach a compromise agreement for the Telecom Single Market Package;
- Engaged Europe in matters of worldwide importance: this includes the European Neighbourhood Policy and the completion of transatlantic negotiations (key objective being the finalisation of TTIP Partnership with the US).\textsuperscript{87}

In the second half of 2014, Greece took over the Presidency of the Organisation of the Black Sea Economic Cooperation (BSEC) and took part in the Summit of the South-East European Cooperation Process (SEECP). Furthermore, a Greek delegation participated in the Ministerial Meeting of the states participating in the Organisation for Security and Cooperation in Europe, entitled “The crisis in the Ukraine, the OSCE and the future of European Security Strategy”, as well as in Summit on “Strengthening peacekeeping operations”.

Greece sent humanitarian aid to Mariupol Ukraine and Gaza Strip. Immediate humanitarian assistance was offered to flood-affected populations of Serbia and Bosnia-Herzegovina.


\begin{itemize}
\item \textsuperscript{86} UNHCR unveils far-reaching proposals for European action in the Mediterranean sea, 13 March 2015, “...UNHCR’s new proposals include the establishment of a robust European search and rescue operation in the Mediterranean, similar to the Italian Mare Nostrum operation, which came to an end last year, and to set up a EU scheme to compensate shipping companies for losses incurred while rescuing people in distress at sea...”, http://www.unhcr.org/55019bce6.html
\item \textsuperscript{87} Latvia took the presidency of the EU, 1 January 2015, http://www.naftemporiki.gr/story/897713/i-letonia-anelabe-tin-proedria-tis-ee
\end{itemize}

Four key pillars during Latvian EU Presidency

http://www.eaete.gr/2015/01/09/%CF%84%CE%AD%CF%83%CF%83%CE%85%CE%81%CE%85%CE%89%CF%82-%CE%BF%CE%B9-%CE%B2%CE%B1%CF%83%CE%B9%CE%BA%CE%BF%CE%AF-%CE%AC%CE%BE%CE%BF%CE%BD%CE%B5%CF%82-%CF%84%CE%B7%CF%82-%CE%BB%CE%B5%CF%84%CE%BF%CE%BD/
the internal agreement of EU Member States that met in the context of EU’s Council, on financing European Union aid based on its multiannual fiscal framework for the period 2014 to 2020 under the ACP-EU Partnership Agreement (11th EDF) (Law 4292/2014, Government Gazette A 203, 2014). Greece further signed memoranda of cooperation with countries in Asia and Africa.

The actions of “AMICI” initiative for the Coordination of Investment in the South Mediterranean carried out jointly with Italy continued in 2014.

In the field of political developments, results in the elections for MEPs were 26.57% and 6 seats for the Coalition of the Radical Left (SYRIZA), i.e. the opposition party, 22.72% and 5 seats for New Democracy party, i.e. the government party, 9.37% and 3 seats for the right-wing extremist party Golden Dawn-whose chief, many MPs and members are detained in the context of criminal proceedings as referred to above-, followed by Elia party –a democratic party that gained 8.02% and 2 seats-, Potami with 6.60% and 2 seats, the Communist Party of Greece (KKE) with 6.1% and 2 seats, Independent Greeks with 3.46% and 1 seat, the Popular Orthodox Rally (LAOS) with 2.69%, Democratic Left (DIMAR) with 1.21% and Ecologist Greens with 0.90%.

On 30 December 2014, national elections were announced after the failure of the Parliament to elect a President of the Republic. Elections were set to take place on 25 January 2015. A serious area of electoral confrontation between the Government Party and the main opposition party SYRIZA was the management and different approaches in dealing with migration. The Coalition of the Radical Left (SYRIZA) won the elections with 36.34% and 149 seats, followed by New Democracy with 27.81% and 76 seats; the far-right party of Golden Dawn came third with 6.287% and 17 seats, followed by Potami with 6.05% and 17 seats, the Communist Party of Greece (KKE) with 5.47% and 15 seats, Independent Greeks with 4.75% and 13 seats and PASOK with 4.68% and 13 seats.

The new government of alliance of SYRIZA and Independent Greeks (ANEL) was formed on 27-1-2015 and on 11-2-2015 the government was voted by the Hellenic Parliament (162 votes). A pivotal point in the area of immigration and international protection has been the establishment by the new government of a separate portfolio on issues of Immigration and Asylum under a competent deputy Minister of Migration Policy that reports to the Ministry of Interior.

On 19 February 2015 Prokopis Pavlopoulos was elected President of the Republic with 233 votes.

90 http://www.eikloges.ypes.gr/current/more/level.html?lang/el&nav=1&ekl=v
92 Election of a President of the Republic: Prokopis Pavlopoulos was elected to the highest office in the country with 233 votes. http://www.naftemporiki.gr/stream/1186/eikologi-proedrou-tis-dimokratias
3. Legal migration and mobility

In the field of legal migration and mobility a considerable development in the reporting year has been the adoption of the new migration law, also called Immigration Code (Law 4251/2014 “Code of Migration and Social Inclusion and other provisions” GG A’ 80/1-4-2014). As noted above, particularly important are undoubtedly the terms of the law on the regime of immigrants located in Greece, the types of residence permits and their granting conditions, making the implementation of the legislation more functional and effective (long-term resident residence permits, second generation residence permits, residence permits for dependent employment, for highly qualified employment, for humanitarian reasons, for family reunification, for victims of human trafficking etc). This new Code reflects inter alia elements on the planning made by the Greek State as regards the integration of legally residing third-country nationals, within the framework laid down by the ‘National Strategy for Integration of third-country nationals” of the Secretariat-General for Population and Social Cohesion of the Ministry of the Interior.

The new Immigration Code replaces previous Law 3386/2005 “Entry, residence and social integration of third-country nationals on Greek territory” (GG 212 A’), which was for a number of years the key law to arrange the status of third country citizens in Greece, in the logic of a law on “aliens” instead of a tool to implement immigration policy. Although the new Immigration Code goes largely in the spirit of this previous legal framework, it makes quality changes mainly regarding second-generation permits and permits for third country nationals who are long term residents.


The new immigration law includes also transitional provisions having to do, inter alia, with the facilitation of return to legal residence status of many third-country nationals, who had been deprived of such a status due to the economic crisis. It also includes and codifies in its text the already incorporated in previous legislation Directives 2003/86/EC, 2003/109/EC, 2004/81/EC, 2004/114/EC, 2005/71/EC, 2009/50/EC and 2011/51/EU.

The Immigration Code regulates migration by laying down the volumes of admission and the processes for the transfer of third country nationals for work, i.e.: maximum number of positions for dependent work, seasonal employment, transfer of fisheries workers and highly qualified employment (Article 11 seq). These arrangements aim to connect third country nationals’ work (through the transfer of employees) with the market needs and national economy, emphasising on the areas of dependent work, seasonal employment, highly qualified employment, investment activity etc.

At the beginning of 2014, in the context of simplifying the relevant administrative procedures, the procedures having to do with the establishment of

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93 Overview of developments in the field of asylum and migration, p. 12
single points of contact (One Stop Shop) were concluded. The new code stipulates that the competent services to receive and review requests for residence permits are the Aliens Directorates of the country’s Decentralised Administrations or the Division of Migration Policy of the Ministry of Interior (now Ministry of Interior and Administrative Restructuring for permits issued by the Ministry based on the law, which operate as one stop shops, considering that they are responsible for completed all procedures related to the issuance of residence permits (submission and review of requests, issue decision, inform the public etc).

The provision for a three-year term of the initial permit as a rule, instead of two years that was the case until the new Code was adopted was also significant (Article 7, par. 5).

Furthermore, the Code includes arrangements relating to mobility within the European Union for workers, students, researchers and entrepreneurs that already have a residence permit from another EU Member State, including arrangements for long-term residents (conditions for granting/renewal of a residence permit and mobility). They aim to review the conditions of access to the labour market with emphasis on attracting investment activity by legal and natural persons established abroad and on in attracting highly skilled workers, researchers and students.

Joint Ministerial Decision No. 30651/2014 lays down the category ‘residence permit for humanitarian reasons’, as well as the type, the procedure and the conditions on which it is granted.

3.1 Economic migration

- Policies to transfer/attract workers

The new Immigration Code regulates issues related to the procedure of setting the volumes of admission of third-country nationals and their work conditions (seasonal, dependent, high-skilled employment, etc.), residence permits for investment activity, special purpose permits, entry on a national visa etc. These provisions, inter alia, lay down the maximum number of dependent work positions offered to third-country citizens, set criteria to identify the labour needs in the Greek territory. The law further provides for the possibility to revoke the transfer of

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95 Pursuant to the provisions of Article 2 of Law 4018/2011 (Government Gazette Series A’, Volume No. 215), at the level of Decentralized Administrations the One Stop Shops have been gradually established, depending on the readiness of the services. Thus, the first Shops were founded in 2012 and their establishment was completed at the beginning of 2014, when a new Shop on the island of Naxos was created.


97 Government Gazette II 1453/2014 “laying down the categories of residence permits for humanitarian reasons, as well as their type, process and more specific conditions”.

98 Particularly chapter entitled “Stay to work and carry out professional activity” (Articles 11-15)

99 ([..]such needs will be identified, in particular, on the basis of the following criteria: The consultation between the region and employers’ bodies, the interest of the national economy, the feasibility of employment, labour supply from European citizens, nationals or legally residing third-country nationals for each area of specialisation, including unemployment rate per area of employment. [...] Article 11, Law 4251/2014).
workers from third countries, including when that third country fails to cooperate in the area of return of its citizens.

The new Code\textsuperscript{100} includes the provisions of the repealed Article 6 of Law 4146/2013 (Government Gazette A/90/18.04.2013) “Shaping a development-friendly environment for strategic and private investments and other provisions”, which provided for granting residence permits to the legal representative of the entity carrying out the strategic investment, including up to ten (10) persons whose residence permits is considered essential for the smooth implementation of that investment, and the granting of residence permits to property owners in Greece.

To implement the Code, Joint Ministerial Decisions have laid down “the minimum number of wages or a minimum period of insurance per insurance body, the evidence for renewal of a third-country national residence permit, including regulation of relevant matters”\textsuperscript{101}, the amount of the investment, the responsible department and the evidence required for enjoying the provisions of paragraph A, Article 16, Law 4251/2014 and the number of residence permits for natural persons required for the smooth operation of the investment\textsuperscript{102}, as well as the amount and the means to prove the available resources considered necessary for granting an entry visa or granting/renewing residence permits under the provisions of Law 4251/2014\textsuperscript{103}.

The Immigration Code includes also the arrangements regarding a favourable framework for granting a residence permit (EU blue card) for the purpose of highly skilled employment pursuant to Directive 2009/50/EC, particularly as regards family reunification\textsuperscript{104}, without requiring prior two-year stay of the Blue Card holder\textsuperscript{105}, on condition that he or she has sufficient resources, according to the general provisions on family reunification. Furthermore, the Code does not set a deadline for Blue card holder’s family members’ access to the labour market. The code allows for the cumulative calculation of periods of stay in different Member States to fulfil the condition relating to the duration of stay for long-term residents. A holder of an EU Blue Card from another EU Member State may more easily be transferred to Greece.

The Code further stipulates favourable provisions on national entry visas for certain categories of workers that may also be accompanied by their family members under a residence permit for family reunification effective until the expiry date of

\footnotesize{\textsuperscript{100} Articles 16 and 20}
\footnotesize{\textsuperscript{101} JMD 51738/2014, GG B’ 2947/2014 “laying down the minimum number of wages or a minimum period of insurance per insurance body, the evidence for renewal of a third-country national residence permit, including regulation of relevant matters”}.
\footnotesize{\textsuperscript{102} JMD 53969/2014, GG B’ 2928/2014 “laying down the amount of the investment, the responsible department and the evidence required for enjoying the provisions of paragraph A, Article 16, Law 4251/2014 and the number of residence permits for natural persons required for the smooth operation of the investment”}.
\footnotesize{\textsuperscript{103} JMD 41712/2014, “setting out the amount and the means to prove the available resources considered necessary for granting an entry visa or granting/renewing residence permits under the provisions of Law 4251/2014”}.
\footnotesize{\textsuperscript{104} applying the provisions on family reunification (Article 70 of the Code)}
\footnotesize{\textsuperscript{105} Article 120, first paragraph 1 Law 4251/2014: “1. The members of the family of a citizen of a third country, holder “EU Blue Card” may accompany or to come to join the sponsor, if he or she demonstrates that he or she has personal income stable and regular, adequate for the needs of the sponsor and his or her family, in accordance with the provisions of Article 70.”}
sponsor’s permit, by way of derogation from the provisions on family reunification (Articles 69 et seq.); in particular:

- Highly-skilled workers and intra-corporate transferees (Article 17): a two-year residence permit, renewable every three years has been provided for; likewise for members of their families;

- Third-country nationals wishing to launch a professional activity (Article 16): a residence permit valid for five years, renewable every five years; likewise for members of their family. Specifically for strategic investors (up to 10 third-country nationals per investment) a ten-year residence permit, renewable every ten years if the conditions for the original permit persist; similarly for members of their families, as well as auxiliary staff, if they are disabled. The residence permit shall be issued within 5 days from the date of the submission of the request.

For seasonal workers, a national visa is provided for, under the guarantees referred to above\(^\text{106}\) including the provision of health benefits after their entry in the country and the start of their employment; no provision has however been made for family reunification.


Given that the new Code was only recently introduced, we are not able to draw conclusions and good practices from its implementation until today.

- **Efforts to avoid “social dumping”**

The Immigration Code (Articles 12-15) lays down conditions that must be met in order to accept the relevant application by the employer wishing to recruit third-country nationals, namely, inter alia: contract of employment stamped by the Labour Inspection, stating the type of employment, the duration and the remuneration of the worker, which may not be, under any circumstances, less than the salary for an unskilled worker. The existing insurance laws apply; OGA, IKA and the regional services of the Labour Inspection Corps must be necessarily informed, as applicable.

3.2. Family reunification

The Immigration Code (Articles 69 et seq.) regulates the procedure for family reunification, in accordance with the provisions of Directive 2003/86/EC, including the

\(^{106}\) (in this chapter, in 3.1)
case where family members resided in Greece before the submission of the relevant application for reunification, if they fulfil the inclusion criteria envisaged in the law.

This is a qualitative change that has triggered concerns and has been criticised, during the discussion of the Draft Law by opposition parties and migrant associations, regarding the condition of family members’ requirement to fulfil inclusion criteria\textsuperscript{107}. The said criticism concerned in particular the provision in the law (Article 71, par. 2a) that requires an opinion by the competent Greek Consular Authority that will confirm, via one-to-one interviews, family members’ possibility of inclusion and the provision that their failure to be present at the interview incurs the inadmissibility of the request for family reunification (Article 71, par 2b). However, the arrangement on family reunification when family members already resided in Greece before the time the relevant application was filed is considered more favourable as compared to the previous law (Article 70, par. 1c). Similar criticism was made to the income criteria laid down by the Code to exercise of the right, that were considered high, given the economic crisis.\textsuperscript{108}

Provisions that promote inclusion are the arrangements for family reunification when the family has been constituted in Greece (Article 80). More favourable provisions are foreseen for family members of expatriates (Article 81) and a Greek citizen’s family members (Article 82). Although the sponsor must have, among other conditions, sufficient resources to cover his or her own and their family’s needs to claim the right to reunification, this condition is not required when renewing their original residence permit.

