

EMN
European Migration Network



PRACTICAL MEASURES FOR REDUCING IRREGULAR
MIGRATION



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SUMMARY

The movement of human populations is an ancient phenomenon. The displacements in the course of history, from the countries of origin to host countries, took place, namely: a) Due to the economic situation prevailing in the countries of origin. Specifically fleeing their countries to migrate to rich countries where there was employment, b) Due to the political situation, as authoritarian regimes, wars, civil wars, etc., other groups were forced to flee their countries to travel to countries with democratic and stable political regimes.

In modern times, is observed, movements of highly qualified groups (doctors, computer specialists, etc.), mainly between developed countries and population movements in countries which use mainly as intermediate stations to go elsewhere. In these countries is included Greece.

Greece as an EU country, but also because of its geographical position, i.e. its proximity to countries of transit and origin of irregular migrants and in conjunction with the singularity of its borders is facing intense pressure from foreign migration of various nationalities. Given that Greece constitutes one of the main gateways to the EU these population groups are using Greece either as a transit or a destination country.

Greece, until the late '80s one of the traditional countries of emigration, has changed in a short period of time in a host country and so was asked to manage socially, economically and politically the issue of the influx of a mass migration, taking measures of legislative and practical character.

Specifically:

During the period when Greece was a country of emigration the legal framework for the entry, residence, work and deportation of foreigners in Greece was governed by Law 4310/1929.

This legislative framework was applied until the early '90s, where under the weight of the broader geopolitical upheavals in Europe, Greece has taken measures concerning the entry, stay and employment of migrants with the Law 1975/1991, which was moving definitely towards a deterrent, defensive and repressive approach.

Aiming to develop a realistic long-term migration policy to address the weaknesses already identified in the operational status of the previous law, Greece in recent years has adopted a legal framework which is of course continually shaped since is taking into account each time new data obtained and the legislative framework adopted by the EU. Specifically, the national policy is following the separation made by the EU immigration policy between regular and irregular immigrants.

Regarding the prevention and combating of irregular migration, at the legislative level, provides severe penal and administrative sanctions against those who in any way facilitate migrants to enter or to leave Greece, to stay and work without the legal requirements.

On a practical level, has developed a package of measures, initially before the entry of irregular migrants, such as measures to secure visas to consular points, cooperation with neighboring countries on the management of common borders, police cooperation agreements and readmission agreements, especially with countries of origin and transit of irregular migrants. Performs substantive controls of persons in transit in the statutory points of entrance (land, sea, air) and effective surveillance of land borders between crossing points (green border) by a special Service of Border Guard and Prosecution of Irregular Migration, effective surveillance of maritime borders, with staff and means of Greek Coast Guard, and finally cooperation with FRONTEX.

Regarding the monitoring in the interior, takes reinforced measures for searching, identifying and arrest of irregular migrants and traffickers, taking advantage of modern technology as well as the information collected and analyzed.

Significant effort is made for the successful outcome of deportations, deportations near the borders and implementation of readmission agreements. Equally important effort is made in the utilization of Border Fund and Return Fund.

The efforts made by Greece in the management of migration, which is constantly evolving and each time depends on dynamics and parameters, which are constantly changing, are continued with fast pace, following the developments. A considerable effort is made recently, primarily with the creation of a National Coordinating Center, the intention to

construct an artificial barrier (fence) with a total length of about 10.3 km in the northeastern part of Greece along the land border with Turkey, (the work is in progress), the establishment of a new Service of First Reception, the establishment of detention centers for aliens and the implementation of voluntary return programs in cooperation with the International Organization for Migration.

1. INTRODUCTION: OBJECTIVES, METHODOLOGY, DEFINITIONS

1.1 Objectives

The main objective of this study is, to document, to the possible extent, all hitherto historical and political approaches to the management of irregular migration, to describe the national and EU legislative framework and identify practical measures taken by Greece which are aimed at reducing irregular migration.

Also, the basic aim and objective of the study is to become a useful tool for policy makers, for the authorities responsible to implement, in practical level, the measures taken and to inform other agencies active in this sector.

1.2 Definitions

The terms used in this study correspond largely with the terms used in the glossary of the European Migration Network and those arising from Community legislation (regulations, directives).

Work of ILLEGALLY residing third-country national (illegal)

Within the context of EU is the employment of a third-country national staying illegally in the territory of the Member State. (Directive 2009/52/EC (Employer Sanctions))¹

Work of LEGALLY residing third country (illegal)

It is the work (dependent work or services or independent economic activity), of a third country national holding a residence permit that does not provide access to the specific work (Article 86, par.6, Law 3386/05 as applicable)².

Entrance (Illegal)

In the context of EU it means the entrance of a third country national in a member state of EU who does not satisfies the prerequisites referred to the article 5 of Schengen Borders Code (Regulation 562/2006 – Schengen Borders Code)³.

Illegal residence

Within the EU illegal residence is the presence in the territory of member state of a third country national which does not, or no longer, meets the conditions of entry as defined in Article 5 of the Schengen Borders Code or other conditions for entry, stay or residence in that Member State. This definition is the same as the definition of “illegal residence” as described in Article 3 (2) of Directive 2008/115/EC⁴ of the European Parliament and Council (on common rules and procedures in Member States for returning illegally staying of third countries nationals).

Migrant (irregular)

Within the EU is the third country national that does not fulfill the conditions or no longer meets the entry conditions as defined in Article 5 of the Schengen Borders Code or other conditions on entry, stay or residence in the member state.

Migrant (illegally resident) of third country national illegally resident in the territory

Within the context of EU is the third country national located on the territory of a Member State and who does not meet or no longer meets the conditions of presence or residence in that particular Member State.

¹ L 168/24/30-6-2009 Official Journal of EU «Imposing minimum standards on sanctions and measures against employers of illegally staying third country nationals»

² Government Gazette 212 A /23.8.2005 «Entry, residence and social integration of third country nationals on Greek territory».

³ L 105/13-4-2006 Official Journal of EU «Establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)».

⁴ L 348/98/ 24-12-2008 Official Journal of EU «On common rules and procedures in member States for the returning of illegally staying third country nationals».

Smuggling of migrants

It is the facilitation – assistance to a third country national to enter illegally the territory of a Member State, to which is not a citizen or permanent resident, by another person who is seeking to gain financial or other benefits.

Work (illegal)

Is the paid professional activity performed in violation of the provisions of current legislation. Within the context of EU, the term also covers the illegal employment of a third-country national who is staying illegally in the territory of member states and the work of a legally resident third country national working in violation of the rights conferred by residence or work permits.

Migration (irregular)

The moving of a person, into a new place of residence or transit, using irregular means, without valid documents or bearing false documents.

Informal economy (informal sector)

Are all financial activities of workers or economic units, which, by law or in practice, they are not covered or are inadequately covered by formal agreements. Their activities are not included in the law meaning that they operate outside the formal provisions of the law.

Prolonged stay

Within the context of EU means the person who entered legally but remained in the member state beyond the permissible period of stay without obtaining a visa (normally 90 days or 6 months), or the duration of the visa or residence permit.

1.3 Methodology

For the preparation of the study was into account information accessible to the general public, mainly through the Internet, where it was identified political statements - discussions - queries about the overall management of migration in Greece. Data were also collected from interviews with relevant ministries and from official statistics. For the completion of Chapter 2 of the study it was used the legal framework in effect in Greece, with every detail.

Interviews were taken mainly from officials of the Directorate for Aliens of the Greek Police Headquarters, on issues concerning the deportation of illegal immigrants, border surveillance, land-sea and air, legislated and not, on issues of refugees and international cooperation.

The term "irregular migration" by itself creates a problem which focuses primarily on the fact that there is a significant number of migrants who are not identified and therefore not recorded. Only estimates can be made with almost arbitrary computations. So, in no case, one can argue precisely about the number of irregular migrants in the host country. Statistical data were collected mainly from the Greek Police /Directorate for Aliens, which is the main managing body of irregular migration, on issues of illegal entry, denial of entry at the borders, deportations and international protection. Also from the Ministries of Interior/Directorate for Migration Policy and Labour and Social Security/Directorate of Labour and Labour Inspectorate, were collected statistical data on issues of their jurisdiction.

In the present study have been recorded the national and Community policies, the legislative framework and the practices used to manage the problem and focus was given on issues where significant changes can be made, mainly at political-strategic and practical level, with the sole aim to reduce irregular migration.

2. POLITICAL AND LEGAL FRAMEWORK ON IRREGULAR MIGRATION IN GREECE.

This chapter aims to provide an overview of national policy as well as the institutional and legal frameworks in relation to irregular migration in Greece.

2.1 National policy and legislation towards irregular migration.

2.1.1 Current national policy and approach towards irregular migration in Greece

In Greece, the legal framework for migration started to be applied in the last twenty years due to numerous admissions of immigrants in the country. The national policy follows the separation made by EU migration policy between legal and illegal immigrants, by favorably treating the former arising by the application of the principle of “equal treatment” of EU citizens, by recognizing their perspectives of integration in the country and by taking of preventive measures against irregular migration.

Law 3386/2005 focuses on the triptych legitimacy-rights-social inclusion, given that the national policy is in line with the Directives and Regulations of the EU immigration policy. The main axes, followed by Law 3386/2005 which establish immigration policy, are the following:

- ✓ The coordination and monitoring of the migration policy in Greece by an Interministerial Committee consisting of the Ministries involved with this issue.
- ✓ The planning of the entry of migrants on Greek territory, taking into account the data and needs of social and economic life of the country.
- ✓ Ensuring working conditions for foreigners who come to Greece to work under conditions suitable to a modern state law.
- ✓ The introduction of a modern system of social integration of immigrants.
- ✓ The establishment of appropriate safeguards for the effective application of the Greek legal system in order to avoid unauthorized entry and exit of foreigners in Greece

To prevent the risk of entry and residence of foreigners, Greece designed and applies a package of measures for the prevention and repression of irregular migration that can be summarized in four (4) levels, namely:

- 1.-Taking measures to ensure the issuing of visas to consular points.
- 2.- Cooperating with third countries, particularly countries of origin and transit.
- 3.-Taking measures at the external borders. Greek Police and Customs Authorities are responsible to control the external borders. The Greek Police is responsible for the control of persons crossing the external borders, through the legal boundary points (land, sea and air borders; total 100) and the Customs Authorities are responsible for the control of persons, luggages, goods and means of transportation, detect illegal drugs, etc. Also, the Greek Police is responsible for the surveillance of land borders. As for the surveillance of maritime borders is responsible Coast Guard.
4. – Taking measures within the Greek Territory. Strict controls are carried out by the Police Border Guards and police departments in order to identify and arrest irregular migrants and smugglers.

For Greece migration continues to be, for the last few years, a high priority and crucial issue for the public opinion. For this issue, both the printed, as well as the electronic press keep the immigration issue high on the agenda.

Recently the Minister of Citizen Protection presented to the Cabinet the Integrated Border Management Program to Combat Irregular Migration stating that Greece supports the development of a common EU migration policy based on the following principles:

1. Protection of the external borders of the EU in order to reduce irregular migration.
2. Fast and fair consideration of claims for international protection.
3. Support for European initiatives for peace, democracy, development and job creation in countries of origin of the migrants, with the aim to reduce migratory pressures on Europe and Greece.
4. Support the policies for social inclusion and integration of legal migrants living in the EU.

5. Continue the implementation of the deportation of irregular migrants and the voluntary return program in cooperation with the International Organization for Migration.⁵

2.1.2 Review of Greek Legal Framework (Laws and Regulations) on irregular migration

Greece, as has been pointed out many times, by its geographical position but also as an EU member, is for immigrants and asylum seekers either a country of transit or of final destination.

The current legislation focuses mainly on forced return, either through administrative or judicial deportation for immigrants who have entered or stay in the country without meeting the legal requirements. Also for the prevention and control of irregular migration has introduced strict penal and administrative measures.

Specifically:

-Expulsion decisions - always with respect for Human Rights - are issued according to Article 76 of Law 3386/05 (administrative expulsions) and Articles 74 and 99 of the Penal Code (judicial expulsions) and are applied without any omissions international treaties signed and ratified by Greece, like the European Convention on Human Rights of 4 November 1950, the UN Convention against torture and other cruel, inhuman or degrading treatment or punishment, December 10, 1984, etc. It should be highlighted at this point the changes into Greek legislation by transposing Directive 2008/115/EC⁶ "concerning common rules and procedures in Member States for returning illegally staying third country nationals " with Law 3907/2011⁷ which are:

- Is Included first time the institution of voluntary returns
- Is Introduced the term 'return decision'
- Is introduced the term 'voluntary departure'
- There are foreseen deadlines for the departure
- Is foreseen Free Legal Assistance
- The period of detention under certain conditions it can take up to 12 months.

- Has transposed into national law Directive 2001/40/EC⁸ of 28 May 2001 on mutual recognition of expulsion decisions, by the Presidential Decree 214/2004⁹.

-Keeps in accordance with Article 82 of that Act, a list of undesirable immigrants. The criteria and procedure for registration and removal of foreigners from the list are established by No. 4000/4/32-iv/4-9-06 CMD¹⁰ In view of Articles 25, 96 and 112 of the "Convention implementing the Schengen Agreement of June 14, 1985" ratified by the Law 2514/1997¹¹.

Also the paragraph 3 of that article, relative with the time of booking, is replaced and is saying: "If the alien, because of the general circumstances, is suspected to escape, or dangerous for the public order, or avoids or hampers the preparation of his departure or his removal processes, by decision of the institutions of the previous paragraph, is ordered his temporary detention until the issuing, within three (3) days, of the decision for his deportation. If a decision of expulsion is issued, detention continues until the deportation, but in no case shall exceed six (6) months. If the expulsion is delayed because he refuses to cooperate or delay in taking necessary for deportation documents from the country of origin the alien's detention may be extended for a limited period not exceeding twelve (12) months ".¹².

⁵ Press release of 7-9-11 of the Ministry of Citizen protection. From the presentation to the Cabinet (6/9) by the Minister of Citizen Protection Christos Papoutsis of the Integrated Border Management Program to combat irregular migration.

⁶ L 348/98/24-12-98

⁷ Government Gazette A' 7/26-1-2011

⁸ EE L 149/28-5-2001 Official Journal of EU

⁹ Government Gazette 191, τ. Α' .

¹⁰ Government Gazette B' 1353/2006

¹¹ Government Gazette 140, τ. Α' /1997

¹² Replaced with the article 48, par..2, of Law 3772/2009

In the Article 83 of Law 3386/05 has been added to paragraph 1 subparagraph where sanctions are also imposed to citizens of EU member states leaving or attempting to leave the Greek territory or entering or attempting to enter it without the legal formalities¹³.

In Articles 84 to 88 of Law 3386/2005 are foreseen heavy penal, administrative and economic sanctions against individuals, officials, legal persons, bodies, notaries and carriers who provide services to third countries nationals who are not legally resident in Greece, as well against employers of undocumented aliens or those providing accommodation.

Specifically against the carriers, with Law 3772/2009, Gov. Gazette 112, issue A, that amended Law 3386/09, which facilitate in any way the entry in the country of people who do not meet the entry conditions, have been adopted more strict sanctions of felony nature, the appeal cannot have suspensive effect, while simultaneously is foreseen the confiscation of assets and the removal of secrecy.

Greece also incorporated into national law Directive 2004/82/EC¹⁴ of 29 April 2004 Council, about the obligation of carriers to communicate passenger data, with PD 53/2008 (Gov. Gazette vol.84, issue A)¹⁵.

Although there are rich and remarkable law cases of the Greek courts on matters of immigration, however they did not affect in substance the shaping of the existing legislative framework for the management of migration.

2.1.3 Legislation about penalties / fines imposed in cases of irregular migration

According to Article 83 of Law 3386/05, penal sanctions against third countries and EU member-states nationals are foreseen, namely: "A third country citizen, leaving or attempting to leave the Greek territory or enters or attempts to enter it without the legal formalities, shall be punished with imprisonment of at least three months and a fine of at least one thousand five hundred (1,500) euros. If someone who attempts to leave illegally is wanted by the judicial or police authorities or has tax or other obligations to the government or is a recidivist is considered as aggravating circumstance and is imposed imprisonment for at least six months and a fine of at least three thousand (3,000) euros. These sanctions are also imposed to citizens of EU member states¹⁶.

According to Article 84 of Law 3386/05, criminal penalties, are foreseen, against public authorities, legal entities, etc., namely: "Public services, public entities, local authorities, agencies and utilities and social security institutions shall not provide services to third country nationals who do not have a passport or other travel document recognized by international agreements, visa or residence permit and generally can not prove that they have entered and reside legally in Greece".

The officials of these departments and institutions that violate the provisions of this section are subject to disciplinary proceedings and punished in accordance with the provisions of the Penal Code for breach of duty. "

According to Article 85 of Law 3386/05, penal sanctions are foreseen against public officials (notaries), namely "During the drafting of notarial acts, in which the parties or participants in any way are nationals of third countries, present in person or declare domiciled or resident in the country, notaries are required to find that they have a visa or residence permit or a certificate of paragraph 3 of Article 11 of the Act that they have submitted the required documentation for the issuance of and make reference to it in practice "¹⁷.

Notaries who violate the provisions of the preceding paragraph shall be subject to disciplinary sanctions and punished in accordance with the provisions of the Penal Code for breach of duty. "

According to Article 86 of Law 3386/05, penal and administrative sanctions, are foreseen, against employers, Greek or EU citizens or third country nationals, and

¹³ Was added with the article 45, par.1 of Law 3731/2008

¹⁴ L 261/24/6-8-2004 Official Journal of EU.

¹⁵ Government Gazette 84, τ. Α' /2008.

¹⁶ Added with article 45, par.1 of Law 3731/2008

¹⁷ Replaced with article 15, par.2 of Law 3536/2007

specifically “is not allowed the hiring and the employment of third country nationals if they do not have a residence permit for work”¹⁸.

Employers who employ workers, who are citizens of third countries, must immediately inform the competent Service for Aliens and Immigration of the Decentralized Administration for hiring of any third country citizen, etc.

By a common decision of the Ministers of Labour and Social Security and Interior, Decentralization and e-Government, were specified the criteria, which establish the appropriate fine. If the above offenses are recorded by the Labour Inspectors of the Labour Inspectorate, the above fine is imposed by a reasoned decision of the competent Head of Department of Social Work Inspection Department or of the Center for the Prevention of Occupational Hazard or by the verifier Special Inspector of Labour, following prior invitation of the employer to provide explanations. For the imposition of the fine are applied, accordingly, the provisions of Article 16 of Law 2639/1998 (Government Gazette A 205) as applicable each time¹⁹.

Employers who violate the provisions of paragraphs of that article, in addition to other penalties provided by law, by decision of the Secretary of the Decentralized Administration, is imposed a fine of between three thousand (3,000) to fifteen thousand (15,000) euros for each irregular third country national.

Also, anyone who employs a third country national without a residence permit is punishable by imprisonment of at least three months. If repeated, imprisonment of at least six months. The Secretary General of the Decentralized Administration, taking into account all the circumstances, shall also order the closure of the shop or business for a period up to six months and in case of relapse, up to twelve months or the closure under certain conditions.

The case where the recruitment is to promote third country national into prostitution is considered particularly aggravating and is punishable by imprisonment of at least two years and a fine of at least six thousand (6,000) euros. If the victim is a minor, punishable by imprisonment up to ten years and a fine of ten thousand (10,000) to fifty thousand (50,000) euros. With Imprisonment and a fine of fifty thousand (50,000) to one hundred thousand (100,000) euros is punished the offender if the crime was committed: a. against a person younger than fifteen years, b. by fraudulent means, c. by blood or adoptive parent, spouse, guardian or other person who entrusted the child to upbringing, education, supervision or custody, even temporarily, d. an employee who, in pursuit of the service or benefiting from the status of it commits or participates in any way in the act. Finally, by imprisonment is punished a third country citizen who provide dependent work or services or exercise an economic activity without a residence permit ”.

According to Article 87 of 3386/05, penal and administrative sanctions are foreseen against Greek or EU or third countries nationals that provide accommodation to persons not legally residing in Greece, or facilitate entry or residence and specifically "Is prohibited the leasing of property to third countries citizens without a passport or other travel document recognized by international conventions or a visa or residence permit. Hotel and resort managers must inform the police and the Department of Aliens and Immigration of the arrival and departure of nationals of third countries which host. To persons who violate the provisions of above paragraphs, in addition to other penalties provided by law, by decision of the General Secretary of the Decentralized Administration, is imposed a fine of one thousand five hundred (1,500) to three thousand (3,000) euros. Also, anyone who facilitates the entry on Greek territory or the exit from it of a third country national without being subjected to the scrutiny provided for in Article 5 shall be punished with imprisonment up to ten (10) years and a fine of not less than twenty thousand (20,000) Euros. If the above person acted because of speculation or habit or the crime is committed in common by two (2) or more, an imprisonment of at least ten (10) years and a fine of at least fifty thousand (50,000) euros is imposed ²⁰.

¹⁸ Replaced with article 44, par. 4 of Law 3801/2009

¹⁹ Replaced with article 14 of Law 3846/2010

²⁰ Replaced with article 48, par.3 of Law 3772/2009

Anyone who facilitates the illegal staying of a third country national, or hinders police investigations to identify arrest and deport him, is punishable by imprisonment for at least a year and a fine of at least five thousand euros ²¹.

According to Article 88 of Law 3386/2005, penal and administrative sanctions are foreseen against carriers of all kinds of transport facilitating the entry or stay of persons not eligible to enter or reside in Greece and particularly "Captains of ships or, vessels or aircraft and drivers of any means of transport carrying from abroad in Greece third country citizens who are not allowed to enter the Greek territory or who have been refused entry for any reason, and those who they receive them from the entry points, external or internal borders, to carry them forward at home or to the territory of a EU state - member or of a third country or facilitate transport or provide them shelter for concealing are punishable: a. by imprisonment up to ten (10) years and a fine of ten thousand (10,000) to thirty thousand (30,000) euros for each person transported, b. imprisonment of at least ten (10) years and a fine of thirty thousand (30,000) to sixty thousand (60,000) euros for each person transported, if the offender acts on speculation, by profession or by habit or is a recidivist or has the status of civil servant or tourism or shipping or travel agent, or if two or more are acting together, c. imprisonment of at least fifteen (15) years and a fine of at least two hundred thousand (200,000) euros for each person transported, if the act may be a risk for people, d. by life imprisonment and a fine of not less than seven hundred thousand (700,000) euros for each person transported, though in case c is occurred death. ²²

Airlines or shipping companies and any other natural or legal person performing any form of public transport of persons is obligated to not accept for transport and take every measure to prevent the transfer from abroad to Greece of third countries citizens which are not equipped with necessary passports or other travel documents and visa where necessary.