### 3.3 Specific arrangements for students and researchers

Among the provisions that concern facilitating the mobility of students among MS (Articles 31 to 45), the Immigration Code reiterates the provision regarding possibility to work part-time offered to students that have acquired a residence permit for the purpose of their studies (Article 36). The law further provides for the rapid issuance of a residence permit for post-graduate studies, if there is a relevant contract between the Ministry of Interior and Administrative Restructuring and the University that runs the applicable master’s degree (Article 37).

The law also include provisions, according to Directive 2005/71/EC, which lay down a specific procedure for admitting third-country nationals for the purposes of


\textsuperscript{108} Ibid
scientific research (Article 64), which govern the right to stay and be granted a residence permit in Greece for a citizen of a third country that has received a residence permit as a researcher in another EU Member State. Right of residence is also provided to members of their family (Article 63), including the right to provide lecturing work in accordance with Greek laws (Article 66).

3.4 Specific aspects of legal migration


  Long-term residents shall enjoy equal treatment with nationals in a set of rights\(^{109}\) (Article 97: access to salaried or non-salaried employment, training and vocational training, recognition of diplomas, certificates and other professional qualifications, social security, tax benefits, access to goods and services, in particular access to buy housing, freedom of association, free movement and establishment across the territory, the right to equal treatment, etc.). The law further provides for increased guarantees for protecting the long-term residents from expulsion/return procedures (Article 95).

  The law provides, under conditions (stable income, health insurance) and for specific reasons (activity, study, vocational training) for the right of residence and a residence permit in Greece, to third country nationals with long-term resident status in another Member State of the European Union, as well as to their family members, provided that the family had already been constituted in another Member State (Articles 98 and 99).

  It should be noted that the law maintains the sufficient knowledge of Greek language, history and culture following exams as a criterion for inclusion. Exceptionally, residence permits for ‘long-term resident’ are granted more easily in the case of lawful residence in Greece for twelve years, considering that language proficiency is in that case not required for social inclusion. (Article 90, par 2). The same arrangement applies to long-term residents members of a Greek citizen’s family.

- **Second generation immigrants**: The possibility to be granted a residence permit for 5 years is offered to second-generation immigrants, on conditions of having completed six years of schooling in a Greek school before they reach 21, provided that they are legal residents in the Greek territory at the time of the relevant request (Article 108 of the Code). This provision was strongly criticised as regards its condition of previous legal residence, considering that it introduces elements of discrimination effectively in the treatment of children. This way, adult third country citizens that fulfil the condition for inclusion, i.e. 6-year attendance at a Greek school but do not hold residence papers are excluded from the arrangement. These people can only be

granted one-year residence status (Article 1, JMD 30651/2014 Residence permit on humanitarian grounds Government Gazette B 1453/5-6-2014).

**Mobility of third country nationals** among EU Member States: the provisions (Articles 31 to 43 and 57 et seq. respectively) of the Immigration Code, regulate, in accordance with Directives 2004/114/EC and 2005/71/EC, the admission and mobility (among Member States) of third-country nationals, holding a residence permit for study purposes as well as third-country researchers that have been granted a relevant residence permit (see 1.3 below). Article 98 of the Code further regulates issues of mobility of third-country nationals that were granted long-term staying status in another Member State, according to Directive 2011/51/EU of the European Parliament and of the Council of 11/5/2011. A holder of an EU Blue Card from another EU Member State may more easily be transferred to Greece, pursuant to Directive 2009/50/EC (Article 122).

### 3.5 Integration – Equal treatment – Naturalisation – Citizenship

**Equal treatment:**

The new code ensures equal treatment of third-country nationals with Greek nationals in a number of cases (insurance rights, social protection, compulsory schooling for children, supporting documents to register minors in Greek schools, access to higher education (Article 21). Equal treatment with nationals for holders of researcher residence permit is foreseen (Article 67) as regards recognition of diplomas, work conditions, social security, tax benefits and access to goods and services available to the public.

**Integration through socio-economic participation:**

- **Learning the language as a criterion for inclusion:**

  The new Code lays down the adequacy of knowledge of Greek language, history and culture as a criterion for inclusion and granting a long-term residents permit (Article 107).

  The Youth and Lifelong Learning Foundation (a private legal entity governed by private law, supervised by the Ministry of Culture, Education and Religious Affairs) implements immigrant training programmes in the Greek language, the Greek culture and Greek history (programme “Odysseus”). In July and October 2014 two competitions were held for certification on the knowledge of the Greek language and the Greek history and civilisation to be granted long-term residence status. In 2014,

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110 The Immigration Code (Article 107) revised the process of acquiring Greek language proficiency certificates; however, a relevant ministerial decision has not been issued yet. In the meantime, JMD No. 5185/22-5-2014 (GG 1316/B/2014) by the Ministers of Finance, Interior and Education “Certification of the knowledge of the Greek languages and elements of Greek history and civilization by third country nationals in order to be granted long-term staying states” still applies, which was issued pursuant to the similar provisions in the previous Law 3386/2005 (Article 68, par. 3), as replaced by Article 31, Law 4115/2013 (GG A 24/30-1-2013). A fee must be paid for participating in the exams.

the said programmes were being staffed, while certification of proficiency tests will be conducted from the end of this year to the first half of 2015.

The National Centre of Social Solidarity under current training programmes (KEK) implements “Hypatia” programme: Plan to teach Greek language and culture to asylum-seekers — third-country nationals (start date 01/10/2014).

- **Access to social rights, social security and healthcare:**

Immigrants holding a residence permit have access to social security and thus to healthcare. In the reference year, the European Fund for the Integration of Third Country Nationals sponsored a project entitled “1.2.c/12 Promoting intercultural mediation in selected hospitals” that provided for the provision of interpretation/intercultural mediation services in 11 hospitals of the country, with a view to facilitate immigrants’ access to hospital care.\(^{112}\)

Immigrants’ access to the pilot project entitled “Minimum Guaranteed Income” carried out in the reference year to support low-income people was granted on condition of a previous five-year legal residence in the country. Note that this pilot project included income support and social services, such as the provision of a booklet for the non-insured, heating allowance, social tariff of PPC, access to social groceries as well as training and re-training programmes aimed at reintegration into work. This project was implemented in 13 municipalities for six months.\(^{113}\)

- **Immigrants’ integration in the labour market**

Despite the fact that the National Strategy for the integration of third country nationals\(^{114}\) stresses that “employment in a key component in the process of integration, having effective importance for third country nationals’ participation and contribution in the hosting society and for highlighting such contribution”, there were no actions to implement the measures proposed\(^{115}\) in the reference year. However,

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\(^{112}\) Decision to include Action 1.2/12, Project 1.2.c/12 entitled: “Promote intercultural mediation in selected hospitals” of the 2012 Annual Plan of the European Inclusion Fund for Third-country nationals. Ministry of Interior, Athens 25.4.2014, Reg. No. oik. 21983/14

https://yperdiavgeia.gr/decisions/view/11084525

http://www.gazzetta.gr/plus/article/625847/diapolitismiki-mesolavisi-se-10-nosokomeia-tis-elladas

\(^{113}\) JMD No. 39892/ΓΔ1.2/7.11.2014 laying down the terms and conditions of the pilot project’s implementation.


\(^{115}\) 1. Information on the work context (IKA, OGA, OAEE (TEBE, TAE, TSA), OAED, security contributions, stamp etc). 2. Establishment of a site for offering and demanding employment. 3. Promote third country citizens’ information on the way to deal with discrimination they may be subject to and encourage them to file complaints. 4. Enhance corporate social responsibility. 5. Facilitate third country nationals’ approach with prospective employers. 6. Guide third country nationals in high development areas that create jobs. 7. Create personalised programmes or implement mentoring actions by businesses or civil society organisations. 8. Encourage third country nationals to make full use of their skills and competencies. 17 Council of the European Union (2005), Common Framework for Integration: Common Basic Principles for Immigrant Integration Policy in the European Union, COM (2005) 389. National Strategy for the integration of third country nationals 72 9. Improve the recognition of skills and relate skills to market needs. 10. Attract highly skilled workers to the EU (and the country). 11. Offer
the new Code stipulates arrangements to facilitate the granting of a residence permit and access to the labour market for certain categories of workers; i.e. holders of residence permits intended for highly skilled employment under Directive 2009/50/EC (EU Blue Card, Article 109 seq. Immigration Code), highly qualified workers, intra-corporate transferees (Article 17, Immigration Code), third country nationals wishing to develop business activity, strategic investors (Article 16, Immigration Code), including the members of their families.

- Integration and family reunification

Provisions that promote inclusion are the arrangements for family reunification when the family has been constituted in Greece (Article 80). More favourable provisions are foreseen for family members of expatriates (Article 81), Greek citizens’ family members (Article 82) and family members of “Blue Card” holders (Article 120, par. 1). However, the conditions of the accessibility for family members located outside Greece –under the opinion issued by the Greek consular authorities– for the completion of family reunification procedures, raise questions when in fact such accessibility conditions have not up to this date been supported by steps to promote integration before departure.

- Promoting integration through political participation

The new Immigration Code provides for the establishment of a Committee for the Coordination of Migration policy and Social Inclusion (Article 130), involving the secretaries-general and directors-general of almost all ministries, assisted by an ad hoc scientific committee (Article 131). In 2014, this Coordination Committee has not met in session, and the Scientific Committee has not yet been set up, given that the relevant ministerial decision has not been issued yet.

In year 2013, i.e. during the term of the previous municipal authorities, 221 Migrant Integration Councils were set up in 325 municipalities overall. The reasons for the deficiencies in establishing Migrant Integration Councils in the Municipalities are many and have to do among others with the low priority given to their establishment by municipal authorities, their advisory nature and the failure to mobilise immigrant population in each area. In 2014, the implementation of project complementary and supporting services.

117 Ibid
actions 4.1.β/12: “Development of cooperation networks between representatives of Migrant Integration Councils and other similar organisations at a European level” continued. The project aims at strengthening the quality upgrade and better functioning of the MICs, through networking, developing joint actions, sharing experiences and the transfer of best practices to the local communities at both national and European level.

In 2014, after the municipal/regional elections in May 2014, there is no picture as to how many Migrant Inclusion Boards have been set up and/or operate.

A negative development as regards the immigrants’ and refugees’ participation in public affairs has been decision no. 460/2013 by the Plenary Session of the Council of State that in addition to the provisions governing citizenship for immigrants’ offspring, also held that the provisions on immigrants’ and refugees’ right to participate in Local Government elections were unconstitutional. As a result, immigrants were by a legislative arrangement excluded from the elections for the said bodies in the local government elections of May 2014, although their names were included in the electoral lists. This development marked a significant step backwards in terms of participating in public affairs and thus integrating legally residing third-country nationals, who had the right to vote and be voted for in local self-administration bodies based on the previous regime.

- Citizenship

In 2014, the lack of a legislative arrangement for granting citizenship to second-generation children/immigrants has been the subject of public controversy. As mentioned above, in the context of discussing the draft law for the Immigration Code, two relevant amendments regulating matters of citizenship were tabled at the Plenary Session of the Parliament by two parties of the opposition (SYRIZA and DIMAR), that were however not introduced for discussion by the competent Minister. The said amendments were re-tabled in the context of discussing Law 4285/2014 (GG A’ 191–2014) “Amending Law 927/1979 (Α 139) and adjusting the law

118 The project was implemented under the 2012 annual programme of the European Fund for the Integration of third-country nationals (EIF). Implementing agencies of the project were: The scientific society for social cohesion and development – EPEKSA, DIMENSION S.A. training and consultancy services, the Development Municipal Undertaking of Patras – ADEP S.A. The annual programme of 2012 is implemented under the European Fund for the Integration of third-country nationals, co-financed by the European Integration Fund by 95% Community funding and 5% national funding.

http://www.epeksa.gr/assets/variables/files/file_apologismos%204.1.%20b%2012.pdf

119 N. 3838/2010 (ΦΕΚ 49/Α'/24.3.2010),

120 It is specified that matters of granting Greek citizenship are not governed by the regulations of this Code.

121 Parliament Minutes: Meeting ΠΗ' Friday 14 February 2014
http://www.hellenicparliament.gr/UserFiles/a08fc2dd-61a9-4a83-b09a-09f4c564609d/es20140214.pdf

Parliament Minutes ΙΕ' Period of Parliamentary Republic Session Β' Meeting ΠΙΑ' Thursday 20 March 2014,
http://www.hellenicparliament.gr/UserFiles/a08fc2dd-61a9-4a83-b09a-09f4c564609d/es20140320.pdf


Meeting ΠΟ' Tuesday 18 March 2014 http://www.hellenicparliament.gr/UserFiles/a08fc2dd-61a9-4a83-b09a-09f4c564609d/es20140318.pdf

122 Ibid.
to framework decision No. 2008/913/JHA of 28 November 2008, on combating certain forms and expressions of racism and xenophobia by means of criminal law (L 328) and other provisions”123, but were once again not introduced for discussion by the Minister of Justice. We remind that following decision no. 460/2013 by the Plenary Session of the Council of State that held that the provisions of Law 3838/2010 (GG 49/A’/24.3.2010), on acquiring citizenship by birth and/or six-year attendance in a Greek school were unconstitutional, no other relevant law has been adopted.

Around the end of 2014, it was announced that a new legislative arrangement was being elaborated that would cover the legal gap regarding the conditions to acquire citizenship for immigrants’ children124. The new government’s Minister of Migration Policy reiterated the government’s commitment to make a legislative arrangement that will allow access to citizenship for immigrant children (second-generation) born and raised in Greece, an arrangement expected in the first months of 2015.125

- Combating discrimination and racism – legislative developments – awareness raising

One of the most important developments in 2014 was the adoption of Law 4285/2014 (Government Gazette A’ 191-2014) “Amendment of Law 927/1979 (A 139) and alignment with Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law (OJ L 328) and other provisions’. The law follows the path of combating racially motivated crime and hate crime and in particular (a) provides for the standardisation of the offence of public incitement to violence due to hatred, (b) the better investigation of racist crimes with a specific aggravating circumstance as well as (c) the liability of and sanctions on legal persons. Joint Ministerial Decision 30651/2014 was the decision suspending the detention and expulsion of victims and main witnesses and instituting a special residence status pending the final ruling.126

Law 4249/2014 amended Law 3938/2011 and extended the competence of the Office dealing with Abuse Incidents also to include complaints about illegal conduct, guided by a racist motive or other forms of discrimination.127

124 Kathimerini, 19.11.2014, ”Three conditions for citizenship”, according to the article: “the new draft law foresees three different conditions to be granted citizenship. The applicant must meet at least one: have completed compulsory schooling in a Greek school, have attended all six secondary education classes or be holder of a degree by a Greek lyceum or a Greek University or Technical School”. http://www.kathimerini.gr/792521/gallery/epikairothta/ellada/treis-proupo8eseis-gia-i8ageneia
125 T. Christodouloupoulo: Citizenship to all children born and raised in Greece, Avgi, 28-1-2015 : “SYRIZA has committed to provide Greek citizenship to all children born and raised in Greece, the so-called second-generation immigrants”, http://www.avgi.gr/article/5263808/t-xristodouloupoulou-ithageneia-se-ola-ta-paidia-pou-gennithikan-kai-megalosan-stin-ellada-ixitiko-
126 http://www.unhcr.gr/1againstracism/schetika-me-tis-prosfates-nomothetikes-rithmisis-gia-tin-katapolemi-s-ton-ratsistikos-ekklimaton/
127 “d. There are indications of unlawful conduct racially-motivated or that presents other discrimination on grounds of ethnic or racial origin or religious or other beliefs, disability, age or sexual
As part of the project entitled “1.1.a/12 Offices to provide support against discrimination to third-country nationals”, specific offices were launched offering assistance against discrimination to third-country nationals that operate in parallel in seven (7) of the country’s biggest cities that are the seats of Single Decentralised Administrations\textsuperscript{128} (Athens, Piraeus, Thessaloniki, Patras, Heraklion and Ioannina and Larissa). The offices offered tailor-made administrative support, information, counselling and guidance of third-country nationals regarding their rights and obligations, including possibilities to tackle discrimination phenomena in both the public and private sector.\textsuperscript{129}

In a recent judgment (3317/2014), the Council of State held that the condition of “Greek descent” was correctly removed from notices of admission to military academies as it was contrary to the principle of equality. The Ombudsman notes that it is now absolutely necessary in light of the rule of law that the law-maker abolishes all cases of discriminatory treatment on the basis of origin.\textsuperscript{130}

The awareness and information campaign against racism “1 against racism” of the UN High Commissioner for Refugees continued in 2014, including TV and radio spots, interviews with victims of racist violence and people of the arts, culture and sports, as well as information activities in schools.

The radio station of the Greek Forum of Migrants NGO, under the motto “Think differently”\textsuperscript{131}, promotes awareness-raising on matters of migration, social issues and notably issues relating to second-generation immigrant children.

\section*{3.6 Managing Migration and Mobility}

\textbf{- Visa policy}

A considerable development has been that the new Immigration Code stipulates that the decisions rejecting requests for entry visas received by diplomatic and consular authorities must now be justified (Article 4).

The semi-annual Report from the Commission to the European Parliament and the Council on the functioning of the Schengen area (period from 1 May 2014 to 31 October 2014)\textsuperscript{132} records considerable progress in the use of the operating features of the Schengen Information System (SIS) by Greece, having completed the upgrade of orientation or gender identity and “e” (d). Any other abusive conduct against an individual’s personality located on Greek territory, and related actions, in so far as they occurred by the same person at the same time and place.”

\textsuperscript{128} The project is co-financed from the European Fund for the Integration of third-country nationals and implemented by NGOs PRAKSIS (www.prakis.gr) in collaboration with NGO Anthropomania (www.anthropomania.gr), NGO Kean (www.kean.gr), the Centre for Research into Equality Issues (KETHI) (www.kethi.gr) and NGO CIVIS plus (www.civisplus.gr)

\textsuperscript{129} \url{http://www.unhcr.gr/1againstracism/grafia-parochis-ipostirixis-kata-ton-diakriseon-se-polites-triton-choron/}

\textsuperscript{130} \url{http://www.synigoros.gr/resources/docs/531645.pdf}

\textsuperscript{131} \url{http://www.migrant.gr/cgi-bin/pages/indexv2.pl?arlang=Greek&arcde}

\textsuperscript{132} \url{http://www.europarl.europa.eu/meetdocs/2014_2019/documents/com/com_com%282014%290292_/com_com%282014%290292_el.pdf}
the national police systems (SIS II). A system of automated Greek-Turkish border surveillance is also implemented.\textsuperscript{133}

Following the liberalisation of the visa regime for the five countries of the Western Balkans (Albania, Bosnia and Herzegovina, Serbia, the former Yugoslav Republic of Macedonia)\textsuperscript{134}, around the end of 2013 Moldova was added and as of April 2014 its citizens can travel visa-free to the Schengen area.\textsuperscript{135} A Hellenic Police report for 2014 reports that “note that since December 2010 the visa requirement for citizens of Albania, holders of biometric passports has been removed; they are provided the right to a three-month stay in the country solely on the basis of the entry stamp, a fact that has considerably contributed to limiting the indices of illegal entry via northern land borders”.\textsuperscript{136}

The transition of the Hellenic Police in the digital era is at its final stage, falling in the context of a comprehensive reform, in particular providing for systems like E-TAP (electronic fingerprint identification system), “Smart Boarders” (a single system promoted by the European Union for the management of borders and the exchange of information that has been an objective of the Greek Presidency), including broader information analysis systems.\textsuperscript{137}

In the framework of the Greek Presidency of the EU, the visa information system (VIS) was extended to the third and last set of countries. Based on the schedule, VIS extension will be completed on 30.6.2015. Note that such set includes important countries from a political and touristic viewpoint, and countries of origin of immigrants, such as countries of the Eastern Partnership, Russia, China, India, Pakistan and Afghanistan.\textsuperscript{138}

- Preventing and combating irregular migration through enhanced cooperation with third countries in the area of border management

The EU-Turkey readmission Agreement entered into force on 1 October 2014. In a Joint Communiqué (4/12/2014) Greece and Turkey’s Prime Ministers reiterated “their agreement to combat illegal immigration, which creates serious and complex problems and to increase their efforts to ensure the effective and rapid implementation of the bilateral Greek-Turkish readmission protocol. They also agree to improve efforts to combat trafficking and organised crime, by boosting cooperation among their competent authorities”.

\textsuperscript{133} Commission staff working document on the assessment of the implementation of the Greek action plan on asylum and migration management, \url{http://www.statewatch.org/news/2014/oct/eu-com-greek-asylum-plan-com-316-14.pdf}

\textsuperscript{134} The evaluation of the impact of the liberalisation of the visa regime especially for neighbouring countries will follow at a later stage after receipt of statistical data for 2014.

\textsuperscript{135} In February 2014 it was decided to include Peru, Colombia, United Arab Emirates, and 16 island states in the Caribbean and the Pacific.

\textsuperscript{136} Publication of statistics and evaluation of total activity of the Greek Police for the first half of 2014, \url{http://www.astynomia.gr/index.php?option=ozo_content&lang=%27..%27&perform=view&id=43802&Itemid=1333&lang=}

\textsuperscript{137} \url{http://www.mopocp.gov.gr/index.php?option=ozo_content&perform=view&id=5101&Itemid=597&lang=}

\textsuperscript{138} Results of the Greek Presidency, \url{http://www.gr2014.eu/el/news/press-releases}
Both sides also welcomed the launch of the dialogue on visa liberalisation that will have a positive impact on the Greece-Turkey and EU-Turkey relations.\(^{139}\)

According to the Ministry of Public Order and Citizen Protection, Turkey fails to implement what has been agreed under the Readmission Protocol between Greece and Turkey, as this is shown by the statistics concerning the application of the Protocol from 2002—its entry into force— to this date.\(^{140}\)

A standing pursuit of the Greek side is to integrate Readmission Agreements in the context of EU’s external relations, aiming to:

(a) swiftly conclude and sign the Agreements negotiated;
(b) promote, before the European Commission, the conclusion of new agreements with other key countries of origin and transit;
(c) create a mechanism to control their effectiveness and evaluation, including their connect to any Community funding offered to such third countries.

The operational plan with the code name “Poseidon Land borders”, together with Frontex, in cooperation with Bulgaria\(^{141}\), which extends to the Greek-Turkish sea border continued also in the current year.\(^{142}\)

**Schengen Governance**\(^{143}\)

In the framework of the Greek Presidency of the EU, the visa information system (VIS) was extended to the third and last set of countries (such as countries of the Eastern Partnership, Russia, China, India, Pakistan and Afghanistan) with a timetable for completion by June 2015.

During the Presidency of the EU, Greece promoted an agreement at the Council on key orientations for the future role of the Standing Committee on Internal Security (COSI). The Presidency further prepared a proposal for specific complementary actions, to be implemented by COSI, starting with the Italian Presidency.

According to the results of the Greek Presidency, Council conclusions on the Schengen evaluation of Greece conducted in 2010 testified to the effective implementation and completion of the “HELLAS – SCHENGEN” National Action Plan as

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139 [http://www.tovima.gr/politics/article/?aid=657129](http://www.tovima.gr/politics/article/?aid=657129)

140 From April 2002 to 23.12.2014, 6.269 requests for readmission were submitted to Turkey, covering 135.433 foreign travellers entering from Turkey, which agreed to receive 12.880. Of these, in practice only 3.838 foreign nationals were returned according to the Ministry, a fact mainly owed to delayed replies on the part of Turkey. Source: Ministry of Public Order and Citizen Protection, December 2014


143 During 2014, 1.347.294 visas (Schengen short stay visas – so called A and C visas, the later including LTV visas) were issued to third country nationals coming directly from a third country (female: 766.420 and male: 580.874). Furthermore during the same period, 10.889 National Visas (so called D visas) were issued to third country nationals coming directly from a third country (female : 4.854 and male : 6.035).
regards the correct implementation of the Schengen acquis on the country’s land, sea and air borders.\textsuperscript{144}

In January 2011, Greece was convicted by the European Court of Human Rights (judgment M.S.S. v. Belgium and Greece) for infringement of Articles 3 and 13 of the European Convention on Human Rights, in relation to the asylum procedure, the detention conditions and the reception of asylum seekers.\textsuperscript{145} MSS judgment marked the suspension of the return of third-country nationals/asylum-seekers from other Member States to Greece under Dublin III regulation, which is still in force.\textsuperscript{146} By its decision dated 5.6.2014, the Committee of Ministers of the Council of Europe expressed doubts on the full compatibility of the new Greek asylum and reception system with the European Convention on Human Rights (ECHR) and decided to continue supervision of Greece’s compliance with the MSS Decision.\textsuperscript{147}

In 2010, Greece drew up a national action plan on asylum and migration that was reviewed in 2013, whose implementation is monitored by the European Commission and the Council of Europe. Key developments on the implementation of the plan are presented in items 4, 5, 8 and 9 below. In a nutshell, it should be noted that, despite the observed improvements in particular in the field of asylum\textsuperscript{148}—mainly as regards increased rates of recognition of international protection status and the quality of the procedures—and some progress made in the areas of reception\textsuperscript{149} and borders, the monitoring reports of the competent bodies in 2014\textsuperscript{150} recorded serious irregularities and shortages in meeting the plan’s objectives and applying Union and international law.\textsuperscript{151}

\textsuperscript{146} Commission staff working document on the assessment of the implementation of the Greek action plan on asylum and migration management.
\textsuperscript{147} http://www.immigration.gr/2014/06/mss.html.
http://www.immigration.gr/2014/06/mss.html
\textsuperscript{149} COMMISSION STAFF WORKING DOCUMENT on the Assessment of the implementation of the Greek Action Plan on Asylum and Migration management, p. 6.
\textsuperscript{150} COMMISSION STAFF WORKING DOCUMENT on the Assessment of the implementation of the Greek Action Plan on Asylum and Migration management, p. 10-11 (asylum), 6-7 (first reception), 18-19 (border) and 20 (conclusions) http://www.statewatch.org/news/2014/oct/eu-com-greek-asylum-plan-com-316-14.pdf
The Committee of Ministers of the Council of Europe decided to extend supervision of Greece’s compliance with the MSS judgement, http://www.immigration.gr/2014/06/mss.html
https://wcd.coe.int/ViewDoc.jsp?id=2199769&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383
\textsuperscript{151} Ibid
In the period 2014-2020, within the framework of funds in the field of Home Affairs of the EU, Greece is expected to receive approximately 446.5 million Euro as basic allocations for national programmes (259.3 million Euro from the Asylum, Migration and Integration Fund, 166.8 million Euro from the Internal Security Fund-Borders and EUR 20.4 million Euro from the Internal Security Fund-Police).\(^{152}\)

- **Managing migration in case of fluctuating migration pressures**

In the context of the planning and implementation of national border surveillance activities, “IONI” Plan has already been announced since 2012, for the management of an eventual mass influx of refugees from Syria. Former Minister of Defence D. Avramopoulos and now Commissioner of the EU on migration matters made reference to that Plan in August 2013. However, the plan has not been implemented until today, neither have its criteria and modalities of application been announced\(^{153}\). Further, no other similar Plan concerning First Reception and Asylum Services has been announced\(^{154}\). At the end of November 2014, a question arose as to the housing and needs to protect around 300 Syrians, who had not made an application for asylum and were in a status of suspended removal; they started a hunger strike with the request to cover their basic needs and facilitate their transition to other countries of the European Union\(^{155}\). During the hunger strike, there were contacts with the Greek authorities and provisional accommodation was found for some of them, particularly vulnerable groups (families, children, sick people). Finally, at the end of December, many of these refugees turned to the Regional Asylum Office in Attica that included in its schedules, under an accelerated process for Syrian refugees, the receipt of 10 requests for asylum per day\(^{156}\). Early 2015, the asylum service extended accelerated review processes also to Palestinian refugees from Syria.\(^{157},^{158}\)

In addition to the above, there is the commitment to grant entry visa on humanitarian grounds to Ukrainian expatriates in the event of dangerous developments in the country.\(^{159}\)


\(^{153}\) Communication YPETHA, [http://www.mod.mil.gr/mod/el/content/show/36/A29507](http://www.mod.mil.gr/mod/el/content/show/36/A29507).


\(^{155}\) Statement by the Head of the Office of the UN High Commissioner for Refugees in Greece, Giorgos Tsarbopoulos, on Syrian refugees on Syntagma square, 24 November 2014, [http://www.unhcr.gr/nea/artikel/e705d7edf9cc6b2f119152dafa2cf0229/me-aformi-tin-eirin.html](http://www.unhcr.gr/nea/artikel/e705d7edf9cc6b2f119152dafa2cf0229/me-aformi-tin-eirin.html).


\(^{158}\) Source: Asylum Service, January 2015.

4. ASYLUM AND INTERNATIONAL PROTECTION

In the reference year, mixed migration flows, predominantly flows of refugees via the country’s sea borders present a considerable increase. The root causes are the dramatic developments in Syria, having resulted in the displacement of millions of refugees, mainly towards the Middle East region, as well as the recent developments in Iraq, in conjunction with the more general mobility of persons in need of international protection from Asia and Africa.