To airlines that violate the above obligations is imposed, by decision of the airport authority, a fine of five thousand (5,000) to thirty thousand (30,000) euros for each person transported. To shipping companies, and to any other natural or legal person, the same penalty is imposed by the decision of the Secretary General of the Decentralized Administration. In case of relapse in the same calendar year, these fines may be increased to twice, but can not exceed the amount of thirty thousand (30,000) euros, by decision of the competent authority. ²³

The persons referred to in the preceding paragraphs as well as travel agencies and the owners of vehicles are liable in full for the living costs and return expenses of these persons abroad. "

In particular, with Law 3772/2009 (Government Gazette Vol.112, issue A), which amended the Law 3386/2009, against carriers which facilitate in any way the entry to the country of people who do not meet the conditions of entry, besides of the established penalties of felony status, the appeal is not suspensive, In parallel, the confiscation of assets and the removing the secrecy is also provided

Greece also incorporated into national law Directive 2004/82/EC of 29 April 2004, on the obligation of carriers to communicate passenger data, with PD 53/2008 (Gov. Gazette vol.84).

2.1.4 Recent Changes in policy and legislation in Greece

The basic law regulating immigration (legal and illegal) is Law 3386/2005 (Gov. Gazette vol.212) as amended by laws: Law 3448/2006 (Government Gazette vol.57, issue A), Law 3536/2007 (Government Gazette vol. 42, issue A), Law 3613/2007 (Government Gazette vol.263, issue A), Law 3649/08 (Government Gazette A' 39), Law 3731/2008 (Government Gazette vol.263, issue A), Law 3772/2009 (Government Gazette vol.112, issue A), Law 3801/2009 (Government Gazette vol.163, issue A), Law 3838/2010 (Government Gazette vol.49, issue A), Law 3846/2010 (Government Gazette, vol. 66, issue A), Law 3870/2010 (Government Gazette vol.138, issue A), Law 3875/10

²¹ Replaced with article 15, par.5 of Law 3536/2007

²² Replaced with article 48, par.4 of Law 3772/2009

²³ Replaced with article 28, par. 7 of Law 3613/2007

(Government Gazette vol.158, issue A), Law 3879/2010 (Government Gazette vol.163, issue A), Law 3900/2010 (Government Gazette vol. 213, issue A), Law 3907/2011 (Government Gazette vol.7, issue A), Law 3838/2011 (Government Gazette vol.61, issue A) and Law 4018/2011 (Government Gazette A' 215).

Regarding asylum procedures are applied:

- the Geneva Convention of 1951 on the Status of Refugees (ratified by Legislative Decree 3989/1959)²⁴ and the New York Protocol of 1967 on the Status of Refugees (ratified by Law 389/1968)²⁵,
- the European Convention on Human Rights (1950),
- the International Covenant on Civil and Political Rights (1966), the Convention against Torture (1984),
- Regulation (EC) No. 343/2003²⁶,
- Regulation (EC) No.1560/2003²⁷,
- Regulation (EC) No. 2725/2000²⁸,
- Regulation (EC) No.407/2002²⁹,
- Law 1975/1991,
- Law 2452/1996,
- Law 3386 / 2005,
- Presidential Decree 80/2006, which incorporated Directive 2001/55/EC³⁰,
- Directive 2003/9/EC³¹ (Reception Conditions) which was incorporated with Presidential Decree 220/2007 (Government Gazette vol.251, issue A), which published in the Government Gazette on 13-11-2007,
- Directive 2005/85/EC³² (Asylum Procedures) incorporated with the Presidential Decree 90/2008 (Government Gazette vol.138, issue A), which was published in the Government Gazette on 11-07-2008, as amended by Presidential Decree 81/2009 (Government Gazette vol.99, issue A / 06.30.2009),
- Directive 2004/83/EC³³ (minimum requirements for granting or withdrawing refugee status or subsidiary protection) incorporated with Presidential Decree 96/2008 (Government Gazette vol.152, issue A), which was published in the Government Gazette on 30-07-2008 and
- Directive 2003/86/EC³⁴ (family reunification) was incorporated with Presidential Decree 167/2008 (Government Gazette vol.223, issue A) e, which was published in the Government Gazette on 04.11.2008 and
- Presidential Decree 114/2010 (Government Gazette vol.195, issue A/22.11.2010): "Establish a single recognition process for foreigners and stateless refugee status or subsidiary protection (in compliance with EU Directive

²⁴ Government Gazette 201/A/1959).

²⁵ Government Gazette A' 125/68

²⁶ L 50/1/25-2-2003 Official Journal of EU «On the adoption of the criteria and mechanisms for the determination of the Member State responsible to examine the application for asylum submitted by a third country».

Official Journal of EU Journal of EU «On the measure for the implementation of Regulation (EC) no. 343/2003 for the adoption of the criteria and the mechanism for the determination of the Member State responsible for the examination of an asylum application submitted in a Member State from a third country national».

²⁸ L 316/1/15-12-2000 Official Journal of EU «On the adoption of «Eurodac» for the comparison of fingerprints for the effective implementation of the Dublin».

²⁹ L 62/1/5-3-2002 Official Journal of EU. «On the adoption of specific rules for the implementation of Regulation (EC) no. 2725/2005 about the adoption of «Eurodac» for the comparison of fingerprints for the effective implementation of Dublin Convention».

³⁰ L 212/2001 Official Journal of EU «On the minimum specifications for granting temporary protection in case of mass influx of displaced persons and the measures for the fair distribution of the burdens between the Member States regarding the reception and tackling the consequences of the reception of these persons»

³¹ L 031 της 06/02/2003 Official Journal of EU «On the minimum requirements about the reception of asylum seekers in the Member States»

³² L 326/13/13-12-2005 Official Journal of EU «On the minimum specifications for the procedures with which Member States are granting and withdrawing the status of refugee».

³³ L 304/12/30-9-2004 Official Journal of EU «On the adoption of the minimum requirements for the recognition and the status of third country nationals or stateless people as refugees or as persons needing international protection for other reasons».

³⁴ L 251/12/3-10-2003 Official Journal of EU «On the right of family reunification».

2005/85/EC), which repealed the provisions of Presidential Decrees 61/1999, 90/2008, 81/2009 and Article 5 of Decree 220/2007.

It is true that Greece in recent years received constant and intense criticism from the HC/UNO and NGOs, domestic and from EU countries, on the procedures for recognition of refugee status and especially for the low recognition rates which did not exceed 1%. Indicatively, it can be referred, in the year 2005 granted refugee status to 39 out of a total 9.050 applications examined, in the year 2006 to 64 foreigners out of 12.267 applications examined etc.

The new government that emerged after the elections of 4-10-09, and particularly the Ministry of Citizen Protection went to a radical reform of the Greek asylum system.

Specifically:

- ◆ With Law 3907/26-1-2011 (Government Gazette vol.7, issue A), the Ministry of Citizen Protection recommended an independent service, entitled "Asylum Service", which reports directly to the Minister and a local responsibility that extends across the country.
- ◆ Also, within the Ministry of Citizen Protection is established an independent service called "First Host Service" reporting directly to the Minister of Citizen Protection and a local responsibility that extends across the country. A Director is already appointed and is staffed with qualified personnel.
- ◆ Presidential Decree 114/2010 (Government Gazette, issue A', vol.195/2010) regarding the establishment of a process to award international protection and humanitarian status to foreigners and stateless persons (integration and full compliance with the provisions of Directive 2005/85/EC) was adopted.
- ◆ The forms used during the asylum procedure were reformed so the whole process has better quality characteristics.
- ◆ Within the Ministry of Citizen Protection they were formed and are operating by 18/02/2011 five (5) Appeals Committee of Presidential Decree 114/2010.
- ◆ Police personnel were trained, by the Services collecting and examining of asylum requests in cooperation with United Nations High Commission on Refugees (UNHCR), through seminars conducted in Athens and Thessaloniki.
- ◆ Interpreters from the NGO METADRASI were used to meet the needs of the Directorate for Immigration of Attica, of Athens Airport Security Department and the Appeals Committee. In addition, interpretation services is provided in Lesbos, Chios, Samos, Leros and Rhodes.
- ◆ The zero rates for granting the international protection regime has now risen at the rate of 12.35%, between the highest rates in the EU
- ◆ The Operational Plan, between the Ministry of Citizen Protection and the European Asylum Support Service, was signed with the purpose of placing Asylum Support Teams for the period 2011 - 2012, with short and long term actions such as training, provision of expertise, further quality improvement process, etc.

After the parliamentary elections of October 4, 2009, was named winner of the Panhellenic Socialist Movement (PASOK), for the next four (4) years.

Up to 03/10/09 the Ministry of Interior had the overall management of migration in Greece (legal - irregular and asylum). The new government renamed the Ministry of the Interior, to Ministry of Interior, Decentralization and e-Government (now Interior) which with its relevant agencies will be responsible for the immigration policy of Greece on matters of legal immigration - integration and citizenship. For a better coordination of Services was decided the establishment of the General Secretariat for Immigration Policy (Presidential Decree 11/2010, Government Gazette 15 A'). With Presidential Decree 96/2010 (Government Gazette 170 A') the General Secretariat for Immigration Policy was renamed in General Secretariat of Population and Social Cohesion

The Ministry of Citizen Protection (Presidential Decree 184/2009 Government Gazette vol.213, 7-10-09) was established in which were transferred from the former Ministry of Interior, the General Secretariat of Public Order, under which the Greek Police is responsible for the management of issues of irregular migration, border surveillance and asylum. From the former Ministry of Mercantile Marine, Aegean and Island Policy, was transferred the Coast Guard which is responsible for the surveillance of maritime borders. The newly established Ministry will now have the responsibilities of the transferred services.

Migration is for Greece, in recent years, of high priority and crucial issue for the public opinion. For that matter, both the printed, as well as the electronic press keep the immigration issue high on the agenda.

In the Greek Parliament have been tabled many questions focused mainly on the protection of refugees, the conditions of detention, irregular migrants labor, and generally the actions taken by Greece to manage the phenomenon.

The previous governments in order to effectively tackle illegal immigration and combating networks that move migrants modified the existing legislative framework and in particular Articles 76 to 79 and 84 to 88 of Law 3386/09, with Law 3772/09 which doubles the maximum time limit for the detention of aliens, for whom a decision of expulsion is issued, till this decision is executed, to six from three months.

Simultaneously, is provided the possibility of extending up to 12 months the detention of aliens above, if the expulsion is delayed because they refuse to cooperate or delay in taking the necessary documents for the expulsion from the country of origin.

Also, heavy penal, administrative and economic sanctions are provided against individuals, officials, legal persons, bodies, notaries and carriers who provide services to third-country citizens not residing legally in Greece, as well as against employers who employ immigrants without legal documents or those providing accommodation

Particularly, against carriers that facilitate in any way the entrance of third countries citizens that do not meet the entry conditions, adopted more stringent penalties of felony nature, an appeal can not have suspensory effect, while simultaneously is provided the confiscation of assets and removing the secrecy.

It should be noted that the phenomenon of migration, shows an evolution particularly as there are social and political upheavals in the world and moreover because of the economic disparities between European countries and those of the third world. Greece due to its geographical position and the adjacent countries which are by rule feeders of irregular migrants, is also a gateway to EU countries. The burden that receives Greece by the large number of immigrants and the required financial management, is disproportionate to its potential.

According to a FRONTEX report (November 2010) 90% of illegal crossings in the EU is located on the borders of Greece. Moreover, due to internal conditions in Greece the illegal entry and stay are favored since the detection is relatively difficult and the risk of deportation small. A consequence of this is that a significant number of migrants to accumulate in the urban centers (Athens Centre), disrupting the normal life of citizens particularly with their criminal conduct, or in cities with major ports (Patras, Igoumenitsa) with the intention to leave illegally.

The failure of Greece to effectively control its borders and the further failure to implement the expulsion decisions favored the arrival of large numbers of irregular migrants. Consequently Greece had to take strict legal – practical measures to tackle this phenomenon.