In the reference year, as known, there have been deadly shipwrecks that involved even young children in the wider area of the Mediterranean but also in Greek waters, which stressed, perhaps more strongly than ever, the urgent need to comply with rules on the rescue and protection of human life at sea. To be more exact, the Aegean was marked in 2014 by the tragedies in Farmakonissi and Samos, whose key bulk of victims involved women and children.160

The entry of irregular new-comers via Greek-Turkish sea borders grew geometrically as compared to entries via land borders, which was recorded to be significantly lower, —albeit slightly increased compared to 2013. According to statistics of the Ministry of Public Order and Citizen Protection, for the year 2014, the total number of arrests of irregularly residing aliens amounted to 77.163; the vast majority of these arrests concerns people coming from countries with armed conflict, generalised violence and/or serious human rights violations, which justify international protection (Syria, Afghanistan, Somalia, Eritrea, Iraq and Palestine).161 Approximately half, i.e. 42%, of all detainees come from Syria. For the same period, the total number of aliens apprehended when entering the country irregularly via the Greek-Turkish sea border was 43.518 persons, as compared to 11.447 people arrested in 2013.162

4.1 Implementation of the Common European Asylum System – procedures on granting international protection

In 2009 and 2010, the European Commission enforced a process of sanctions against Greece for violations of the Union law on asylum, reception and treatment of people in need of international protection.163 After Greece was convicted by the European Court of Human Rights (M.S.S. v. Belgium and Greece judgement)164 returns of third-country citizens/asylum seekers by other Member States to Greece were

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160 United Nations High Commissioner for Refugees (UNHCR), UNHCR Expresses its concern at the continued loss of life at sea following the sinking in Farmakonisi”, 21 January 2014 http://www.unhcr.gr/nea/deltia-typoy/artikel/84351fd135deef59c9457f229ad85b5.html
161 “Samos: Appalled by the UNHCR from new tragedy in the Aegean”, May 2014, 5 http://www.unhcr.gr/nea/deltia-typoy/artikel/0bb104044bb638c3e0d09484d5ed48af.html
162 “mounting dead in the Aegean as refugees from conflict zones are trying to reach Europe”, 14 July 2014 http://www.unhcr.gr/nea/deltia-typoy.html
163 See above footnote 8
164 See above footnote 7
165 http://www.refworld.org/pdfid/4cd8f2ec2.pdf
166 M.S.S. v. Belgium and Greece, January 2011, for violations of Articles 3 and 13 of the European Convention of Human Rights in relation to the asylum process, detention and reception conditions of asylum-seekers.
suspended.\textsuperscript{165} In 2014, the Committee of Ministers of the Council of Europe decided to extend monitoring of Greece’s compliance with the M.S.S. judgement (decision dated 5.6.2014). In parallel, the Commission of the European Union and the Council of Europe monitor the implementation of the National Action Plan on asylum and migration elaborated by Greece in 2010 and reviewed in 2013.\textsuperscript{167}

Key developments regarding the implementation of the said Plan in the area of asylum and reception are illustrated below.

- **Access to the asylum process**

  The Asylum Service (Law 3907/2011) was launched on 7/6/2013 with the establishment of the first regional office in Attica. Ministerial Decision No. 6416/2014 established the rules of the asylum service, as the competent authority to receive and review asylum requests in the first instance and to grant refugee or subsidiary protection status. In 2013, 4 other regional asylum offices and independent asylum teams were launched over the territory (North Evros, South Evros, Lesbos and Amigdaleza); in 2014 the Regional Office in Rhodes began operations on 2 January 2014, the Independent Team of Thessaloniki began operations on 20 January 2014, the Independent Team of Patras began operations on 1 June 2014 and the Independent Team of Chios launched its operations in July 2014 (later transferred to Lesbos). Decision No o.u.9839/2014 (GG B- 3125-20.11.2014) abolished the Independent Asylum Team in Iasmos Komotini and established an Independent Asylum Team in Xanthi.

  Despite the significant progress made in the matter of access to the asylum procedure (Law 3907/2011), problems continued to occur in 2014 due to serious deficiencies\textsuperscript{168} in staffing the Service, the high number of asylum-seekers residing in

\textsuperscript{165} COMMISSION STAFF WORKING DOCUMENT on the Assessment of the implementation of the Greek Action Plan on Asylum and Migration management

\textsuperscript{166} Committee of Ministers of the Council of Europe, Decision (3-5 Decision 2014):
http://www.coe.int/t/dghl/monitoring/execution/Reports/pendingCases_en.asp?CaseTitleOrNumber=30696%2F09&StateCode=BEL&SectionCode
http://easer.org/index.php?option=com_downloads&id=887
http://www.immigration.gr/2014/06/mss.html

\textsuperscript{167} Regarding monitoring reports of the competent bodies in 2014, improvements made and deficiencies identified as to achieving the aims of the plan and applying Union and international law, see 1.5.3 above and the relevant references (footnotes 64-67)


United Nations High Commissioner for Refugees,


Campaign for access to asylum, http://asylum-campaign.blogspot.gr
Attica and the fact that the other 5 Regional Asylum Offices stipulated by the law (Samos, Crete, Epirus, Leros) still have not launched their operations.

The majority of asylum requests are submitted and handled by the Regional Asylum Office of Attica. In 2014\textsuperscript{169} 9,432 applications for international protection were submitted, of which:

- 6,357 at the regional office in Attica;
- 606 at the Independent Team at Amygdaleza Detention Centre;
- 399 at the Regional Office of North Evros (Border Station);
- 941 at the Regional Office of South Evros (620 in Komotini, 40 in Xanthi, 281 in Alexandroupolis);
- 202 at the Regional Office of Lesbos (and 7 in Chios, in the competence of the Regional Office of Lesbos);
- 454 at the Regional Office of Rhodes;
- 412 at the Independent Team of Thessaloniki;
- 54 at the Independent Team of Patras;

Of these requests, 2,892 requests were submitted by detainees.

Decisions No. 3966/09.05.2014 (Government Gazette B 1267/19-5-2014) and No. 8248/19-9-2014 (Official Gazette B 2635/3-10-2014) by the Head of the Asylum Service determined the duration of the cards for applicants for international protection\textsuperscript{170}.

The National Dublin Unit is part of the Asylum Service, which transfers requests of acceptance or assumption of responsibility and sees to implementing Council Regulation No. 604/2013 (L 50/25.2.2003) or other relevant laws. In 2014, 1,126 outgoing requests were submitted and 58 were received\textsuperscript{171}.

- **Access to information and legal assistancerepresentation**

Under the Memorandum of Cooperation between the UNHCR and the Ministry of Public Order and Citizen Protection for the implementation of the project “Strengthening the first reception framework for mixed migration groups entering in Evros region and the Aegean islands’, (External Borders Fund), during the initial reception procedures, services to inform third-country nationals of their rights and


\textsuperscript{170} The applicable decision stipulates that: “Cards offered to seekers of international protection will have a duration of four (4) months, with the exception of the cards of applicants for international protection that originate in Egypt, Albania, Georgia, Bangladesh and Pakistan, which will have a duration of three (3) months, based on the expected time to issue the relevant decisions on applications for international protection” and repeals the previous decision, which stipulated that: “Cards offered to seekers of international protection will have a duration of four (4) months, with the exception of the cards of applicants for international protection originating in Egypt, Albania, Georgia, Bangladesh and Pakistan, which will have a duration of forty-five (45) calendar days, based on the expected time to issue the relevant decisions on applications for international protection.”

obligations are offered by teams of the UNHCR. In particular, UNHCR teams assist the work of First Reception at the Mobile Units and the First Reception Centre in Fylakio.172

Free legal assistance in administrative procedures is not provided under the current legal framework in Greece.173 Legal assistance to asylum seekers is provided by non-governmental organisations in the context of programmes generally funded by the European Refugee Fund, without however meeting the needs of applicants both in terms of the asylum procedure, and in filing objections by detained asylum-seekers.

In view of the imminent transposition into Greek law of Directive 2013/32 EU of the European Parliament and of the Council, including the change of the funding guidelines of European Funds, we anticipate the institution of a system of provision of legal assistance also to asylum seekers.

- **Provision of interpretation**

Interpretation services at the Asylum Service, the Appeals Authority and First Reception centres and, as well as first reception mobile units, are offered by METAdrasi NGO174, under separate tender procedures carried out by the Services.175 During the procedures of reviewing asylum applications (by police authorities) and appeals (by the Appeals Committees), under PD 114/2010, interpreting services are also offered by interpreters in the service of the Ministry of Public Order and Citizen Protection. The fact that the relevant items are not included in a regular budget creates precariousness as regards the continued provision of these services.176 According however to recent information by the Asylum Service, relevant provision of funds for these services has been made177.

- **Procedures at first instance**

In 2014, the Asylum Service, through the Division for Training, Quality Assurance and Documentation, implemented the standards, instructions and suggestions of UNHCR and EASO for quality assurance procedures. In particular, they implemented wide-range sampling checks, evaluating and assessing both the interviews conducted by the operators of the requests for international protection and the relevant decisions made. The Division for Training, Quality Assurance and Documentation, through face-to-face sessions with each operator separately, offers information and advice on best practices, with a view to improve their work (personal feedback). These actions took place in cooperation with the United Nations High Commissioner for Refugees and the European Asylum Support Office (EASO) and they

173 Law 3226/2004 (GG 24A/4-2-04), Law 3907/2011 (Article 28)
175 Source: Asylum Service, January 2015
177 Source: Asylum Service, January 2015
meet the standards, which are reflected in the guidelines of the European Asylum Support Office. October 2014, the Attica Regional Office was strengthened with eight secondary-education qualified employees and 16 highly-qualified individuals. Recording the interviews of asylum-seekers in the first and second instance was among others also implemented in 2014. The balance of quality, time and proper law enforcement is considered positive.

Among good practices in 2014, the Asylum Service notes: enabling asylum-seekers register their request via skype –to facilitate those that reside outside Attica- and the speedy examination of requests filed by Syrian refugees and Palestinians from Syria, since early 2015 (see above 1.5.4), including the creation of the website of the Asylum Service: http://asylo.gov.gr/

Throughout 2014, rates for granting refugee status rates rise to 20.5 % (1,223), subsidiary protection 8.2 % (487) and rejection rate stands at 71.3 % (4,252). Furthermore 2,718 was the total of requests waived, discontinued review procedures or applications rejected as inadmissible.

- Appeals and judicial review

The Appeals Authority, established by the same aforementioned law, more particularly the newly-established Appeals Committees, is responsible for the examination of appeals against decisions of the Asylum Service. When the Appeals

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178 Source: Asylum Service, December 2014
179 Source: Asylum Service, January 2015
180 Currently there is no transcript (source: Asylum Service, December 2014)
183 I.e. a total of 5,962 requests, excluding waivers, discontinued procedures and inadmissible applications, ibid
184 “The applicant may make an appeal (Article 5, par. 5, Law 3907/2011) before the Appeals Committee of Article 3, Law 3907/2011: a. Against the ruling rejecting an application for international protection as ungrounded in the regular procedure or that revokes this status, within thirty (30) days from the service of the said ruling. The same deadline applied in case the applicant is granted status of subsidiary protection, provided that the applicant claims that he or she is entitled to refugee status” Article 25 PD 113/2013. Special procedures: for deciding on requests submitted in port or airport transit zones of the country by establishing a time limit for examining and deciding -within 28 days- (Article 24 of Presidential Decree 113/2013) and requests submitted inside First Reception Centres (see below Article 25). Time limits for appeals are 3 days for requests submitted in port or airport transit zones and first reception centres (Article 25, par. 1 d, Presidential Decree 113/2013). An appeal against decisions refusing international protection under an accelerated procedure or against rejecting decisions (including subsequent applications) may be made within fifteen (15) days from the service of such decision. Also, there is provision for appeal against the decision rejecting an application for international protection as inadmissible in case of application of Regulation No 343/2003 of the Council (the action directed against a transport operation under the relevant provisions of Council Regulation 343/2003) (Article 25, Presidential Decree 113/2013). A period of 10 days within which to appeal is set in the case of detainees (Article 25, par. 1 c, PD 113/2013).
Authority was launched, provision had been made for 19 Appeals Committees; this number fell to 10 in 2014.

Law 4249/2014 “Reorganisation of the Hellenic Police, fire brigade and general secretariat for civil protection, upgrade of the services of the Ministry of Public Order and Citizen Protection and regulation of other matters of competence of the Ministry of Public Order and Citizen Protection and other provisions”, among other arrangements, made amendments to Law 3907/2011 concerning operational matters of the Asylum Service, the Appeals Authority and the First Reception Service; among other arrangements, the term of office for the members of the committees of the Appeals Authority fell from 2 years to one year, with the possibility of renewal; competence was granted, under the conditions set in the same law, to the Minister of Public Order and Citizen Protection to designate the third member of the Appeals Committee; the powers of the Director of the Appeals Authority were strengthened, who is now responsible for the smooth and effective functioning of the committees and in this context may take any step needed to ensure the smooth operation thereof, in accordance with the rules of procedure of the Appeals Authority. These arrangements have raised concerns about the apparent closer control of the operations of the Appeals Committees by the Minister of Public Order and Citizen Protection.185

Ministerial Decision 9541/25.9.2014186 set up the Appeals Committees (PD 113/2013) to involve persons not included in the list presented by the National Commission for Human Rights. According to the National Commission, the arrangements of the ministerial decision have bypassed the institutional role of the NCHR regarding the process of designating chairs and members for the committees of the Appeals Authority.187 However, according to the Appeals Authority:188 “The Minister, by his reasoned decision, showed that the list sent by NCHR fell short in terms of formalities and thus continued the process based on the provisions of par. 5, Article 12, Law 4249/2014”.

185 The National Committee for Human Rights (ECHR) expressed concern “[... for the attempted reduction. The term of office of members of the committees of the appeals authority), since the annual term and ensure the necessary for the effective functioning of the Authority, stability, and guarantee the independence of the committees. On the contrary, it could be understood that it is proposed the replacement of Presidents and members of boards of appeal, namely an experienced, specialised and throughout the year staff trained, every twelve months [...].” See the memorandum of the National Committee for Human Rights (ECHR) to the permanent Parliamentary committee on public administration, public order and justice, on the draft law of the Ministry of Public Order and Citizen Protection “Reorganisation of the Hellenic Police, fire brigade and general secretariat for civil protection, upgrading services of the Ministry of Public Order and Citizen Protection and regulation of other matters of the competence of the Ministry of Public Order and Citizen Protection”, page 7 et seq. http://www.nchr.gr/images/pdf/apofaseis/astunomia/Ypomnima%205x%20Anadiorganwsi%20EL_A_5.pdf
See also third Joint submission of the International Commission of Jurists (ICJ) and of the European Council of Refugees and Exiles (ECRE) to the Committee of Ministers of the Council of Europe in the case of M.S.S. v. Belgium and Greece (Application No. 30696/09) and related cases
186 OG 583/25.9.2014
188 Source: Appeals Authority, Ministry of Public Order and Citizen Protection, December 2014
In 2014, 4,226 appeals were lodged before the Appeals Authority and decisions were issued for 2,641 appeals, while rates for international protection were 11.1% (294), refugee status 5.0% (133), subsidiary protection and rejection rate was 83.8% (2,214).\(^{189}\)

In the first half of 2014, the Appeals Authority, in accordance with the interim evaluation by EASO\(^{190}\), was close to being sufficiently staffed, its infrastructure was satisfactory and the training of its members by EASO through seminars and training sessions had been completed. According to information provided by the Appeals Authority\(^{191}\), the average time to issue second-instance decisions is 45 days from the date of the review of the appeal and a system of teleconferencing is applied where deemed necessary, if the applicant is located outside the seat of Appeals Authority, to facilitate appellants’ access to the process and avoid delaying the work of the Appeals Committees\(^{192}\). Regarding documentation, the Asylum Service, i.e. the Division for Training, Quality Assurance and Documentation, provide information on the country of origin of applicants for international protection to first-instance operators, including rapporteurs and members of the appeals committees of the Appeals Authority. It should be noted that the same division of the Asylum Service also serves the needs for information on countries of origin of the police (first instance) and of Boards of Appeal of Presidential Decree 114/2010.

- **Managing outstanding asylum requests under the old legal regime (backlog)**

  Greece, in the context of the implementation of the National Action Plan on Migration and Asylum has committed to the fair and effective completion of the review of the outstanding asylum requests under the previous legal framework that have remained for many years at the backlog).

  In January 2014, there were 5,010 applications for asylum pending before the competent police authorities at first instance (Presidential Decree 114/2010). In December 2014, the procedure for examining these requests in the first instance had been completed. Refugee status in the first instance was granted in 44 cases, subsidiary protection in 102 cases and humanitarian status in 114 cases. 6,333 asylum applications were rejected in the first instance, procedures discontinued for 4,362 requests and there were 1,678 waivers of asylum requests.\(^{193}\) The relatively high number of discontinued asylum procedures may be owed to the amendments introduced by Presidential Decree 167/2014 and the vitiation of the guarantees in the process of reviewing requests at first instance before the police authorities\(^{194}\).

  In 2014, 3,921 appeals were filed before the Boards of Appeal of Presidential Decree 114/2010 (backlog).

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\(^{189}\) Statistics of the Asylum Service 2014  


\(^{191}\) Source: appeals Authority, Ministry of Public Order and Citizen Protection, January 2015

\(^{192}\) Source: Appeals Authority, January 2015

\(^{193}\) Source: Hellenic Police, January 2015

\(^{194}\) GG Α’ 252/1/12/2014, see below in the same section regarding the amendment of PD 114/2010
In the month of January 2014, 41,343 appeals were pending before the Boards of Appeal of Presidential Decree 114/2010. Of these, 16,982 concerned cases of appeals filed after PD 114/2010 entered into force, while 24,361 concerned applications submitted with the earlier legal framework. In December 2014, there were 27,012 appeals before the same committees, 15,160 of which concerned applications submitted pursuant to Presidential Decree 114/2010, while 11,852 were lodged with the earlier legal framework.

At second instance, refugee status was granted in 514 cases, subsidiary protection in 163 and humanitarian status in 776 cases. At second instance, 3,510 appeals were rejected, 209 requests were discontinued and 1,434 asylum requests were waived.\(^\text{195}\)

The existing legal framework, established by Presidential Decree 114/2010 that applies to the so-called “backlog”, i.e. the thousands\(^\text{196}\) of asylum applications, which are still outstanding before the competent authorities of PD 114/2010, i.e. police authorities, at first instance and Boards of Appeal in second instance was amended this year. The key aspects of these amendments, included in Presidential Decree 167/2014 (Government Gazette A 252/1/12/2014), relate to the transfer of competence for the granting and renewal of humanitarian status to the Secretary-General of the Ministry of Public Order and where appropriate to the General Secretary of the Ministry of the Interior, in relation with the committees of Presidential Decree 114/2010 that decided on such requests until today.\(^\text{197}\)

Furthermore, competence to judge on the admissibility of overdue appeals is transferred to Chief of the Aliens Directorate. Moreover, the possibility of an oral hearing of the applicants at second instance was limited, as long as an opinion has been filed by the UN High Commissioner for Refugees. These amendments reduce the guarantees with regard to the processing of asylum applications pending before the police authorities.

- **Effectiveness and Quality – Cooperation with EASO and UNHCR**

In 2014, the Asylum Service, through the Division for Training, Quality Assurance and Documentation, implemented the standards, instructions and suggestions of UNHCR and EASO for quality assurance procedures.\(^\text{198}\) The practice of the accelerated examination of asylum applications and granting of refugee status to Syrian refugees was one of the positive developments towards maintaining quality and ensuring effectiveness and responsivity applied in the last 2 months of 2014.

In the first half of 2014, the Appeals Authority, in accordance with the interim evaluation by EASO\(^\text{199}\), was close to being sufficiently staffed, its infrastructure was satisfactory and the training of its members by EASO through seminars and training

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\(^\text{195}\) Ibid


\(^\text{197}\) Amendment of the provisions of Presidential Decree 114/2010

\(^\text{198}\) Source : Asylum Service, January 2015

sessions had been completed.\textsuperscript{200} Regarding documentation, the Asylum Service, i.e. the Division for Training, Quality Assurance and Documentation, provide information on the country of origin of applicants for international protection to first-instance operators, including rapporteurs and members of the appeals committees of the Appeals Authority. It should be noted that the same division of the Asylum Service also serves the needs for information on countries of origin of the police (first instance) and of Boards of Appeal of Presidential Decree 114/2010.

- Country of origin information

With the assistance of EASO and UNHCR training seminars were organised for the staff of the competent services to examine asylum applications in the first and second instance, in particular: a) the operators of requests for international protection in the first instance and the rapporteurs and members of the Appeals Committees of the Appeals Authority were trained in all key sections of the procedure for examining applications for international protection (international protection status, interview techniques, evidence assessment, taking and writing a decision on requests for international protection, collection, evaluation and use of information on countries of origin for persons applying for international protection). A significant number of operators and rapporteurs were trained in specialised topics: Interview techniques for vulnerable persons, interview techniques for minors, exclusion from international protection and (b) a computerised database with information on the countries of origin hosted on the web portal of the EASO (EASO COI Common Portal) was created. A procedure to identify vulnerable groups, such as unaccompanied minors and support them in the asylum process was also established.\textsuperscript{201}

4.2 Reception of asylum seekers and vulnerable groups

The serious shortcomings in relation to the reception of asylum seekers and vulnerable groups in terms of their economic and social support and their access to the labour market continued also in 2014. The commitment by the Greek government to allocate an additional 1.500 posts\textsuperscript{202} for asylum seekers in open reception structures by the end of 2014 has not been implemented\textsuperscript{203}. The situation regarding the detection, referral and general provision of protection to vulnerable groups during the asylum procedure and at screening centres, presents no changes in 2014 as compared to 2013. The only screening centre remains at Fylakio Evros, while the mobile first reception units, operating now at Nationality Identification

\textsuperscript{201} \url{http://easo.europa.eu/wp-content/uploads/Interim-assessment-on-the-implementation-of-the-EASO-Operating-Plan-for-Greece.pdf}
\textsuperscript{202} 1.000 places in open accommodation structures are already available.
\textsuperscript{203} Commission staff working document on the assessment of the implementation of the Greek action plan on asylum and migration management page 13, \url{http://statewatch.org/news/2014/oct/eu-com-greek-asylum-plan-com-316-14.pdf}
Centres/Detention Centres (at the competence of the Hellenic Police)\textsuperscript{204}, on Lesbos (relocated from Chios) and Samos\textsuperscript{205} did not increase in number, despite the increased flows especially towards Aegean islands. The First Reception Centre in Moria, Lesbos was completed in 2014, which has been administratively delivered to the First Reception Service, anticipated to be operational within 2015.

The operation of the First Reception Service and the establishment of the first First Reception Centre at Fylakio, Evros in 2013 marked a quality change with regard to managing arrivals at the borders and dealing with new-comers.\textsuperscript{206} In the reporting year, we remark the need to strengthen the Service both in terms of human resources and infrastructure.\textsuperscript{207} In 2014, the First Reception Service provided services to 8,551 people, of whom 2,753 in Fylakio First Reception Centre, 2,931 in Samos’ mobile unit and 2,867 in Lesbos mobile unit. Among them, authorities registered 853 unaccompanied minors, 41 people with disabilities, 21 elderly people, 48 pregnant women, 268 single-parent families, 224 abused individuals. 817 people (unaccompanied minors)\textsuperscript{208} were referred for accommodation to the National Centre of Social Solidarity (in Greek EKKA), 604 people were forwarded to health services, 310

\textsuperscript{204} UNHCR, Current Issues of Refugee Protection 19 June 2014 (p. 3): “To the direction of covering urgently other points with increased flows were the two Mobile Units of the First Reception Service that operate however within a more restricted context, in premises falling in the competence of the Hellenic Police (detention centres on Lesbos and Samos)”

\textsuperscript{205} Kathimerini article of 7-8-2014, entitled: “Dead-end with the situation at Samos Identification Centre, a letter by Police officers, http://www.kathimerini.gr/779191/article/epikairothta/ellada/sto-approxwrhto-h-katastash-sto-kentro-taytopoihshs-metanastwn-samoy

\textsuperscript{206} Ibid, UNHCR: “[…] The establishment of the first First Reception Centre at Fylakio Evros marks a different way of handling new-comers, in the spirit of registering them correctly, informing them of their rights and obligations in a language they understand, covering their basic humanitarian needs and actions for their further referral. […] The operation of the First Reception Service was the starting point of a change to the right direction in relation to the way arrivals to the borders were dealt with in the past. However, this attempt needs bigger support on the part of the State to ensure its sustainability over time and to positively affect all stages that follow after the registration and the identification of the basic needs of new-comers […].”


\textsuperscript{207} UNHCR – Office in Greece, Arrivals of refugees to the islands of the Aegean: crucial issues of protection and management, 8 October 2014: “[…]. Take measures to effectively enhance the First Reception Service, particularly in terms of human resources (various areas of expertise) and infrastructure. Covering/filling vacant positions (as stipulated in the relevant laws) must be a priority of the political leadership of the Ministry of Public Order and Citizen Protection. The said Service is not able today, because of lack of staff and media, to cover overall needs in the registering, identifying, informing and covering the basic needs of new-comers, preventive medical check, social and psychological support, detecting people in need of international protection or vulnerable groups that require special treatment. […].”


\textsuperscript{208} Source: First Reception Service
individuals were referred to the Asylum Service and 6,227 people were referred to the police. In the context of the First Reception Service, 435 applications for asylum were submitted.\textsuperscript{209}

In 2014, Lesbos First Reception Centre was constructed according to the standards of the First Reception Centre at Fylakio (Border Station).\textsuperscript{210} According to the First Reception Service, three open reception structures for unaccompanied minors that seek asylum are scheduled to open in the first half of 2015: one in Ilion, Attica, with capacity for 36 people, one in Pendeli with capacity for 20 people and one in Sparta with capacity for 24 people; their launch had been announced since the end of 2013. The concession of a building at Dikaia, Evros that will host the new Accommodation Structure was completed in 2014 and the General Regulation for Accommodation Structures was signed.\textsuperscript{211}

A major issue is the requirement of having filed a request for asylum, even for those that belong to other vulnerable groups (patients, single-parent families, victims of torture etc.), for their accommodation in open reception facilities. As regards these groups, although they are referred to the National Social Solidarity Centre by the First Reception Service, the former cannot include in accommodation structures those that are not asylum-seekers.\textsuperscript{212} Regarding asylum seekers’ access to work, see 1 above. No social benefits are further foreseen for asylum-seekers and vulnerable groups.

- **Vulnerable groups**

The situation regarding the detection, referral and general provision of protection to vulnerable groups during the asylum procedure and at screening centres, presents no changes in 2014 as compared to 2013. The only screening centre remains at Fylakio Evros, while the mobile first reception units, operating now at Nationality Identification Centres/Detention Centres (at the competence of the Hellenic Police)\textsuperscript{213}, on Lesbos (relocated from Chios) and Samos\textsuperscript{214} did not increase in number, despite the increased flows especially towards Aegean islands. The First Reception Centre in Moria, Lesbos was completed in 2014, which has been administratively delivered to the First Reception Service, anticipated to be operational within 2015.
In 2014, there were no substantial changes in the design and implementation of pilot programmes and steps for the reception and protection of vulnerable groups, spearheaded by Syrian refugees that in their majority lack basic housing and living conditions.\textsuperscript{215}

Regarding the reception of unaccompanied minors, see 5 below.

4.3 Detention during the asylum procedure

The practice of the months-long detention of asylum seekers, in fact under conditions that equal to inhuman and degrading treatment\textsuperscript{216} has continued during 2014 in many cases at the recommendation of the Asylum Service (2.133 recommendations to continue detention, 23 recommendations to discontinue detention 174 recommendations to revoke detention)\textsuperscript{217}, despite the fact that under the current legal framework the detention of asylum seekers is exceptional and only allowed for the following reasons (Article 12, Presidential Decree 113/2013): “a. To establish the identity or origin, or b. In case of a risk to national security or public order, in the reasoned opinion of the police authority, or c. In which his detention is necessary for speedy completion of examination of his application, including within regional initial reception services. In this case the review authorities shall take all necessary steps for the rapid completion of the procedure”. The time duration of detention is regulated by Article 12 of Presidential Decree 113/2013: “Detention of applicants for the minimum time necessary and in principle may not exceed three (3) months. If the applicant is already in custody, the total time of detention, without prejudice to the provisions of Article 30 of Law 3907/2011, may not exceed six (6) months for case (c) of paragraph 2 and twelve (12) months for cases (a) and (b) of paragraph 2 and paragraph 3. In the last three cases, detention may be extended further up to six (6) months, by a more recent and specific reasoned decision of the institutions referred to in paragraph 4, on the continued existence of the reasons that imposed it. Detention of the applicant for international protection constitutes a ground for acceleration of

\textsuperscript{217} Statistics provided by the Asylum Service, accompanied by a note of the service according to which: “In several instances the applicants are released before the interview; therefore, there is no reason to withdraw the initial recommendation on our part. Furthermore, where the decision is positive and issued soon, then it is preferred to serve the decision before the alien is released, in which case there is no reason again to revoke the initial recommendation”.
the asylum procedure, taking into account the eventual lack of appropriate spaces and the difficulties in securing decent living conditions of those in detention. These difficulties shall be considered when enforcing or prolonging detention.”

Already since the end of 2013, most organisations active in the field of asylum have complained in their communications that “The vast majority of detainees filing a request for asylum continue to be detained systematically and unreasonably for a very long period, although the law stipulates that the detention decision -except where grounds of national security/public order occur- must be issued by the police following a recommendation of the new Asylum Service.”

4.4 Integration of asylum seekers and beneficiaries of international protection

In 2014, serious problems regarding asylum seekers’ and refugees’ integration in the Greek society remain. According to UNHCR: “…Integration prospects for refugees and subsidiary protection holders remain of serious concern. Refugees are unable to integrate successfully in the country for a variety of reasons, including, importantly, the considerable difficulties they face in initiating family reunification, a right that is denied altogether to beneficiaries of subsidiary protection. Finding accommodation is particularly difficult, as there are no provisions for social housing or other alternative arrangements from which refugees can benefit. There is no targeted national strategy to promote refugees’ employment and many remain destitute…”

Situation regarding integration is further aggravated by expressions of xenophobia and racist violence recorded in 2014.

As regards access to social rights, we remind that refugees, beneficiaries of subsidiary protection and holders of residence permits for humanitarian reasons have access to social security and thus healthcare. Asylum-seekers have because of their status access to healthcare (PD 220/2008).

There is no provision for access to accommodation, other than certain possibilities to host asylum-seekers and unaccompanied minors (see 4.2 above and 5 below).