2.1.5 National Policies/Legislation not directly related to irregular migration

According to Article 84 of 3386/2005, penal penalties against public authorities, legal entities, etc., are foreseen, namely: “To foreigners who are not legally in the country and do not have a passport or other travel document recognized by international agreements, visa or residence permit is not allowed to be offered any services from the public and broader public sector. They are excluded hospitals, nursing homes and clinics when it comes to minors and foreigners admitted for extraordinary medical care.

According to Article 86 of Law 3386/05, penal and administrative sanctions are foreseen against employers, Greek or EU nationals or third country citizens, namely: “Is not allowed

the recruitment and employment of third country nationals if they do not possess a residence permit for work or a residence permit and approval of access to labour market or residence permit that gives access to the labour market or a certificate of paragraph 3 of Article 11 of this law that they have filed the necessary documents for the issuing of it³⁵. Also, employers who employ workers who are nationals of third countries must immediately inform the competent Service for Aliens and Immigration of the Decentralized Administration for hiring of any third country national, etc.

2.2 Institutional framework

2.2.1 Official Institutions addressing the issue of illegal immigration

For the overall management of migration and asylum, the following ministries and agencies are cooperating

- *The Ministry of Interior/General Secretariat of Population and Social Cohesion*
The above Ministry is responsible for the immigration policy of Greece and the social integration of immigrants.

The above Ministry, along with the Decentralized Administrations, in accordance with Law 3386/2005 as amended, is responsible for:

- a. The issuance - renewal of residence permits of third country citizens, for work, for independent economic activity, for special reasons, for family reunification, perpetual and for the long term residents
- b. In accordance with the provisions of Law 3838/2010 (Government Gazette vol.49 /24-03-10) The Minister of Interior awards the Greek citizenship to third country citizens and expatriates.

- *The Ministry of Citizen Protection / Directorate for Aliens.*

Under the newly established Department of Citizen Protection (Presidential Decree 184/2009, vol. 213, issue A, 7-10-09), are the Greek Police, the National Intelligence Service and the Coast Guard.

- ✓ The Greek Police, in accordance with Law 3386/2005 as amended, is responsible for:

- a. Passport control of people entering and leaving the statutory border areas of the country.
- b. The application of administrative measures against domestic and foreign citizens (bans - exit and withdrawals thereof). The decisions are taken at central level.
- c. The surveillance of land borders and implementation of policy-making regarding the tackling of illegal immigration with the operating Border Guard and the rest of the Police Services.
- d. The issuing of decisions for detention - expulsion of foreigners and their registration in the list of unwanted. Considering the appeals against deportation orders. The decisions are taken by the Regional services.
- e. The guarding of foreigners in police detention centers, in special detention facilities and transfer of foreign citizens (expulsion, hospitals, consulates, etc.).
- f. The receipt and consideration of applications for international protection of immigrants, as well as to issue a special bulletin requesting international protection, residence permits and special alien identification card to recognized refugees and residence permits to foreigners who have been granted subsidiary protection or humanitarian status. Ruling on applications for international protection who are examined in the fast track when it is manifestly unfounded or where the applicant comes from a safe country of origin or safe third country. Finally issue special travel documents (T.D. V) for those refugees who have been granted subsidiary protection and stateless persons.

³⁵ Replaced with article 44, par. 4 of the Law 3801/2009

- g. The reception of requests and the granting of Special Expatriate Identity Cards (EDTO) from Albania and former Soviet Union as well the issue of unified type of residence permits.
- h. The granting of certificates of non-expulsion regarding the naturalization process.
- i. The issuing of permits for short stays,
- j. Certification of registration of EU citizens to exercise self-employment, freedom to provide services to undertake paid activities, if they are family members of EU citizens, to study and finally
- k. Documentation certifying permanent residence for EU citizen

✓ *The Coast Guard.*

According to Presidential Decree 184/2009 (Government Gazette vol.213, issue A 07 - 10 - 2009), Article 1, paragraph 1b subparagraph (cc), the Coast Guard (HCG) and its services are transferred within the newly established Ministry of Citizen Protection from the abolished Ministry of Mercantile Marine, Aegean and Island Policy.

The responsibilities of the Coast Guard in managing migration are defined in Decree 444/1970 and Law 3386/2005, as amended. In this legislation are defined as areas of exclusive competence of the Coast Guard, the territorial sea, the ships - floating craft and the country's ports, which include those classified as land area ports.

Notwithstanding the foregoing, the Services of the Coast Guard, and the appropriate Regional Services (Port Authority) are working daily for the control and surveillance of sea borders of Greece giving emphasis on preventing illegal entry of foreign nationals from third countries.

✓ *The National Intelligence Service*

This Service is active in seeking valid and specific information on movements of migrants and activities of networks within and outside the Greek territory and informs the appropriate Services to take preventive measures early.

➤ *The Ministry of Justice, Transparency and Human Rights/Directorate of Legislative Coordination.*

This Directorate is responsible for the legal procedures concerning irregular migrants and traders / traffickers.

Also

a. The criminal court may order the expulsion of foreigners from the country in accordance with Articles 74 and 99 of the Criminal Code.

b. The Minister of Justice may permit the entry of foreigners into the country after three years or five years from the issue of judicial expulsion. The decisions are taken at central level.

➤ *The Ministry of Finance / General Customs Directorate*, responsible for monitoring of entry points in the country and to combat cross-border financial crime.

➤ *The Foreign Ministry / Directorate of Justice, Internal Affairs and Schengen* is responsible for issuing, renewing and revoking visas of short and long stay, on the issuing of relevant circulars, and for representing the country in the EU, other international fora or bilateral / multilateral consultations on similar issues.

➤ *The Ministry of National Defense / Military Services*, which assist Police Services in border surveillance.

➤ *The Ministry of Labour and Social Security / Department of Labour*, responsible for registering the needs of labor market and labor supply, for controlling cases of illegal employment and seasonal employment agreements with third countries.

➤ *Ministry of Health and Social Welfare / Director of Social Welfare*, responsible for reception and care of illegal immigrants, asylum seekers and other vulnerable categories of third countries.

2.2.2 Other social partners/other agencies working on illegal immigration

Agencies / organizations in Greece who is assisting the official authorities on illegal immigration, specifically on the formulation and implementation of the policy are:

The Ombudsman: The Law 2477/97 established in Greece, the institution of the "Ombudsman", an institution known worldwide which exists in 85 countries around the world and 27 European countries.

The Ombudsman is an independent administrative authority and has the task of mediating between citizens and the Administration to protect the rights of citizens against maladministration and the observance of legality. In the context of its responsibilities has actively assisted with suggestions on improving the legal framework for migrants, particularly with respect to prison conditions, in refugee issues, etc.

Finally, with Law 3907/11, article 23, paragraph 6, the removal procedures are subject to external control system operated by an independent body "Ombudsman" which collaborates with international organizations and NGOs. The organization and operation of the above system requires a common ministerial decision which has not been issued.

The National Commission for Human Rights (N.C.H.R.), was established by Law 2667/98 (Government Gazette issue A, vol.281/98) and constitutes an advisory body to the state for the protection of Human Rights. The purpose of the NCHR is the constant pointing out in all organs of the state of effective safeguard of Human Rights of all those living in Greek territory.

According to its founding law, the NCHR has, between others, the following responsibilities:

a) To consider matters relating to the Protection of Human Rights which are raised either by the Government or by the Conference of Presidents of Parliament or proposed by its members or by NGOs.

b) To make recommendations and proposals, to elaborate studies, reports and opinions for taking legislative, administrative or other measures that improve the protection of Human Rights.

By its interventions and proposals mainly regarding the rights of migrants, refugees, prison conditions, etc. has contributed significantly in shaping the legislative framework.

The UN High Commissioner for Refugees in Athens has been operating since March 1952, 15 months after the establishment of the new entity for refugees from the General Assembly.

Under Article 35 of the Geneva Convention of 1951 relating to the Status of Refugees, the UNHCR Representation in Athens oversees the implementation of national procedure for determining refugee status. It also conducts educational seminars for port and police authorities and other stakeholders (eg lawyers and judges) involved in the reception of asylum seekers and the procedure for determining refugee status. In this context, UNHCR Representation in Greece cooperates closely with NGOs to refugees. It is a member of the Appeal Committees against negative decisions on asylum claims.

The International Organization for Migration / Mission in Greece (IOM) since 2009 has undertaken the implementation of actions: "Campaign for the possibility of voluntary return" and "Preparation, implementation of actions for voluntary return of third country nationals and reception of them to the country of origin" in the context of the Annual Programme 2009 -2010 of the European Return Fund.

Several Greek NGOs, such as the Greek Council for Refugees, the Greek Helsinki Monitoring Agreements - Greek Helsinki Monitor, Athens Medical Rehabilitation Center for Torture Victims, Doctors Without Borders and Amnesty International - Greek Section, with their proposals have been active in helping to shape the legislative framework and its application.

Finally, the NGO METADRASI actively contributes in practical level to competent departments mainly to meet the needs of interpreting in all languages.

2.2.3 Interaction and cooperation between official institutions and other social partners / informal institutions

The main agencies in Greece involved in addressing – managing irregular migration are the Greek Police Headquarters/Directorate of Aliens Ministry of Citizen Protection, the Directorate for Immigration Policy of Ministry of Interior, the Ministry of Foreign Affairs

(mainly Directorate C4), the Armed Forces, the Ministry of Justice, the Customs authorities, the NIS and the Coast Guard.

It has become aware to all that the problem of irregular migration cannot be addressed fragmentary and by some agencies (police and Coast Guard), but the cooperation of almost all institutions of the state apparatus is imposed. Despite the reservations that existed in the past mainly for the role of NGOs the cooperation of the majority of those with state authorities is judged satisfactory.

3. PRACTICAL MEASURES FOR THE REDUCTION OF IRREGULAR MIGRATION

In this chapter are presented the practical measures taken by Greece to tackle irregular migration at the stage prior to entry, at the entry and stay, and the provision of a way out of the status of irregularity.

3.1 Before entrance: practical measures taken to combat irregular migration before the arrival of immigrants in the host country (Greece)

The Greek Law 3386/05 (Government Gazette, issue A, vol.212) as applicable, Chapter B and C articles 4,5,6,7 and 8 and the Schengen Borders Code (Regulation (EC) 562/06 of European Parliament and the Council) expressly provides the conditions for entry - exit of any person to and from the Greek territory, the procedures and the bodies responsible for the control of persons entering or leaving the Greek territory.

Regarding the personnel involved in border control, and in the context of the European External Borders Fund, the following activities for their training were financed, namely:

- ✓ In the year 2009 (the period from 09/06/2009 to 19/12/2009) 432 police officers were trained to: "Integration to the Police Training System of the Joint Training Model of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States"
- ✓ In the year 2010 (during the period 21/06/2010 to 23/06/2010) 47 Police officers were trained to: "Control and detection of counterfeit travel documents."
- ✓ Also, in the year 2010 (the period from 04/10/2010 to 25/06/2011) 464 police officers were trained in "Integration to the Police Training System of the Joint Training Model of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States"
- ✓ Finally, in the year 2010 (the period from 29/11/2010 to 27/05/2011) 65 police officers were trained in "Language training of police personnel and Border Guards in Albanian, Turkish and Arabic."

Greece, currently has placed Police Liaisons in FYROM, Albania, Lebanon, Russia, and soon will be placed in Turkey and Pakistan. The specific Police Liaisons they are not only immigration liaisons but they have general duties. This institution has so far proved useful, but needs further improvement. Here it should be noted that the success of their work always depends on the availability of third-countries for cooperation.

The entry of irregular migrants in Greece is carried out in various ways and is attempted either illegally or with legal-likely procedures.