In accordance with Joint Ministerial Decision No. 39892/ΓΔ1.2/7.11.2014 setting the terms and conditions for the implementation of the pilot project “guaranteed minimum income”, in addition to the income criterion, a relevant residence permit is required for refugees, beneficiaries of subsidiary protection and humanitarian status, including stateless persons.

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219 UNHCR welcomes asylum process reforms in Greece, but more needs to be done, 30 January 2015, [http://www.unhcr.org//54cb5f8b6.html](http://www.unhcr.org//54cb5f8b6.html)

220 ibid

221 UNHCR Observations on the Current Situation of Asylum in Greece December 2014 (p. 31) [http://www.unhcr.org//54cb5f8b6.html](http://www.unhcr.org//54cb5f8b6.html)
Access to the labour market for asylum-seekers, beneficiaries of subsidiary protection and humanitarian status (PD 114/2010) is particularly problematic in 2014 with regard to issuing a work permit, renewing this permit and being issued a Tax Ref. No., resulting in that a large number of such people have no access to the labour market.

4.5 Challenges in the asylum field

Despite significant advances, access to the asylum procedure still presents problems in 2014, due to serious deficiencies in the staffing of the service, the high numbers of asylum seekers residing in Attica and the non operation of the remaining 5 Regional Asylum Offices stipulated in the law (Samos, Crete, Epirus, Leros).

The effort to achieve and maintain the combination of quality and effectiveness remains a challenge for the new services (concerning, inter alia, the operation of the remaining Regional Asylum Offices, the problems on the access to the asylum procedure e.t.c.). A challenge is also the services’ response to increased refugee flows, in particular from Syria. The establishment of a credible system of asylum, reception and integration, outside the competence of the police, still remains a challenge and a necessity. Moreover, it is a top priority to complete the handling of the requests accumulated in the transition, with procedural and effective guarantees in the second instance.

The planning of the Asylum Service for 2015 includes: design and legislative framework for access to work for applicants and beneficiaries of international protection, design and legislative framework for free legal assistance, family reunification procedures and finally the establishment and operation of a register of interpreters.

The practice of the months-long detention of asylum seekers, in fact under inhuman and degrading conditions has continued in 2014, in many cases instigated by the Asylum Service, despite the fact that under the current legal framework the detention of asylum seekers is an exceptional step.

Moreover, the operation of Independent Asylum Teams and Regional Asylum Offices within detention facilities has been the subject of serious criticism.

The provisions of law 4249/2014 have raised concerns about the projected increase of the control of the operations of the Appeals Committees by the Minister of Public Order and Citizen Protection.

Serious concern as to the procedural and effective guarantees of the Appeals Authority is raised by Ministerial Decision 9541/25.9.2014 (Greek Government Gazette, Series YODD, No 583/25.9.2014), that established the Boards of Appeal.

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222 ibid
225 This joint submission of the International Commission of Jurists (ICL) and of the European Council of Refugees and Exiles (ECRE) to the Committee of Ministers of the Council of Europe in the case of M.S.S. V. Belgium and Greece (Application No 30696/09) and related cases.
113/2013) with the participation of persons that were not included in the list submitted by the National Commission for Human Rights. The arrangements further bypassed the institutional role of the NCHR of designating the chairs and members of the committees of the Appeals Authority226.

The fair and effective completion of the review of the long outstanding asylum requests under the old asylum procedure (backlog) is a major challenge227. Addressing this challenge should also consider integration ties developed in the country by asylum-seekers after such a long process.

Finally, as also mentioned above, serious deficiencies remain as to the reception of asylum-seekers and vulnerable groups and their economic and social support and access to the labour market, despite the increased migration pressure.

5. Unaccompanied minors and other vulnerable groups

5.1 Unaccompanied minors

In 2014, the number of unaccompanied minors recorded by the First Reception Service skyrocketed and stood at 853 unaccompanied minors, as compared to 99 in 2013. In the asylum process, 447 requests by unaccompanied minors were made (411 boys and 36 girls)228.

Until September 2014, 1,664 unaccompanied minors (984 from Afghanistan) had been referred to the National Centre for Social Solidarity to find appropriate accommodation structures. In their majority, these children are still outside accommodation centres.

The situation as regards the serious issues of reception and protection of unaccompanied minors remains the same as in the previous years. In particular: The absence of adequate structures and effective mechanisms for first reception at the points of entry, including protection and accommodation structures for minors has resulted in grave violations of children’s rights. In 2014 too, we remark the practice of detaining unaccompanied minors for months, including difficulties, delays and 226 National Commission for Human Rights, http://www.nchr.gr/images/pdf/nea_epikairothta/deltia_tupou/Dhm_Dhl_EEDA_prosf.pdf
228 Statistics of the Asylum Service, January 2015
insufficiencies in their referral\textsuperscript{229} and the failure to forward them to appropriate accommodation and protection structures.\textsuperscript{230}

The accommodation centres for unaccompanied minors announced in 2013 were not launched in 2014\textsuperscript{231}. As mentioned above, according to the First Reception Service, the operations of three open reception structures for unaccompanied minors asylum seekers are expected to begin operations in the first half of 2015; one in Ilion, Attica, with capacity for 20 people, one in Penteli, with capacity for 20 people and one in Sparta, with capacity for 24 people that had been announced already since the end of 2013.

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{229} UNHCR, Current Issues of Refugee Protection, 19 June 2014: “[...] The sector of the reception of asylum-seekers and unaccompanied minors (open structures) is still characterised by system shortcomings, spearheaded by the shortages in strategic planning and the effective coordination of all Authorities involved[...] RECOMMENDATIONS FOR FIRST RECEPTION [...] Immediately take measures for the establishment of open accommodation and social support structures for asylum-seekers, unaccompanied minors and vulnerable groups, to enable and make referrals more effective from First Reception Centre and in general from the points of entry for those falling in the relevant categories, as soon as first reception procedures are complete.”. \url{http://www.unhcr.gr/fileadmin/Greece/Extras/WRD_2014/2014_PROTECTIONPOSITIONS_GR.pdf}
\item \textsuperscript{230} According to the First Reception Service, out of 853 unaccompanied minors identified in 2014, 817 were referred to accommodation structures. Unaccompanied minors at Fylakio First Reception Centre enjoy services of reception for the time of 15 days they necessarily stay in the Centre, as stipulated by law. They are then referred to open accommodation structure via the National Centre of Social Solidarity. Moreover, the new First Reception Mobile Units on Chios and Samos take care of identifying unaccompanied minors that arrive at the Mobile Units, inform the competent Prosecutor and the National Centre of Social Solidarity and see to referring them to accommodation structures. However, although they are referred by the First Reception Services, they are often transferred to detention spaces due to the lack of sufficient space in accommodation structures. See: UNHCR – Office in Greece, Arrivals of refugees at the islands of the Aegean: crucial issues of protection and management, 8 October 2014, \url{http://www.unhcr.gr/index.php?id=224}
\item \textsuperscript{231} Commission staff working document on the assessment of the implementation of the Greek action plan on asylum and migration management, \url{http://www.statewatch.org/news/2014/oct/eu-com-greek-asylum-plan-com-316-14.pdf}.
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Serious issues are recorded as regards the appropriate treatment of unaccompanied minors, considering also the lack of procedures to confirm their minority. By way of derogation, a process to confirm their age is in place for minors registered at the First Reception Centres and the First Reception Mobile Units, by virtue of Ministerial Decision No. Υ1ΓΠ οικ. 92490 («Programme of medical examination, psychosocial diagnosis and support and referral of third-country nationals lacking documents to first reception structures» Government Gazette 2745/29-10-2013).

Around the end of December 2014, the Ministry of Public Order and Citizen Protection, in cooperation with the National Centre for Health Operations, launched minority assessment procedures in Pre-departure Detention Centres for unaccompanied minors identified in the territory that must be led to the Attica Directorate for Aliens (Amygdaleza), where an expert team will assess minority.

According to the Ministry of Public Order and Citizen Protection, the Minority Commission of the National Centre for Health Operations will examine all disputed cases. This structure exists in Athens (Pre-departure Detention Centre) and a plan to examine all minors in the country has been drawn up.

In Article 17, PD 220/2007 foresees the special treatment of asylum-seekers that belong to vulnerable groups as defined by the relevant Article of the Reception Directive. It further reiterates the priority placed on the “best interest of the child” (Article 18, par. 1) further specifying that “As far as unaccompanied minors are concerned, the competent authorities shall take the appropriate measures to ensure the minor’s necessary representation. To this purpose, they shall inform the Public Prosecutor for Minors or, in the absence of this latter, the territorially competent First Instance Public Prosecutor, who shall act as a provisional guardian and shall take the necessary steps in view of the appointment of a guardian for the minor” (Article 19, par. 1). Moreover, under Article 19, par. 2 (a) “When an unaccompanied minor lodges an asylum application, the authorities competent to receive and examine it shall take immediately the following measures: They shall ensure that the accommodation needs of the child are covered by placing him/her with adult relatives, with a foster-family, in Accommodation Centres with special provisions for minors, or in other accommodation suitable for minors and that this form of accommodation shall protect it from the risk of trafficking or exploitation. [...]”.

The obligation of custody and legal representation extends to all unaccompanied minors, whether they are asylum-seekers or not, based on a relevant interpretation and opinion by the Council of

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233 Ibid. The Ombudsman among other proposes the following: “Expand, mutatis mutandis, the scope of the aforementioned Ministerial Decision (Υ1ΓΠ οικ. 92490/2014) regarding the determination of the age of all unaccompanied minors that purport to be minors without having been through the processes of the First Reception Centres”, http://www.synigoros.gr/recourses/porisma_diapistosi-anilikotitas-asynodefton-anilikon.pdf


235 Ibid
State. Provisions on the protection of minors must be triggered regardless whether an asylum request has been filed. The law further provides for the custody and legal representation of all unaccompanied minors filing a request for asylum (Article 12).

Despite the special law provisions, there are major insufficiencies both in the stage of identifying the unaccompanied minors and later referring them to appropriate accommodation structures and in implementing an effective mechanism for representation and custody of minors. In 2014, after the adoption of the National Action Plan for the protection of the child, the Ministry of Justice took the initiative to set up a working group that would elaborate proposals for the effective implementation of the institution of guardianship. Processes in this working group continue and outcomes are expected in the first months of 2015.

Meanwhile, in the framework of a pilot project entitled “Network for the Guardianship of Unaccompanied Minors” third country citizens, an NGO, METAAction began its implementation on 1/11/2014, together with Norwegian organisation Vergenforeningen Følgesvennen. To be more exact, METAAction will set up a team of Guardians for Unaccompanied Minors through the creation of training material, training sessions/workshops and other supporting actions.

5.2 Other vulnerable groups

The law provides for special treatment of asylum-seekers that belong in vulnerable groups; i.e. minors, unaccompanied minors, the disabled, the elderly, pregnant women, single-parent families with minors, including people that have suffered torture, rape or other severe form of psychological, physical or sexual violence and victims of trafficking (Article 17, PD 220/2007 that transposes the relevant article of the Directive on the Reception of asylum-seekers).

The situation continues to present serious deficiencies in 2014 in relation to the reception of asylum seekers and vulnerable groups, including their social support. Note that serious issues are raised by the complete absence of appropriate accommodation structures for the disabled (see also above in 4.2).

We remind the situation that raised at the end of November 2014, as to the housing and needs to protect around 300 Syrians, who had not made an application for asylum and were in a status of suspended removal; they started a hunger strike with the request to cover their basic needs and facilitate their transition to other countries of the European Union. Some, mainly vulnerable persons (families,
children, sick) were finally able to be provisionally accommodated in hotels and provisional accommodation structures.

The situation with the Syrian refugees, in their majority people belonging in vulnerable groups, highlighted the deficiencies and shortcoming in ensuring the care provided for by law and in covering the needs for dignified living of vulnerable persons that are in a suspended removal status (see also below in 8.2).

6. Actions addressing trafficking in human beings

In 2014, we remarked reduced rates with respect to the recognition/identification of victims of trafficking in human beings as compared to 2013. In particular, 8,241 victims of labour exploitation were identified in 2014 (as compared to 5,424 in 2013), including 4 minors, and 15,243 victims of sexual exploitation, against 28,244 in 2013. In the reference year, we remarked limited criminal prosecution of perpetrators as compared to previous years.

The actual situation, however, in terms of the number of victims, is way far from the official records, given the high number of unaccompanied minors who enter Greece and risk becoming victims of exploitation. At the time this report was drafted, the process of identification of child victims of trafficking in human beings was being revised.

The National Rapporteur on combating trafficking in human beings, in his sphere of competence, has adopted guidelines on procedures for recognition and identification of victims. Special emphasis was placed on issues relating to the compensation of victims, their safe return, the protection of witnesses and the definition of the role and responsibilities of all stakeholders through the consolidation of the national coordination mechanism. In this context, in November 2014, the National Rapporteur launched systematic and permanent cooperation and consultation between the various public services, civil society, private initiatives, cultural and educational actors and local authorities. The priority remains to establish a database within the European funding and a Security Fund (ISF) in 2014-2020. In agreement with the National Centre of Social Solidarity (in Greek EKKA), the latter has been playing a leading role in the collection of information and the coordination of the bodies involved. Possibilities to accommodate vulnerable groups, particularly unaccompanied minors appear to have increased, without however having established appropriate state structures to that effect. The existing structures, even private ones, are not tailored to the needs of victims. They also present serious operating problems due to lack of funding. Protection of and assistance to victims is

Amnesty International; “Syrian refugees: Fighting for life and dignity. From the horrors of war to the deadlock in Greece”, [http://www.amnesty.org.gr](http://www.amnesty.org.gr)

241 Victim (1 by Bulgaria, 1 by Greece and 6 by Romania) statistics offered by the National Rapporteur for trafficking in human beings.

242 (6 by Bulgaria, 35 by Bangladesh and 13 from Romania) ibid.

243 (4 from Bulgaria, 1 from Greece, 2 from Bangladesh, 1 by Ukraine, 2 from Romania, 3 from Russia and 2 from the Czech Republic) ibid.

244 (1 from Ivory Coast, 1 from Albania, 9 from Bulgaria, 2 from Greece, 1 from Cameroon, 1 by China, 1 by Morocco, 3 by Moldova, 1 from Nigeria, 1 from Poland, 6 from Romania and 1 from Russia) ibid.

245 Statistics offered by the National Rapporteur on trafficking in human beings.
planned to become part of the existing web platform “ESTIA” with a view to meet the needs of the victims, as soon as possible.

In the context of the network of structures to prevent and address violence against women, support is still provided in matters of trafficking in human beings (SOS helpline 15900, 40 Advisory Centres –of the General Secretariat for Gender Equality and the municipalities– and 21 hostels for women victims of violence – by municipalities and the National Centre for Social Solidarity), offering support services to women victims of all forms of violence. However, these structures are not specialised structures for victims of trafficking.

The National Rapporteur is expected to participate in a transnational referral mechanism within the European Union, with a view to improve the procedures for recognition and identification of victims, their protection and assistance.

In 2014, the National Rapporteur organised cultural and artistic awareness-raising events (on 18.10.2014, the European Day for combating trafficking in human beings) and one open to the public workshop on sexual exploitation, in cooperation with the French Embassy in Greece that involved the participation of officials from Greece and the European Union, including NGOs active in the field of the fight against trafficking in human beings.


According to that law, criminal proceedings involving child victims are carried out with improved guarantees as to their protection (protection of their life, physical integrity and their genital freedom, if there is a serious threat to these rights, assistance of a child psychologist or child psychiatrist in a suitable space, without the presence of a technical consultant on the part of the accused etc.). The law further provides for the potential protection of minors from deportation and a strict framework of penalties for offenders.

7. Immigration and development

As aforesaid, the Council conclusions on the assessment of the Global Approach to Migration and Mobility (GAMM) were adopted during the Greek Presidency.

Greece participated in the strategic project ‘Making Migration work for development –MMWD- building on migration for development’247, relating to the transnational dialogue in the field of development and migration in SE Europe.248

246 Source: General Secretariat of gender equality.
247 “MMWD” is a project of strategic importance co-financed by the South East Europe Transnational Cooperation Programme, through the European Regional Development Fund and the Instrument for Pre-Accession Assistance. A period of 30 months and is expected to be completed in October 2014. The Partnership consists of 20 entities with coordinator the region Emilia-Romagna (Italy). From Greece, the Region of Crete and Heraklion Anaptyxiaki are involved, http://www.migration4growth.eu
248 On the part of Greece, the Region of Crete and Anaptyxiaki of Heraklion participated in the project. The project aimed at the integration of joint action plans in the spirit of the Europe 2010 strategy, to
In August 2014, there were 24.6 million unemployed in the EU –of whom 5 million are between 15 and 24 years old. Unemployment rates for 2014 vary greatly among Member States, ranging from 5.1% in Germany and 5.3% in Austria to 24.8% in Spain and 26.8% in Greece.\textsuperscript{249}

The Hellenic Foundation for European and Foreign Policy (ELIAMEP) continued in 2014 the preparation of studies and research projects on migration; in particular: a) research programme entitled \textit{The governance of illegal migration: states, actors and intermediaries} (IRMA).\textsuperscript{250} The study is financed by the General Secretariat for Research & Technology through ARISTEIA programme and will last 36 months. In addition, ELIAMEP and its researchers have been designated as the national coordinators for Greece for research programme MIPEX 2015: \textit{“Integration policies: Who benefits? The development and use of indicators in the debate on integration”}. The programme is coordinated by the Barcelona Centre for International Affairs (CIDOB) and the Migration Policy Group (MPG).

ELIAMEP participates in the European research programme ASSESS (assessing inclusion measures for vulnerable groups of migrants), which will take stock of and evaluate the policies and measures taken at national level for the integration of immigrants.\textsuperscript{251}

\textit{enhance regional development in SE Europe with a view to deal with the impact of migration in areas such as: Labour Market, Human Capital and Welfare System.}

In these discussions the following main lines of action for countries of the Prefectural Authority of Europe were presented: A. Linking multiculturalism with entrepreneurship and self-employment, B. Promotion of transnational entrepreneurship, C. Promoting the mobility of young people in the labour market through transnational networks, D. Regulatory and legislative institutional framework in the labour market and cooperation between employment bodies, E. Employment services/entrepreneurship one stop shop (OSS), \url{http://www.migration4growth.eu}

Furthermore, the specificities of each participating region were presented in the area of using technical education and innovation as tools for regional development, with particular emphasis on the optimisation of human capital in vulnerable social groups. In parallel a draft action plan and its contribution to the shaping of future actions for the new programming period (2014-2020) was finalised. In this context, the discussions highlighted the contribution to the growth of the Regions and intercultural and the decentralised nature of technical education, with the use of modern teaching methods and techniques aimed at the development of modern skills and competences. Finally, special attention was also given to the impossibility to institutionalised making by several regional authorities on matters of education: \url{http://www.migration4growth.eu}

In the context of these discussions actions, priorities and policies were identified needed to address the challenges in the area of social welfare and the social economy, due to demographic developments and changes in social structures in the regions of Prefectural Europe. The transnational dialogue after overcoming difficulties due to different approaches to participating countries managed to identify how common policies and actions apply in matters relating to immigration, the future viability of social welfare and the key role that the social economy can play in the viability of these models, \url{http://www.migration4growth.eu}

\textsuperscript{249} Annual Overview of Growth 2015: new impetus given to employment, growth and investment, 28-11-2014, \url{http://ec.europa.eu/greece/news/2014/20141128_etisia_episkopisi_anaptyxis_2015_el.htm}

\textsuperscript{250} The governance of non-legal immigration: Member, actors and intermediaries (IRMA)

\textsuperscript{251} The specific objective of the evaluation is to identify the strengths and difficulties in the implementation of guidelines and common inclusion standards set by the European Union. It focuses particularly on vulnerable migrant groups, such as women, children and victims of trafficking in human beings \url{http://www.eliamep.gr/category/migration/}
ELIAMEP also participates in the Mediterranean Network for the Inclusion of Migrants, whose implementation agencies are Harokopos University (coordinator), the NCSS, ASANTE, ADEP and INTRAWAY. The network’s actions relate to the establishment, activation and support of a network of cooperation between public authorities, research/scientific bodies and civil society of the Mediterranean Member States (Greece, Italy, Spain, Portugal, Cyprus and Malta).

- Effort to reduce “brain drain”

As also mentioned in 3.1 above, the Immigration Code establishes a favourable framework for acquiring a residence permit (EU blue card) with a view to attract highly skilled employment pursuant to Directive 2009/50/EC, as favourable provisions on family reunification.

Moreover, the immigration code includes provisions facilitating students’ mobility among MS offering them the possibility to work part-time, if they have been granted a residence permit to study. The law further provides for the rapid issuance of a residence permit for post-graduate studies (see above 3.3).

The law also include provisions, according to Directive 2005/71/EC, which lay down a specific procedure for admitting third-country nationals for the purposes of scientific research, which govern the right to stay and be granted a residence permit in Greece for a citizen of a third country that has received a residence permit as a researcher in another EU Member State. Right of residence is also provided to members of their family including the right to provide lecturing work in accordance with Greek laws (see above in 3.3).

- Cooperation with the Diaspora

The bill for the new Council of Hellenes Abroad (in Greek SAE) is expected to come to Parliament for adoption in 2015.

- Migrant remittances

The financial crisis seems to have impact also on migrant remittances. In the period January to September 2014, payments from migrant remittances fell as compared to 2013 (852.3 for that period against 1,005.2 for the respective period in 2013).

Serious impact on the movement of immigrants; and refugees’ capital was incurred by the provisions of Law 4249/2014 “Reorganisation of the Hellenic Police, fire brigade and general secretariat for civil protection, upgrade of the services of the

252 Its objectives are to register innovative policies of the Member States of the Mediterranean, forms of cooperation between stakeholders in the area of integration of third-country nationals, the dissemination of best practices of institutions for the efficient management of migration and the implementation of best practices between stakeholders (in areas such as: equal treatment, intercultural dialogue, participation of immigrants in all aspects of collective life, evaluation of integration policies, etc.) Duration: 22 May 2014 – 30 June 2014, see also: www.mnimi.eu.
254 GG Α’ 73/ 24 March 2014
8. Irregular migration and illegal trafficking in human beings

Key priority of the Ministry of Public Order and Citizen Protection in 2014 has been the “progressive implementation of a full-fledged automated surveillance system along the Greek-Turkish land and river borders”.

We remind that Headed towards achieving the objectives of the national action plan on border management, in the context of the conditions set by the European Commission, Greece was invited to develop, strengthen and complete additional actions, to sustain its results and strengthen the border management system. This includes the finalisation of the national strategy for border management by maximising the use of the Internal Security Fund (ISF), the strengthening of the National Coordination Centre for full implementation of the EUROSUR Regulation, the reinforcement and extension of the technical equipment for automated control the Greek-Turkish land border and the development of a strategy and tools for the surveillance of sea borders using technological media in the framework of joint actions with FRONTEX. (For developments on the Hellenic Police’s transition to the digital era and the prevention and combating of irregular migration by enhancing cooperation with third countries on border management, see 3.6 above).

The semi-annual Report from the Commission to the European Parliament and the Council on the functioning of the Schengen area (period from 1 May 2014 to 31 October 2014) records considerable progress in the use of the operating features of the Schengen Information System (SIS) by Greece, having completed the upgrade of the national police systems (SIS II). A system of automated Greek-Turkish border surveillance is also being implemented.


In the period 2014-2020, under funds offered by EU’s division of home affairs, Greece is expected to receive approximately 446.5 million Euros as basic allocations for its national projects (EUR 259.3 million from the Asylum, Migration and Integration Fund; EUR 166.8 million from the Internal Security-Borders Fund; and EUR 20.4 million from the Internal Security-Police Fund).

Commission staff working document on the assessment of the implementation of the Greek action plan on asylum and migration management, 2014/mepsactivity-2014/mepsOctober2014/mepsOctober2014.html.;


Commission staff working document on the assessment of the implementation of the Greek action plan on asylum and migration management

Joint Operation “POSEIDON – Sea Borders” carried out continuously since May 2008 continued also in 2014, coordinated by the Headquarters of the Coast Guard and the Hellenic Police, under the supervision of FRONTEX, and involving staff and operational media of EU partner Member States. “...The ultimate aim of the Operation is to support Greece in managing increased pressure and challenges at its external frontiers that are also the external borders of the EU in the south-east Mediterranean”.  

By establishing a National Coordination Centre for Border Control, Immigration and Asylum (Ε.Σ.Κ.Ε.Σ.Μ.Α.) under Law 4249/2014 (Official Gazette Series A’, Issue No 73/24-3-2014), border control is placed under the coordination of the new Centre for Integrated Border Management and Migration (Κ.Ο.ΔΙ.Σ.ΜΕ.), operating together with FRONTEX.

A key pillar of the policy of the Ministry of Public Order and Citizen Protection for achieving the objectives of the National Action Plan for Asylum and Migration and for the management of migration, has been also in 2014, the policy of returns by continuing “Xenios Zeus” and “Shield” operational activities, including “THESEAS” operation.

In 2014, the Ministry of Public Order and Citizen Protection carried out 27,789 deportations (against 26,186 in 2013), out of which 7,475 forced returns (readmissions) to Albania, FYROM and Kosovo.

Xenios Zeus operation and the months-long detention of irregular foreign incomers/residents pending their return also continued as a practice in 2014. A major issue in terms of law has been the possibility to extend the period of detention beyond 18 months, according to a ministerial decision justified by the enforcing the measure of the compulsory stay in the detention facility. Until the end of 2014, this practice continued despite case-law to the contrary by competent administrative
courts. Moreover, international bodies and organisations still record detention conditions that constitute inhuman and degrading treatment in detention centres and police department holding areas.

Ministerial Decision No 6634/1 – 432547 (Bulletin No. 288, 27 May 2014) on the “establishment and creation of a committee to monitor the functioning of pre-departure detention centres” set up this committee, competent to conduct checks of detention conditions in such centres and to review and submit relevant proposals to the leadership of the Ministry of Public Order and Citizen Protection.

The Ministry of Public Order and Citizen Protection notes that, in the period from January to October 2014, (64,996) foreigners were arrested for illegal entry into the country; of these, (5.603) were detained, i.e. a percentage of approximately 8%. According to the Ministry, a large number of foreigners entering and/or staying in Greece without papers are released with a deadline of 30 days for their voluntary return.

Moreover, according to the Ministry of Public Order and Citizen Protection, a basic pursuit as regards detention as of the end of 2014 has been to refrain from detaining foreigners subject to return procedures in police departments. The procedures for recruiting 75 psychologists, 75 social workers and 100 translators/interpreters, for the psycho-social support of third-country nationals who are subject to a return procedures and for facilitating their communication with the Greek authorities [in Services of Attica General Police Headquarters, Corinth and Evros area (Drama, Xanthi and Orestiada)].

After the new government was formed in the beginning of 2015, the Deputy Ministers of Interior, Citizen Protection and Migration Policy in a joint communiqué committed to “...take instant steps and route processes for the imminent repeal of the deprivation of people’s liberty and the restitution of legality, including to assure respect of law from now on, and enforce administrative detention as an exceptional step for a period and under conditions that will not infringe upon such right”. These steps will include: “…a) immediate repeal of the Ministerial Decision that accepted the Legal Council’s opinion that allowed for detention to continue after 18 months and

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266 Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (CPT) report to the Greek government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 6 April 2013, http://www.cpt.coe.int/documents/grc/2014-26-inf-eng.pdf

267 The Committee consists of five members; one senior officer of the Attica Aliens Directorate, as chairman and officers of the Health/Hellenic Police Headquarters and Technical/HPH Directorates, the Service for the Management of European and Development Programmes/Ministry of Public Order and Citizen Protection and employees of the First Reception Service/MPO & CP as members.

268 Source: Ministry of Public Order and Citizen Protection, December 2014

269 ibid

270 ibid

immediate dismissal of all those eventually detained for over 18 months; b) immediate dismissal of vulnerable groups (families, children, unaccompanied minors, pregnant women, victims of torture, sick people, elderly) and their necessary referral to accommodation structures, including immediate dismissal of asylum-seekers; c) dismissal of detainees, where detention has lasted more than 6 months, by issuing a decision for their removal within six months, according to the existing laws; d) review, in all cases, the implementation of alternatives to detention (obligation to appear before the police department at the place of residence, declare place of residence etc.). The same arrangement may apply also for those confirmed to be in the country without papers...”

8.1 Tackling of misuse of legal migration channels

Following the liberalisation of the visa regime for the five countries of the Western Balkans (Albania, Bosnia and Herzegovina, Serbia, the former Yugoslav Republic of Macedonia), around the end of 2013 Moldova was added and as of April 2014 its citizens can travel visa-free to the Schengen area. Readmission agreements concluded in previous years apply to the citizens of the aforementioned countries. These agreements provide for rapid return—often involving serious issues of violations of procedural and substantial guarantees of return.

A Hellenic Police report for 2014 reports that “note that since December 2010 the visa requirement for citizens of Albania, holders of biometric passports has been removed; they are provided the right to a three-month stay in the country solely on the basis of the entry stamp, a fact that has considerably contributed to limiting the indices of illegal entry via northern land borders”.

8.2 Irregular migration through misuse of family reunification

The new Code lays down the withdrawal of the granted residence permit for the purposes of family reunification where the family relationship has been entered into in order to circumvent the provisions of the immigration law. To confirm that finding, inspections by the competent authorities are in place (Article 74). There is no statistical evidence confirming the misuse of family reunification.

8.3 Irregular migration through misuse of student migration

The Immigration Code lays down a maximum limit for the renewal of the residence permit for study purposes and provides for cancellation procedures where the conditions were not fulfilled for part-time working and/or where the student does not make progress in his/her studies (Articles 34 and 40).

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272 ibid

273 February 2014 it was decided to include Peru, Colombia and United Arab Emirates, as well as 16 island states in the Caribbean and the Pacific.

8.4 Regularisation of irregular staying aliens

- Regularisation for extraordinary reasons

Although there are expectations and strong pressure for the regularization of a large number of immigrants integrated in the Greek society but lacking the necessary residence papers (sans papier), the new Immigration Code has not regulated the status of these people. However, the Code provides for the possibility to settle legally certain categories of immigrants that meet certain conditions on the terms and the process of being granted a residence permit for extraordinary reasons (Article 19 of the Code), which offers access to the labour market. This residence permit may remain effective for one year, renewable only on the basis of one of the other reasons stipulated in the Code (e.g. dependent work, independent economic activity, family reunification etc).