Specifically:

a) Greek-Albanian border

The vast majority of irregular migrants are Albanians. They are concentrated in border towns in Albania, and then, usually in small groups, individually or with the aid of networks, are entering illegally in Greece on foot or using different means.

b) Greek-FYROM border

They are entering mainly FYROM, Former FR of Yugoslavia nationals, Albanians and a small number of Asians. Many Albanians are entering FYROM legally and subsequently enter illegally in Greece

c) Greek-Bulgarian border

From Bulgaria are entering citizens from Eastern European countries, members of the former Soviet Union, as well as Africans and Asians who arrive in Bulgaria through Turkey while frequent is the use of forged documents. The way the networks are operating is similar with those in Greek-Albanian border

d) Greek-Turkish border

Irregular migrants of various nationalities (Africans, Asians) are entering our country through our land borders, particularly the River Evros and our maritime borders (from the Turkish coast to the Greek islands). At this point it is worth mentioning that the so-called "Asian way" through Pakistan, Iran and Turkey, which ends in our country through the Greek-Turkish boundaries (Evros River and insular region) and further to other member states of the EU, is used mainly by nationals of countries: Bangladesh, Pakistan, Afghanistan, Iran, Iraq, Syria and Turkey.

Members of the networks trafficking irregular migrants drive them near the Greek-Turkish border from Istanbul, a city of initial concentration for them. Then, on foot or by boat via the River Evros penetrate the Greek territory and are driven at predetermined locations, where they remain for some time. Subsequently, other members of the network forward them inland with several vehicles. Several times the irregular migrants are transported by trucks between loads. The transport from the sea is carried out with any kind of floating means (boats, fishing boats, speedboats, sailing boats, rowing rafts), particularly when the weather conditions are favorable.

e) Irregular migration from Africa

In addition to the above, regarding the maritime boundaries, there are also times when is observed the phenomenon of group arrivals of irregular migrants, mostly Egyptian nationals, in coastal areas of Crete and southern Peloponnese, with fishing boats from ports of Egypt.

In the cases where the entry of irregular migrants is attempted through statutory border points, this takes place, either by using forged or falsified travel documents, consular visas, residence permits, etc. either using regular documents and strong consular visa under the guise of tourists, etc. Whereas they manage to enter, they extend illegally the authorized stay or violate the terms of admission.

To prevent the risk of entry and residence of aliens, Greece takes measures to ensure the issuing of visas to consular points and cooperates with third countries, particularly countries of origin and transit of migrants. Greece has signed agreements, with countries of origin and transit, on collecting information matters, training and agreements with neighboring countries for cooperation in the management of common borders, with the purpose to improve safety.

Collaborates with Albania to combat illegal immigration and cross-border crime and conduct simultaneous common surveillance operations of the external borders. Also cooperates with Bulgaria to tackle irregular migration and cross-border crime. Between the two countries were signed agreements on 29-04-09, for joint control over border crossings (Law 3780/09, Gov. Gazette issue A vol.133/09) and the establishment and operation of the Contact Centre (Law 3779 /09, Gov. Gazette issue A vol.132/09).

The decision of the Council 2004/512/EC established the VIS as a system for exchanging visa data between Member States. The establishment of the VIS represents one of the key initiatives within the European Union's policies aimed at creating a space of freedom, security and justice, and contributes to homeland security and combating terrorism. With the implementation of VIS is prevented the visa shopping, is facilitated the fight against fraud and checks at external border crossing points and the territory of Member States are more secure and efficient.

The Greek Authorities (Greek Police and Ministry of Foreign Affairs) in the context of the new visa code and the VIS system have developed to high degree a highly appropriate application for searching and issuing Schengen visas at border entry - exit points of the country while are in progress all tenders for the procurement of appropriate equipment to serve the issue of visa by the police.³⁶

³⁶ The data were obtained from the Directorate for Aliens of the Greek Police Headquarters

3.2 Entrance: practical measures taken to identify and detect illegal immigrants at national borders.

Such measures may include: border controls and use of technology and surveillance (eg passport controls at checkpoints and biometrics), intelligence, risk analysis (eg in cooperation with the Risk Analysis Unit of FRONTEX for training border guards, for identifying illegal entry at the border of specific categories of immigrants, for procedures used to deny entry to someone who has been rejected by another country, recognition and registration of false documents at the border, enhanced police cooperation (readmission), cooperation with FRONTEX.

For Greece, participating in the Schengen Treaty, has to be clarified whether these measures are carried out at external borders, internal or both.

Greece, in order to effectively control its borders as legislated entry and exit points (land, sea and air), land (green borders) and water (blue borders), has taken legislative measures and operational such as:

1 Legislative Measures:

Against the carriers, with Law 3772/09 (Government Gazette issue A vol.112) which amended Law 3386/09, that facilitate in any way the entrance to the country of people who do not meet the entry conditions, adopted more stringent penalties of felony nature, the appeal does not have suspensive effect, while is foreseen the confiscation of assets and removing the secrecy.

Greece also transferred into national law Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data, with PD 53/2008 (Gov.Gazette issue A vol. 84).

2. Operational Measures:

In Greece competent for the control of external borders are the Greek police and customs authorities. The Greek police is responsible for the control of persons crossing the external borders through the legislated boundary points (land, sea and air borders; a total of 100) and the customs authorities for the control of persons, baggage, goods and means of transportation, the detection of illicit drugs, etc.

For the control of the 100 statutory points of entry and exit (land - sea and air) the personnel who is responsible with monitoring has available an infrastructure such as terminals, computers, UV Devices, CBN Appliances, Automatic Passports Identification Appliances, identification Microfiche Identification Appliances, Photo phone Appliances, large FOSTER FREEMAN Devices for the identification of false documents, ACO ELECTRONICS Detection Devices, SEARCHALERT metal detectors appliances, Narcotics Detection Unit 120 TEST, entry stamp, exit stamp, Devices IRIS SL 34 for identification of false documents in a suitcase, Appliances for taking fingerprinting, devices (CO2), Manuals of genuine EU documents, Automatic Reading Machine, Models of original documents Annexes 11 & 13 CC

Also, the Greek Police is responsible for the surveillance of land borders. As for the control and surveillance of external borders a special Border Guard Service and Prosecution of Irregular Migration was created. Specifically they are in operation fifty eight (58) Border Guard and Irregular Migration Prosecution Stations, staffed with about (5,000) border guards. With PD 235/2007 (Gov. Gazette issue A vol.273/6-12-07) there is provision for the establishment of six (6) new stations of Irregular Migration Prosecution in Samos, Lesbos, Chios, Rhodes, Kos and Evia.

For the surveillance of land borders, the personnel of (58) Border Guard and Illegal Immigration Enforcement is in possession of equipment such as, Vehicles Jeep type, vehicle VAN type, Motorcycles, cars, buses, day binoculars, thermal imaging cameras, night scopes, handheld transceivers and devices for detecting CO2.

As for the surveillance of maritime borders responsible is the Greek Coast Guard.

The services of the Coast Guard are occupied – daily and on a 24-hour basis – with the control and surveillance of maritime borders of the country, with emphasis on prevention of illegal entry to the country (and therefore the single SCHENGEN space) of foreign

nationals, activating the manpower and the available operational tools and using relevant information.

The National Planning Measures of Coast Guard are concerning both to prevent the entry of illegal immigrants into the country by non-statutory entry points and to identify and apprehend aliens who manage to enter illegally by sea to Greece, bring them before the competent courts, and finally delivering them to the relevant police authorities for further management (administrative deportation, etc.)

The personnel of the Greek Coast Guard, responsible for monitoring and surveillance of maritime borders, is equipped with means such as single engine aircraft, twin engine aircraft, twin engine helicopters (eurocopter), search and rescue helicopters (super puma), offshore patrol vessels, patrol vessels, coastal patrol vessels, fast coastal patrol vessels, rescue boats, fast patrol (rib) and patrol boats.

Participate actively in activities of FRONTEX to fight irregular migration. These actions have now received systematic and concrete character and specifically from the year 2009 is applied the program, EPN - POSEIDON, which includes the joint operation «SATURN», which is held at Greece's borders with Turkey and Albania and Bulgaria's borders with Turkey and aims to combat irregular migration from those countries through the West Balkan route, the joint operation «POSEIDON", which fits into the overall project, is ongoing operation and conducted in the sea area of Lesbos, Samos, Chios, Kos and Patmos.

Both in 2009 and 2010 were carried out in Greece, under the coordination and financing of the European Organization Frontex the joint operations POSEIDON 2010 at land and sea borders and FOCAL POINTS 2010 at land and air borders, while continue the program ATTICA (issue of travel documents and repatriation of irregular migrants). Particularly in the context of those operations were disposed in Greece, for the land borders personnel from EU countries logistics and infrastructure such as vehicles VAN Type with built-in thermal imaging, specially trained dogs, portable thermal cameras and helicopters. For the maritime borders it was disposed personnel, helicopters, planes, vans with built-in thermal imaging, portable thermal cameras, mobile laboratories for detection of forged documents, offshore patrol boats, coastal surveillance patrol boats and high speed patrol boats.

After years of effort of Greece, was founded the Operational Office of Frontex with headquarters in Piraeus, as a pilot in the first phase, according to No. 1 / 2010 Decision of 3-4 February 2010 Board of the Frontex.

Its operation is expected to bring the following benefits:

- Maintaining the operational nature of FRONTEX in areas facing serious and permanent migration pressures.
- More efficient and better coordination of ongoing joint European operations, without affecting the unity of the Service. Instead it will give added value.
- Optimal use of operational resources of the Member States, through better awareness of the situation at the external borders of the Union

As for the reception of irregular migrants which are apprehended at the external land and sea borders are housed in Special Areas for Aliens, which operate in Orestiada (Outpost) Rodopi (Venna), Lesbos (Pagani)³⁷, Chios (Mersinidi) Samos (Vathy) and Laconia.

These areas can accommodate 1341 total foreigners. However, given the number of irregular migrants apprehended on a daily basis at our external borders (250 to 300 aliens per day), the number of these centers is not sufficient. It is worth noting here that the above hosting potential of 1341 irregular migrants amount to only 1.01% of the number of irregular migrants arrested in 2010 (132,524) across the country.

As provided in Article 8 paragraph 4 of Law 3907/2011, with a joint decision of the Ministers of Finance and Citizen Protection, are constituted temporary reception centers (KE.P.Y) in selected parts of the country where there is constant flow of illegal entrants of third countries nationals.

Also, with decision of the Minister of Citizen Protection, may be constituted emergency or mobile unit of first reception in area where:

³⁷ Its operation is suspended since 29-11-09

- a. is not covered by the responsibility of the existing local Center of First Reception (KE.P.Y.) and there is considerable flow of irregular entrants of third countries nationals or
- b. the existing Center of First Reception (KE.P.Y.) is insufficient to meet the needs created by the increasing flow of irregular entrants of third countries nationals or
- c. there is need for the provision of First Reception services at the point of first entry of irregular entrants of third countries nationals.