According to the Code, access to the above-mentioned residence permits is offered to third country nationals that reside in Greece and can prove that they have developed strong ties with the country. In particular according to article 19, par.1 of the Code: “A request for granting a residence permit for exceptional reasons is examined only when the third-country national adduces: «(a) an entry visa granted by a Greek consular authority no less than three years before filing the application; (b) a residence permit, even if expired; (c) a valid passport; (d) a fee of 300 euros; and (e) documents proving their particular bonds with the country that require their stay within the Greek territory. By way of derogation, documents under (a) may not be

275 The new Immigration Code however provides for the possibility to settle legally certain categories of immigrants that meet certain conditions of being granted a residence permit for extraordinary reasons.

The need to legally settle people falling in the said categories is repeated in the Annual Policy Report on Migration and Asylum, EMN, 2013

276 «1. The Minister of Interior may for extraordinary reasons grant, following an opinion by the Committees of par. 1, Article 134, a one-year residence permit to third country citizens residing in Greece that can prove that they have developed strong bonds with the country. The residence permit for exceptional reasons can be renewed only for one of the other grounds of this Code. A request for granting a residence permit for exceptional reasons is examined only when the third-country national adduces: «(a) an entry visa granted by a Greek consular authority no less than three years before filing the application; (b) a residence permit, even if expired; (c) a valid passport; (d) a fee of 300 euros; and (e) documents proving their particular bonds with the country that require their stay within the Greek territory. By way of derogation, documents under (a) may not be produced if the party concerned can prove the actual fact of his or her stay in the country for no less than ten consecutive years. By a relevant decision, the Minister of Interior may specify the specific dated documents that will prove ten-year residence and set the reasons for referral to the Committees of Article 134 hereof. No valid passport is required where there is documented failure by the party concerned to be supplied with any travel documents under the provisions of Article 6. In the event that the party concerned appeals to serious health reasons for himself/herself or their underage offspring, they must prove that such reasons incurred after their entry in the country and are connected to this stay. To confirm the strong bonds, the following are considered: (a) very good knowledge of the Greek language; (b) schooling in a Greek school by the asylum-seeker of their children; (c) the period of stay in Greece, in particular legal stay; (d) time of insurance with any Greek security organisation and payment of tax obligations and (e) their kinship with a Greek citizen or expatriate”, Article 19, par. 1, Law 4251/2014
produced if the party concerned can prove the actual fact of his or her stay in the country for no less than ten consecutive years [...]”.

- Regularisation by redressing legality of the residence of third country citizens long-term residents that due to administrative or economic and social setbacks had lost or risked to lose their right to stay in the country.

The transitional arrangement of Article 138, par. 12, of the Code of Immigration and Social Inclusion maintains the legal character of the stay of the aforesaid category of third country citizens, whose requests for renewals of their residence permit have been rejected or pend rejection in the years 2010 to 2014, because they have not fulfilled the necessary insurance conditions (stamps) and the minimum income limit to cover the stay of their family members, if they have resorted to a judicial review of such rejecting decisions. The said arrangement has been the object of serious criticism in the Parliament when discussing the draft law for the Immigration Code, particularly regarding the condition of having previous filed a request for judicial review to be subjected to its provisions277.

The aim of this provision is to redress legal residence status under the conditions of the Article for all those that have missed the possibility to renew their residence permits because of the financial crisis in 2010 to 2014, in a single way, consistent with the principles of equality, law certainty and trust of the citizen.

- Suspended removal – “status of tolerance”

Law 3907/2011 foresees the compulsory suspension of the removal of third country nationals, where the principle of non-refoulement is violated or return must be suspended for legal or actual reasons278. The certificate on suspended removal lasts six months and may be renewed following a new ruling on the unfeasibility of the removal. For the time of the suspended removal, the holder of the relevant permit must in any case be available to the authorities responsible for removal and cooperate with them (Article 24).

In April 2013, by a circular of Hellenic Police Headquarters, deportation or return decisions against Syrians lacking papers are suspended and detainees are

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277 Minutes of the Hellenic Parliament: Meeting ΠΗ, Friday 14 February 2014
http://www.hellenicparliament.gr/UserFiles/a08fc2dd-61a9-4a83-b09a-09f4c564609d/es20140214.pdf
Meeting ΠΘ’ Wednesday 18 March 2014 http://www.hellenicparliament.gr/UserFiles/a08fc2dd-61a9-4a83-b09a-09f4c564609d/es20140318.pdf

278 2. Administrative bodies competent to decide on the appeals of par. 1 have the power to examine ex officio both the legitimacy and the essence of the return decisions and may temporarily suspend their enforcement. Provisional court protection is also offered by the provisions of Law 3900/2010 (GG 213 A’) and PD 18/1989 (GG 8 A’). Article 28, par. 2, Law 3907/2011
released on decision to suspend or defer removal\textsuperscript{279}. This practice was followed by Greek authorities also in 2014, particularly as regards refugees from Syria. Although specific guarantees\textsuperscript{280} have been provided for in the provisions of Law 3907/2011 for holders of certificates of suspended removal, including a provision for the issuance of a PD for their access to the labour market\textsuperscript{281}, however the relevant law provisions have not been activated. This fact results in that a large number of persons fails to enjoy the protection of the law and the guarantees of a “tolerated residence status” because of the unfeasibility of the deportation.

8.5 Living conditions of irregularly staying third country nationals

The only benefits foreseen for irregularly staying third country nationals are:
- emergency medical care and hospitalisation, including access to social care structures under local governments (Article 26, par. 1 and 2, Law 4251/2014)\textsuperscript{282};
- registration in schools by minors coming from third countries, even without producing the relevant documentation required for the registration of Greek pupils (Article 72, Law 3386/2005)\textsuperscript{283}.

\textsuperscript{279} \url{http://www.unhcr.gr/fileadmin/Greece/News/2012/Syria/pc/Syria_Position2_april_2013_2.pdf}

\textsuperscript{280} “The authorities see to take the appropriate steps to: a) ensure the family unity of the third country national and family members located in Greece; b) allow minors’ access to compulsory schooling, depending on the duration of their stay under Article 72, Law 3386/2005; c) provide urgent healthcare and the necessary treatment under Article 84, par. 1, Law 3386/2005; and d) take into account the particular needs of vulnerable groups”, Article 29, Law 3907/2011.

\textsuperscript{281} “A presidential decree issued following a proposal by the Ministers of Interior, Decentralisation and E-government, of Labour and Social Security and the Minister of Citizen Protection shall set the sectors of the economy and regions of the country where third-country nationals whose removal has been postponed may work as salaried employees, their social security status, the conditions, prerequisites, procedures and the bodies competent to issue such work permits and any other related matter. In any case, during the time of postponement of removal, the third country does not have access to social inclusion programmes, while this period of residence of a third country national cannot be counted in when applying the provisions of law 3838/2010 on access to Greek citizenship, or when applying the provisions on access to the status of long-term resident”. Article 37, Law 3907/2011

\textsuperscript{282} “1. Public services, public legal entities, local government organisations, public utility organisations and businesses and social security organisations must not provide their services to third country nationals that lack passport or other travel document recognised by international conventions and an entry visa that cannot prove in general that they have legally entered and they reside legally in Greece. Third country nationals that have been objectively deprived of a passport have the right to transact with the aforesaid services by showing their residence permit.

2. The provisions of the previous paragraph exclude: a) hospitals and clinics, where third country nationals are introduced urgently for hospital care, birth and minors, including social care structures within local government organisations; b) validation of the authenticity of signature for detainees that authorise lawyers for their representation before courts, on condition that they can prove, on the basis of any document, their identity; c) complaints or appeals to competent courts or administrative authorities by illegally employed third country national under the provisions of Articles 83 and 86, Law 4052/2012; d) transactions by third country nationals subject to voluntary return to settle outstanding obligations related to their departure from the country; e) transactions by third country nationals subject to voluntary return; f) submission of applications for residence permits to the competent services of Article 19; g) a copy rejecting or revoking the residence permit according to par. 5, Article 10; h) filing a remedy according to par 2, Article 25.” Article 26, par. 1 and 2, Law 4251/2014

\textsuperscript{283} Citizen Ombudsman (children rights), Summary of Outcome: “Failure to register and advance to the next class by underage foreign pupils because of missing documentation”, 2014: “…In particular, interventions by the Ombudsman have stressed that the minor’s right to education is recognised in the
Taking into account the general conditions prevailing in Greece, a country suffering an economic crisis, coupled with the constant shrinking of welfare benefits—that are already insufficient—, the situation regarding the living conditions of irregularly staying aliens is exceptionally problematic. The fact that many of these people have been residing in the Greek society for a long period, fully integrated therein, but excluded from basic social rights (work, insurance, healthcare) underscores the pressing need to regularise their status. Similar problems are remarked regarding the living conditions of people under suspended removal—including vulnerable groups—, for whom the law stipulated guarantees for the assurance of a dignified living and access to specific social benefits (see 5.2 above).

8.6 Coordination and cooperation of the agencies involved

A Memorandum of Cooperation between the headquarters of the Hellenic Coast Guard and UNHCR in Greece was signed in September 2014. This cooperation focuses on areas where new arrivals by sea are detected, in particular the islands of the North-East Aegean and the Dodecanese and “... aims to reinforce the first reception framework of new-arrivals, including those rescued at sea, for as long as they remain under the responsibility of the Coast Guard up to the time they are referred to other authorities as stipulated by law”284.

Regarding the provision of free legal assistance to detainees, Memoranda of Understanding and agreements with the bar associations, in Athens, Corinth, Drama, Xanthi, Komotini, Orestiada and Mitilini were signed in 2014, i.e. the seats of the prefectures where Pre-Departure Detention Centres are located, a project co-financed by the European Return Fund.285 According to the Ministry of Public Order and Citizen Protection, eighty (80) requests for free legal assistance are being handled by lawyers of the Athens Bar Association in the region of Attica.

According to information provided by the Ministry of Public Order and Citizen Protection, training seminars for police officers were carried out by the Headquarters of the Hellenic Police in 2014286 including Public Agencies and Civil Society Agencies.287 Similar training has also been planned for 2015. Moreover, according to the Ministry, a Memo of Actions for the police staff was drafted and sent to Pre-departure Detention Centres (in Greek PKEK) for Aliens and the Centres for the Identification of

Greek legal order both constitutionally (Articles 16, 21) and through the International Convention for the Rights of the Child (Article 28). Particularly for aliens, a special arrangement applies, which allows minors coming from third countries to register in schools, even without producing the documents required for Greek pupils (Article 72, Law 3386/2005”).


284 UNHCR press release: signing of a Memorandum of Understanding between the HQ of the Coast Guard and UNHCR in Greece, http://www.unhcr.gr/nea/deltia-typoy/artikel/1aacad0e0cfe8913d5aa2a763739e4e4/ypografi-mnimionioy.html?L=dtmyijipjetjtol


286 The said training concerned: prevention of infectious diseases and managing sick detainees by Hellenic Police staff, return procedures and readmission of irregular immigrants, protection human rights and the rights of people subject to return, handling vulnerable groups and people subject to return. Source: Division for Combatting illegal migration.

287 The said training concerned: prevention of infectious diseases and managing sick detainees by Hellenic Police staff (KEELPNO, EKEPY), protection of human rights (MARAGKOPOULOU FOUNDATION). Source: Division for Combatting illegal migration.
Aliens Citizenship (in Greek KETY), with a view to improve the detention conditions of aliens subject to return and to ensure detainees’ rights.\textsuperscript{288}

- **8.7 Combatting illegal trafficking in human beings**

This year there were no changes to the legislative framework regarding the fight against illicit trafficking. Important however was the impact of changing the mode of entry of irregular immigrants, involving the geometric growth of entries into Greece via its maritime borders.\textsuperscript{289}

In 2014, 1,171 people were arrested with the charge of facilitator of irregular migrants, while in 2013 similar arrests were 843. The relevant information is reflected in the statistics of the Hellenic Police regarding arrests per area of entry.\textsuperscript{290}

**9. Return policies**

In the reference year, we recorded increased returns as compared to previous years.\textsuperscript{291} There are, however, according to the Ministry of Public Order and Citizen Protection, considerable obstacles to carrying out the returns, such as difficulties in acknowledging or confirming citizenship, the lack of co-operation by consular authorities in terms of issuing travel documents, the non-implementation of existing readmission agreements (in the EU and bilaterally), the use of the earlier review system for political asylum before the launch of the Asylum Service (submission of abusive requests, long-term examination etc).\textsuperscript{292}

As also mentioned before, the EU-Turkey readmission Agreement entered into force on 1 October 2014. The dialogue on the Liberalisation of Visas for Turkish citizen was further launched.\textsuperscript{293}

A Memorandum of Cooperation was signed in June 2014 between the IOM and the Minister for Public Order for the voluntary return of migrants to their countries of origin.\textsuperscript{294} This action includes actions, which inter alia relate to: Information on the possibility of voluntary return, preparation for return, implementation of the

\textsuperscript{288} Source: Division for Combatting illegal migration.

\textsuperscript{289} The total number of aliens, apprehended entering irregularly discharged at the Greek-Turkish sea border, in the year 2014, amounted to 43,518 persons, as compared to 11,447 persons arrested in 2013. Statistics of the Ministry of Public Order and Citizen Protection, http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=38019&Itemid=73

\textsuperscript{290} http://www.astynomia.gr/index.php?option=ozo_content&lang=%27..%27&perform=view&id=49980&Itemid=1426


\textsuperscript{292} Source: Ministry of Public Order and Citizen Protection, December 2014

\textsuperscript{293} http://www.tovima.gr/politics/article/?aid=657129

\textsuperscript{294} The total budget for this action is EUR 13.000.000, co-funded by European funds (European Return Fund) by 75 % from by national resources at a rate of 25%.
voluntary return of third-country nationals to their countries of origin and reception to their final destination and reintegration in the country’s society.295

As mentioned before (see 8.1 above), a key pillar of the policy of the Ministry of Public Order and Citizen Protection for achieving the objectives of the National Action Plan for Asylum and Migration and for the management of migration, has been also in 2014, the policy of returns by continuing “Xenios Zeus” and “Shield” operational activities, including “THESEAS” operation.296

Xenios Zeus operation and the months-long detention of irregular foreign incomers/residents pending their return also continued as a practice in 2014 and as a tool to prevent entries and make returns.

In 2014, the Ministry of Public Order and Citizen Protection carried out 27,789 deportations (against 26,186 in 2013), out of which 7,475 forced returns (readmissions) to Albania, FYROM and Kosovo (versus 7,533 in 2013), 12,818 compulsory returns/deportations (versus 8,780 in 2013), 7,334 voluntary returns assisted by IOM (versus 9,225 in 2013) and 163 assisted by the Hellenic Police (versus 648 in 2013).297

296 Plan to combat crime, illegal immigration, illegal trading, drug trafficking and other offences, source: Ministry of Public Order and Citizen Protection, December 2014