According to statement of the Minister of Citizen Protection, a Working Group of the Ministry of Citizen Protection in cooperation with the European Agency European Asylum Support Office (EASO) is in preparation for the drafting of technical specifications for detention – residence Centres for Aliens (KE.P.Y. - Immigration Detention Centres).³⁸

Lastly, Greece has signed readmission agreements with the neighboring countries, Albania, Bulgaria and Turkey (with the exception of FYROM)

It is true that a significant amount of information collected from various sources is distributed from the central office of the Greek Police Headquarters, the Directorate for Aliens to regional services. Despite this, however, there is lack of a mechanism to monitor the management and exploitation by the regional departments of information and as well lack of intelligent applications of management and their diffusion

Regarding the management of forged, misappropriated and lost travel documents at the border, the procedures followed are the following:

A. At the Entrance

1. Travel documents that are recorded in the database of the Schengen Information System (SIS).³⁹

- Direct communication with the service applied for registration (if the sought-pass is Greek), for confirmation.
- Direct contact with the National Office SIRENE if the entry in the SIS has been done by another member of the Association of Schengen countries.
- Verification of the identity of the holder – investigation of the case.
- Briefing of the holder about the registration.
- Refusal of entry and making to the Directorate of Aliens, Headquarters of the Greek police, a proposal for the recording of the person on the list of unwanted.
- The document is removed and voided. If the owner of the travel document is a citizen of the EU or other member state of the EU, the entry is permitted, a case file is formed and is led to the competent prosecutor.
- All necessary measures to keep safe the discovered document are taken. The travel document after the laboratory examination is returned to the issuing country, if it's not Greek. The document, if the registration in SIS was made by the Greek authorities is no longer looked for.

2. Travel documents registered in the national database:

- Direct contact with the service applied for registration, for confirmation.
- Verification of the identity of the holder – investigation of the case.
- Briefing of the holder about the registration.
- Refusal of entry and making to the Directorate of Aliens, Headquarters of the Greek police, a proposal for the recording of the person on the list of unwanted.
- The document is confiscated and voided.
- All necessary measures to keep safe the discovered document are taken. The travel document after the laboratory examination is returned to the issuing country, if it's not Greek.

³⁸ Press release of the Ministry of Citizen Protection 6-9-2011

³⁹ According to the article 100 of S.E.S. incorporated to the national legislation with Law 2514/1997 and the basic ordering 5266/6-46 of 30-10-1997.

3. Forged travel documents discovered during the review of the conditions of entry:

- Verification of the identity of the holder – investigation of the case.
- Refusal of entry and making to the Directorate of Aliens, Headquarters of the Greek police, a proposal for the recording of the person on the list of unwanted.
- Cancellation of travel document.⁴⁰
- Confiscation of passport and fill in the form of Annex IX of the International Convention of ICAO, in the case the holder is shown at air borders. Notification to the pilot of the aircraft that brought him to the Greek borders and delivery of relative documents to inform the authorities of the country of provenance and / or origin.
- Confiscation of passport and delivery to the carrier, in the case the holder is shown to road, rail or sea border crossings of our country, to inform the authorities of the country of provenance and / or origin.⁴¹
- Confiscation of the passport and delivery of documents and alien to the opposite of our border crossing (land or sea) authorities of the neighboring country, in the case he is moving with his own means.

B. At the exit

1. Travel documents that are recorded in the database of the Schengen Information System (SIS):

- Direct contact with the service applied for registration (in the case the sought travel document is Greek), for confirmation.
- Direct contact with the National Office SIRENE in the case the registration in the SIS has been done by another member of the Association of Schengen countries.
- Verification of the identity of the holder – investigation of the case.
- Briefing of the holder about the registration.
- A case file is formed, the person is arrested and brought to the Prosecutor.
- The document is seized and submitted as proof to the competent prosecutor.

2. Travel documents registered in the national database:

- Direct contact with the service applied for registration, for confirmation. Verification of the identity of the holder – investigation of the case.
- Briefing of the holder about the registration.
- A case file is formed, the person is arrested and brought to the Prosecutor.
- The document is seized and submitted as proof to the competent Prosecutor

3. Forged travel documents discovered during the review of the exit conditions:

- Verification of the identity of the holder – investigation of the case.
- A case file is formed, the person is arrested and brought to the Prosecutor.
- The document is seized and submitted as proof to the competent prosecutor.

The SCHENGEN Convention was ratified by Greece by Law 2514/97 (Gov. Gazette issue A vol.140/97) and is applicable both at the interior and at external borders.

3.3 Accommodation: practical measures taken to control irregular migration in the Greek territory.

To control the migration within Greece, they are in operation reinforced measures for the identification and arrest of illegal immigrants by police forces, the imposing of severe penal, administrative and financial penalties against traffickers, airlines and shipping companies, deportations of arrested illegal immigrants, immediate return of immigrants arrested near the border, according to readmission agreements and police cooperation. In this context, the specific actions of the Greek Police to tackle illegal immigration, among others, include:

⁴⁰ Becomes impossible to use by a punch and a stamp marked CANCELLED

⁴¹ According to the article 26 of S.E.S. incorporated to the national legislation with Law 2514/1997

- ✓ Particular emphasis is given on conducting thorough preliminary investigation, and thorough police investigation of smuggling irregular migrants cases, with the dismantling of illicit trafficking networks, whose members operate in Greece and internationally.
- ✓ Intensification of checks for the legality of stay of aliens within the country, for the identification of the possible existence of detention places for irregular migrants, by criminal organizations, in order to blackmail them or their respective family.
- ✓ Coordinated action and improved information exchange with the Port Authorities, in order to address the problem in the islands of the country.
- ✓ Coordinated action by the police control teams and especially the special illegal immigration teams.
- ✓ Activation, awareness and cooperation with local or other operators with the purpose to establish and operate hosting centers of illegal immigrants etc.
- ✓ Direct demonstration of the necessary actions to complete the procedures for deportation and expulsion of illegal immigrants from the country. Planning of the procedures regarding the possibility of organizing charter flights for the return of illegally staying third-country nationals to their home countries, which do not have diplomatic representation in Greece or the relevant consular authorities are stalling the issue of the necessary travel documents for their deportation or there is no direct air connection.
- ✓ Rational design from Police Authorities and efficient organization of the police controls carried out in order to detect illegal immigrants and traffickers with transport means, cooperating where possible with the competent authorities of neighboring countries.

In the context of effective action towards the achievement of quality objectives essential factor is the strategic analysis of information about the action of networks, the determination of diagnostic procedures for the current migration pressure and the development of risk analysis with the purpose to implement appropriate measures for addressing the phenomenon. For this reason statistical data about irregular migration are recorded and processed.

Beyond the above, as already stated, in Articles 84 to 88 of Law 3386/05 (see sections 2.1.3 and 2.1.5) severe penal, financial and administrative sanctions are provided against anyone who favors illegal aliens, and under Article 76 of Law 3386/2005 (as amended by Article 47 of Law 3772/2009, Government Gazette A' 112) (see section 2.1.2), the period of detention under certain conditions it can take up to 12 months.

As regards Greece, which is a key gateway for migrants to the territory of the EU, is known that a large number of foreigners of questionable citizenship is illegally and in mass entering Greece, totally lacking of any evidence of identity and origin. It is noted that in general, as ascertained later, many of them are giving false or different identity and nationality, claiming citizenship of a country in whose territory there are civil wars or authoritarian regimes, in order to receive better treatment from the authorities. Important role in the proof of identity - nationality of the migrant, are the interpreters - translators, who during the investigation of cases of immigrants can obtain information about their identity-nationality, in order then to provide them with travel documents for their repatriation. The last two years and in the context of the Return Fund have been hired interpreters in many languages in order to assist the authorities to prove identity - nationality of immigrants. Also, interpreters from the NGO METADRASI were used to meet the needs of interpreting in all languages. .

This action, by itself alone, can not be considered that ensure the complete success of the pursued objective, namely repatriation, if is not combined with effective removals either with organized flights (charters) or joint flights with other member states.

3.4 Way out from the illegal status

Greece in 1997 with P.D. 358 and 359/97 proceeded to the first legalization of immigrants. Then the Law 2910/2001 was accompanied by another legalization. Finally,

with Laws 3386/05 and 3536/07, a small number of immigrants was legalized. Since then it has not proceeded in any legalization of illegal immigrants.

3.4.1 Way to obtain legal status

Greece in 1997 with P.D.358 and 359/97 proceeded to the first legalization of migrants. Then the Law 2910/2001 was accompanied by another legalization. Finally with laws 3386/05 and 3536/07 a small number of migrants was legitimized. Since then it has not proceeded in any legalization of irregular migrants.

3.4.2 Cases of failure to get legalization

According to Article 76 paragraph 3 of Law 3386/05, if the alien by the general circumstances is suspected to escape or is considered dangerous to public order or avoids or hampers the preparation of his departure or the process of deportation, by decision of the competent bodies, is ordered his temporary detention until the issue, within three (3) days, of a decision about his expulsion. If a decision of expulsion is issued, detention continues until the deportation, but in no case shall exceed six (6) months. If the expulsion is delayed because he refuses to cooperate or the receiving of the necessary documentation for the deportation, from the country of origin, is delayed the alien's detention may be extended for a limited period not exceeding twelve (12) months.⁴²

Greece has, in recent years, besides the deportation with scheduled flights, implement projects of expulsion of aliens to their home countries. Specifically, has organized charter flights for the removal of aliens who could not be legitimized in any way and come mainly from countries with some difficulty.

In the year 2009 were made four flights and in particular

1st flight: On 10.06.2009 took place the return of fifty five (55) Pakistani nationals.

2nd Flight: On 15.07.2009 took place the return of eighty three (83) Afghan nationals and six (6) Pakistani nationals.

3rd Flight: On 14.08.2009 took place the return of fifty (50) Afghan nationals and of forty eight (48) Pakistani nationals.

4th Flight: On 15.12.2009 took place the return of thirty five (35) Afghan nationals and fifty seven (57) Pakistani nationals.

In the year 2010 were made the following flights:

1st flight: On 20/4/2010, a return of sixty nine (69) Egyptian nationals.

2nd Flight: On 19/10/2010, a return of forty six (46) Pakistani nationals.

3rd Flight: On 10/11/2010, a return of forty four (44) Pakistani nationals.

4th Flight: On 25/11/2010, a return of forty nine (49) Nigerian nationals.

Also, removals are made following the implementation of readmission agreements.

Finally, under the Return Fund the International Organization for Migration / Mission in Greece, since 2009, has taken action for voluntary repatriation.⁴³

3.4.3 Cases of difficulty of removal

With regard to vulnerable groups, and especially for minors, Greek law prohibits the deportation in the following cases:

- a) When their custody is entrusted, by decision of Greek or foreign court, recognized by the Greek authorities, to Greek families or families of third country nationals legally resident in the country or for whom adoption is pending before the Greek Authorities.
- b) When are hosted in boarding schools, which operate under the supervision of the competent ministries.
- c) When rehabilitation measures have been imposed by decision of the Juvenile Court.

In the case of third country nationals who are unaccompanied minors or victims of trafficking, the competent police or prosecuting authorities take the necessary steps to establish their identity and nationality and validate the fact that they are not accompanied. They, also, make every effort for the earliest possible identification of their

⁴² Replaced with the article 48, par.2, Law 3722/2009

⁴³ The data were given by the Directorate for Aliens/Greek Police Headquarters

families and immediately take the necessary steps to ensure their legal representation and, where necessary, representation in the context of penal procedure.

For unaccompanied minors, the competent authorities, when after thorough investigation by the competent Service for Aliens their parents or the persons having their custody are not found in Greece, inform the Interpol to search them in their own country.

Unaccompanied minors and families with minors are detained as a last resort, only if they can not be applied for the same purpose other sufficient but less restrictive measures to the minimum required time.

Where minors are detained have the opportunity to engage in leisure activities such as play and recreational activities appropriate to their age and, depending on the length of stay, access to education under Article 72 of Law 3386 / 2005.

Unaccompanied minors may be provided accommodation in establishments which have staff and facilities which take into account the needs of persons of their age. The child's best interests are taken into account during the the detention of minors pending removal.⁴⁴

Especially for minors who are nationals of Albania, the Greek and the Albanian government have signed an agreement to protect them, including repatriation, rehabilitation and care of Albanian children who are victims of trafficking in Greece. The remaining minors are deported by plane, after having informed the INTERPOL of their country.

It has to be mentioned that the repatriation of unaccompanied minors take place after ensuring the safe return to their countries of origin and host, with criterion the best interests of the child. A prerequisite for repatriation is to ensure that the child is not at risk in the country of origin and that the family social environment is able to ensure its smooth reintegration, mental, physical rehabilitation and guarantees of the rights deriving from the minor age.

The research process for the safe return of all unaccompanied minors is carried out by persons and/or agencies appropriate to provide care and safeguarding of rights depending on their needs and based on age and maturity.

In conclusion, in each case is taken into account a) the child's best interests, b) family life, c) the health status of that third country national and d) that he is returned to a family member, a guardian appointed or adequate reception facilities in the State return. Moreover, the Greek law prohibits the extradition of persons who have passed the 80th year of age and pregnant women during pregnancy and six months postpartum⁴⁵. Finally, the police authorities responsible for the execution of the return decision may, by reasoned decision to postpone the removal, for a reasonable time, taking into account the specific circumstances of each case including: a) physical or mental condition of a third country national b) technical reasons such as lack of transportation or lack of removal, the objective impossibility of identification⁴⁶.

4. TRANSNATIONAL COOPERATION FOR THE REDUCTION OF IRREGULAR MIGRATION

4.1 Cooperation agreements

The countries with which Greece has signed readmission agreements are the following: Bosnia and Herzegovina (Law 3547/07 Gov. Gazette issue A, vol.67/20-3-07), Bulgaria (Law 2406/96 Gov. Gazette issue A vol.102/4-6-96), France (Law 2917/01 Gov. Gazette issue A vol.115 / 06.11.01, Switzerland (Law 3726/08 Gov. Gazette issue A vol.256/17-12-08), Italy (Law 2875/00 Gov. Gazette issue A vol.246/7-11-00), Croatia (Law 2350 Gov. Gazette issue A vol.225/1-11-95 95), Latvia (Law 2861/00 Gov. Gazette issue A vol.255/16-11-00), Lithuania (Law 2911/01 Gov. Gazette issue A vol.93/9-5-01) , Hungary (Law 3321/05 Gov. Gazette issue A vol.53/1-3-05), Poland

⁴⁴ Article 32 , Law 3907/11, Government Gazette issue A, vol. 7/26-1-2001

⁴⁵ Article 41 Law 3907/2011 Government Gazette issue A, vol. 7/26-1-2001

⁴⁶ Article 24 Law 3907/2011 Government Gazette issue A, vol. 7/26-1-2001

(Law 2384/96 Gov. Gazette issue A vol.41/7-3-96), Romania (Law 2301/93 Gov. Gazette issue A vol.70 / 12.04.95), Slovenia (Law 2353/95 Gov. Gazette issue A vol.229/6-11-95) and Turkey (Law 3030/02 Gov. Gazette issue A vol.163/15-7-02).⁴⁷

Greece has signed and ratified agreements on police cooperation to combat various forms of organized crime such as trafficking, to information exchange etc with origin and transit countries namely, Egypt (Law 2754 /19-11-99 Gov. Gazette issue A vol.251/19-11-99), Albania (Law 2147/93 Gov. Gazette issue A vol.96/16-6-93), Armenia (Law 2499/97 Gov. Gazette issue A vol.100 / 5.28.97), Bosnia and Herzegovina (Law 3725/08 Gov. Gazette issue A vol.255/08), Bulgaria (Law 2096/11.30.92 Gov. Gazette issue A vol. 188/2-12-92), France (entered into force in 2001), United States (not yet ratified), Iran (not ratified), Israel (Law 2383/03/07/96 Gov. Gazette issue A vol.40 03/07/96), Italy (Law 3159/26-06-2003 Gov. Gazette issue A vol.64), China (Law 2381/03.07.96 Gov. Gazette issue A vol.39/03.07.96), Croatia (Law 2756/19.11.99 Gov. Gazette issue A vol.253 19.11.99), Cyprus (Law 2463 /26-02-97 Gov. Gazette issue A vol.26/26.02.97), Lithuania (Law 2426/1996 Gov. Gazette issue A vol.149/7.4.96), Malta (Law 3125/2004, Gov. Gazette issue A vol.63/03.14.2004), Ukraine (Law 3158/26-06-03 Gov. Gazette issue A vol.163), Hungary (Law 2222/6-7-94 Gov. Gazette issue A vol.111/6-7-94) Pakistan (Law 3571/07 Gov. Gazette issue A vol.124/8-6-07) F.Y.R.O.M. (not ratified), Poland (Law 2221/1994), Romania (Law 2138/93), Russia (Law 3215/03 Gov. Gazette issue A vol.311/31-12-03), Slovenia (not ratified), Tunisia (not ratified) and Turkey (Law 2926/ 27-06-01 Gov. Gazette issue A vol.139/27 -6-01).⁴⁸

4.2 Other (non-legal) cooperation with countries

➤ Co-management of border crossing practices

H Greece has developed bilateral cooperation with Albania, Turkey and FYROM. With Albania, there is good cooperation between the two countries on issues of procedural service and facilitation of the citizens of both countries who cross borders, on illegal trafficking of people and objects, to combat common and organized crime, to tackle cross-border crime and on terrorism.

With Turkey, is continued the implementation of the readmission Protocol and is even activated the Port of Dikeli as a readmission point. The cooperation of two countries on the issue of illegal immigration has been the subject of the meetings of prime ministers of both countries.

Bulgaria is the only EU country with whom Greece has common land borders. The two countries have signed readmission and police cooperation. Greece also cooperates with Bulgarian Services to tackle illegal immigration and cross-border crime. Between the two countries was signed agreements on 29-04-09⁴⁹, for joint control over border crossings and the establishment and operation of the Contact Centre⁵⁰ which have been ratified by national parliaments and is in operation.

F.Y.R.O.M. has participated in joint operations of Frontex in Greece by placing observers.

⁵¹

➤ Networks of migration liaison officers in countries of origin and transit

Greece has general duties Police Liaisons in countries of origin and transit as in FYROM, Albania, Lebanon, Russia, and soon will be placed in Turkey and Pakistan. The success of their work always depends on the availability of third-country to cooperation.

⁴⁷ The relative data were given by the Directorate for Aliens/Greek Police Headquarters

⁴⁸ The relative data were given by the Directorate for Aliens/Greek Police Headquarters

⁴⁹ Law 3780/09 Government Gazette A' 133/09

⁵⁰ Law 3779/09 Government Gazette A' 132/09

⁵¹ The relative data were given by the Directorate for Aliens/Greek Police Headquarters

➤ *Strengthening of the dialogue on "Transit Migration in the Mediterranean"*

The Minister of Citizen Protection in a speech on June 1, 2011, in a meeting of the Committee for Migration and Refugees of the Parliamentary Assembly of Council of Europe, supported the need, following developments in North Africa, of EU to adjust its overall approach to the southern neighborhood in the areas of migration, mobility and security, particularly regarding the overall management of migration flows.

Specifically argued that there should be coordination of the EU countries in the region, which will include a wide range of policy initiatives, economic and social considerations to achieve the best possible level of cooperation in terms of border management, perform common patrols and return operations of irregular migrants.⁵²

➤ *Bilateral / multilateral agreements to support the removal, e.g joint flights or agreements for the return of certain nationalities*

Greece has not signed bilateral or multilateral agreements for joint flights or return of certain nationalities.

4.3 Cooperation with EU or international organizations

➤ *Cooperation with EU organizations*

Greece is actively participating in joint operations in cooperation with Frontex which in recent years have been routine.

The Greek Police, the Coast Guard and the forces of Frontex from almost all EU member-states are operating at land borders in Evros and sea border areas of Samos, Lesbos, Chios, the Dodecanese and Crete.

Finally, Greece participated in joint ventures with EU countries to remove irregular migrants, organized by FRONTEX, and in particular:

- In 2009, participated in return flights organized by Austria to Nigeria and by France to Georgia.
- In 2010, participated in return flights organized by Austria to Nigeria and Gambia (4 flights), by Italy to Nigeria (2 flights), by Spain to Georgia (2 flights) and by Cyprus to Syria (1 flight).⁵³

➤ *Cooperation with other institutions / international organizations.*

The Greek authorities collaborate with various institutions active in the field of irregular migration, like the UNHCR, the Ombudsman, various NGOs such as Diadrasi, the Refugee Council, Medecins Sans Frontieres with which even the Greek Police has signed a memorandum of cooperation.

5. IMPACT OF EU POLICY AND LEGISLATION

5.1 Impact of EU policy and legislation on irregular migration in the national policy of Greece.

Undoubtedly, the role and contribution of the European Union to immigration policy and the management of migration is crucial. The phenomenon of immigration has led Greece and European Union to adopt laws for the management of the phenomenon.

⁵² Speech by Minister Christos Papoutsis at the meeting of the Committee for Migration and Refugees of the Parliamentary Assembly of the Council of Europe

⁵³ The relative data were given by the Directorate for Aliens/Greek Police Headquarters

The main aspects of the regulatory framework of the European Union on migration are:

- ✓ The **Amsterdam Treaty** (1999): Entered into force in 1999 and were implemented in the European Community policies relating to external border control, asylum.
- ✓ The **Council of Tampere** (1999): It was decided the cooperation with countries of origin, a common European asylum system, etc.
- ✓ The **Laeken Council** (2001): It was found that the objectives of Tampere have not been implemented and was agreed to strengthen cooperation between countries on migration issues
- ✓ The **Council of Seville** (2002): discussed the programs of repatriation / readmission of illegal migrants and the border protection of European Union
- ✓ The **Council of Thessaloniki** (2003): Proposal for the creation of European Force FRONTEX.
- ✓ The **Brussels Council** (2003): Hague Program 2005-2010 with the following priorities: a) facilitation of legal migration, fight against "black labor" and control of illegal migration, b) immigration policy becomes agenda of Foreign Affairs of the European Union, c) integration of immigrants and d) a common system for granting asylum.
- ✓ The **Brussels Council** (2005): A global cooperation deal with immigration countries of origin, transit and destination.
- ✓ The **Brussels Council** (2008): Adoption of the European Pact on Immigration and Asylum: a) organization of legal immigration based on the potential of each member state (in terms of labor market, housing and social services, etc.) and encouragement of integration b) fighting illegal immigration - repatriation, c) strengthening border controls and d) Europe is constituted as a country of asylum.
- ✓ The **Brussels Council** (2009): Voting Stockholm Project (2010-2014): a) mechanism for the evaluation of readmission agreements, b) readmission agreements with countries like Iraq c) financing for infrastructure in third countries to manage illegal immigration and d) dialogue with third countries to prevent humanitarian tragedies of illegal immigration.

Based on these decisions, was issued a series of acts that regulate matters such as free movement of European citizens in the Union, the development of information system SCHENGEN, as (development system sis ii) the crossing of external borders such as (the Code of Schengen Borders, the European Agency for the management of external borders - Frontex, the obligation of carriers to communicate passenger data, the creation of a European Border Surveillance System (EUROSUR), etc.), visas as (EU Regulation for Visas, VIS Regulation, etc.), asylum as (the establishment of a European Asylum Support, Minimum harmonization of national legislation on procedures for granting and withdrawing refugee status, the "Dublin II», etc.), migration, particularly irregular migration as (Sanctions against the work of illegally staying third-country nationals, financial penalties on carriers, common standards and procedures for returning illegally staying third-country nationals, joint flights for removal of illegal migrants, readmission agreements with third countries, etc.).

During the period when Greece was a country of emigration relevant issues of the legal framework about the entry, residence, work and deportation of foreigners in Greece was governed by Law 4310/1929. In the early '90s, under the weight of the broader geopolitical upheavals in Europe, Greece has taken measures concerning the entry, residence and employment of immigrants by Law 1975/1991, which was in a clearly deterrent, defensive and repressive logic.

Law 1975/1991 which was introduced both to crack down on irregular migration, and secondly to establish a framework of legal rules under which a foreigner can enter, remain, to travel and work legally in Greece, had a minimal reciprocation to the reality which purported to regulate. In the eyes of the failure of Law 1975/1991 and in order to develop a realistic long-term migration policy that would allow the integration of migrants

into Greek society, Law 2910/2001 was followed, which sought to address weaknesses that had already noted in the operating regime of the previous Act

Since the implementation of Law 2910/01 and the acquired experience on entry and residence of third country nationals in Greece there was a need to revise the existing legislative framework, basically focusing on simplifying processes and rapid issue of residence permits, on rationalization and interconnection of services involved and modernization of legislation in accordance with the requirements of the *acquis communautaire*.

For this reason was passed a new law (3386/2005), in force from 1.1.2006, so far, to establish a modern, long-term and socially fair immigration policy, having undergone a series of changes especially in view to harmonization with EU *acquis*.

The common European immigration policy contains measures of harmonization of Member States policies both on combating irregular migration and measures concerning legal migration to EU Member States. In Greece, the national policy for the management of migration is following the separation made by EU migration policy between legal and illegal immigrants.

Regarding the management of irregular migration and in particular the measures taken before the entry of immigrants in Greece, border surveillance, control of migrants within the country, the removal and asylum, Greece fully implements the *acquis communautaire*, which also was shaped with the other Member states.

Given that Greece is a country of entry and transit, the Council Regulation 343/2003 [DUBLIN II], which concerns the taking the responsibility for examining an asylum application by a foreign by one and only one member state is characterized as unbalanced, since the requests received since its application 1.9.2003 are much more than what those given to competent authorities. According to the latest report of FRONTEX (November 2010), 90% of illegal crossings in the EU is located on the border of Greece.

5.2 Changes made in Greece in relation to the incorporation of the Directive on sanctions and the Directive on return

Directive 2009/52/EC on the adoption of minimum standards in terms of sanctions and measures against employers of illegally resident third country nationals is not yet been incorporated in national legislation and is currently under consultation with the competent ministries. In November 2011, was completed the Public Consultation on the draft law "Harmonisation of Greek legislation with Directive 2009/52/EC of the European Parliament and the Council of 18.6.2009 on" imposing minimum standards on sanctions and measures against employers of illegally staying third country nationals "to combat illegal immigration and other provisions" competence of the Ministry of Labour and Social Security⁵⁴.

The changes that came into Greek legislation by incorporating Directive 2008/115/EC "About common rules and procedures in Member States for returning illegally staying third country nationals " with Law 3907/2011 are as follows:

- Includes for the first time the institution of voluntary returns
- Introduces the term 'return decision'
- Deadlines for the departure are foreseen
- Provides Free Legal Assistance and
- The period of detention under certain conditions it can take 12 months. ⁵⁵

5.3 Impact of EU agreements in solutions to irregular migration in Greece

⁵⁴ The information was given by the Directorate of Immigration Policy of the Ministry of Interior.

⁵⁵ The information was given by the Directorate for Aliens/Greek Police Headquarters

The EU to date has signed applicable readmission agreements with Hong Kong, Macau, Sri Lanka, Albania, Russia, Ukraine, FYROM, Bosnia- Herzegovina, Montenegro, Serbia, Moldova, Pakistan and Georgia. Greece so far has not implemented any agreement.⁵⁶

5.4 Contribution of the actions in Greece funded by the External Borders Fund and / or the European Return Fund to tackle irregular migration in Greece

The actions implemented by Greece in the years 2007-2009 under the Borders Fund, as for example in 2007, "Integration in the police education system of common training standard of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States", in 2008, "Control and detection of forged travel documents " and in 2009" language training for police personnel and border guards in Albanian, Turkish and Arab ", " training of police, port and customs personnel for the proper implementation of the schengen acquis" were funded in 75 % by Border Fund and in 25% by national resources.

Both the infrastructure with which the competent border control bodies were equipped and the knowledge and experience gained through the training of personnel seems to bear fruit since in 2009 as compared to 2008 there was a decrease in the number of irregular migrants arrested at the range of 13.8%.

The actions implemented by Greece in the years 2008 -2010 under the Return Fund, such as voluntary returns, organizing charter flights, training personnel on expulsion, etc., were funded in 75% by the Community and in 25% from national resources. These actions have contributed substantially to tackle immigration in particular those relating to refunds, voluntary or forced because were removed people in countries where the expulsion was impossible or very difficult. (Iraq-Afghanistan-Nigeria, etc) and in addition gave a discouraging message to would-be migrants and traffickers in irregular migrants.⁵⁷

6. ESTIMATES AND DATA ON IRREGULAR MIGRANT POPULATION

6.1 National statistics on irregular migration (Eurostat)

- *Number of third country nationals illegally present in Greek territory in accordance with national legislation on migration*

Such data are not held in Greece. Moreover, since they are illegal cannot exist exact data, only estimates about their number.

- *Third-country nationals refused entry to the Greek territory at the external borders*
 - In the years 2005, 2006 and 2007, Greece kept data only for refused entry by citizenship and type of border (land, sea and air).
 - In the years 2005 and 2006 kept data per month, not aggregate.
 - In the year 2005, was refused entrance to a total of 11,025 people. 9111 by the land border, 240 by the sea borders and 1674 by the air borders.
 - In the year 2006, was refused entrance to a total of 10729 people. 8891 by the land border, 1157 by the sea borders and 681 by the air borders.
 - In the year 2007, was refused entrance to a total of 3416 people. 2420 by the land border, 774 by the water borders and 222 by the air borders.

For these years the presentation of tables is omitted.

⁵⁶ The information was given by the Directorate for Aliens/Greek Police Headquarters

⁵⁷ The information was given by the Directorate for Aliens/Greek Police Headquarters

For the years 2008, 2009 and 2010, detailed tables, as forwarded to eurostat, by reason of refusal, plus the citizenship of people with negation and the type of borders (land, air, water), are attached.

- In the year 2008, entry at the land border was refused to 1314 people. (Table 1)
- In the year 2008, entry at the sea border was refused to 210 people. (Table 1a)
- In the year 2008, entry at air borders was refused to 534 people. (Table 1b)
- In the year 2009, entry at the land border was refused to 1875 people. (Table 2)
- In the year 2009, entry at the sea border was refused to 385 people. (Table 2a)
- In the year 2009, entry at air borders was refused to 740 people. (Table 2b)
- In the year 2010, entry at the land border was refused to 3226 people. (Table 3)
- In the year 2010, entry at the sea border was refused to 165 people. (Table 3a)
- In the year 2010, entry at the air borders was refused to 413 people. (Table 3b)⁵⁸

➤ *Third country nationals with order of departure (ie third-country nationals found illegally in Greek territory and for which has issued administrative or judicial decision or act that establishes or declares that their stay is illegal and imposing an obligation to leave the country.*

For the years 2005 to 2010 are attached tables with the deported aliens by nationality. Note that in the above mentioned tables are also included EU nationals.

- In the year 2005 were deported from Greece in total 21.238 migrants and 39.940 returned to the northern borders under bilateral agreements.
- In the year 2006 were deported from Greece in total 17.650 migrants and 41.601 returned to the northern borders under bilateral agreements.
- In the year 2007 were deported from Greece in total 17.077 migrants and 51.113 returned to the northern borders under bilateral agreements.
- In the year 2008 were deported from Greece in total 20.555 migrants and 48.252 returned to the northern borders under bilateral agreements.
- In the year 2009 were deported from Greece in total 20.342 migrants and 43.085 returned to the northern borders under bilateral agreements.
- In the year 2010 were deported from Greece in total 17.340 migrants and 35.129 returned to the northern borders under bilateral agreements.

A table in which are presented the deported from 2005 to 2010 by nationality, is attached. (Table 4)

A table in which are presented the returned from 2005 to 2010 by nationality, is attached. (Table 4a) ⁵⁹

➤ *Third-country nationals who have returned after an order of departure (ie third country nationals actually left the Greek territory, following an administrative or judicial decision or act) by nationality of those who returned.*

Greek authorities do not keep such information.

➤ *Third-country nationals whose asylum applications have been:*

Rejected (at first instance)

- In 2005, in A grade dropped by 4,585 claims foreign nationality. No data are available by age and sex. (Table 5)
- In 2006, in A grade dropped by 10,414 claims foreign nationality. No data are available by age and sex. (Table 6)

⁵⁸ The data were given by the Directorate for Aliens/Greek Police Headquarters

⁵⁹ The data were given by the Directorate for Aliens/Greek Police Headquarters

- In 2007, in A grade dropped by 20,684 claims foreign nationality. No data are available by age and sex. (Table 7)
- In 2008, in A grade dropped by 22,188 claims foreign nationality. No data are available by age and sex. (Table 8)
- The year 2009, in A grade dropped by 14,190 claims foreign nationality. No data are available by age and sex. (Table 9)
- The year 2010, in A grade dropped by 3,348 claims foreign nationality. No data are available by age and sex. (Table 10)

Rejected (in final grade) ⁶⁰

Please note that in B grade they are not kept detailed data of the final rejections and for the data presented for the years 2005 to 2010 they are included the positive decisions (usually minimal), negative decisions as well as applications whose examination was completed otherwise.

- In the year 2005 were examined 2,054 appeals.
- In the year 2006 were examined 2,837 appeals.
- In the year 2007 were examined 6,448 appeals.
- In the year 2008 were examined 3,342 appeals.
- In the year 2009 were examined 870 appeals.
- In the year 2010 were examined 41 appeals.

➤ *Third-country nationals whose humanitarian status has been revoked*

- In the year 2005 the humanitarian status was withdrawn to 3 people. In particular, in one national of Afghanistan and two nationals of Serbia-Montenegro.
- In the year 2006 the humanitarian status was not withdrawn to anyone.
- In the year 2007 also the humanitarian status was not withdrawn to anyone.
- In the year 2008 also the humanitarian status was not withdrawn to anyone.
- In the year 2009 the humanitarian status was not withdrawn to anyone and also the subsidiary protection to anyone.
- In the year 2010 the humanitarian status was not withdrawn to anyone, but the subsidiary protection was withdrawn at a national of Nigeria. ⁶¹

The presentation of tables is omitted

6.2 Other national statistics on irregular migration

6.2.1 Estimations for the stock of irregular migrants in Greece

Greece, after several years of massive irregular migration that has been accompanied by deportations, in 1997, with PD 358 & 359/97 launched the first program of legalization of irregular migrants. To obtain the White Card, which was valid for 6 months, they visited the competent departments, they were recorded and supplied with white card, about 327.000 foreign nationals of third countries. At that time they are probably the only reliable data on migrants. In the program that followed with a Green Card, which was valid for 1-3 years, were supplied about 228.000 foreign nationals of third countries. The law for immigrants in 2001 (Law 2910/2001) was accompanied by another legalization. The 2001 Census provides the number of 762.000 registered foreigners in the country without Greek citizenship. Also, an additional population of 161.259 people who requested the inclusion of the laws 3386/05 and 3536/07 and laws on entry, stay and social integration of third country nationals in the Greek territory, was recorded. Thus the

⁶⁰ The data were obtained from <http://www.unhcr.gr/genikes-pliories/statistika.html>, and as it is stated were provided from the Ministry of Citizen Protection

⁶¹ The data were given by the Directorate for Aliens/Greek Police Headquarters

total population of migrants who have resided legally in Greece, was in the 2005 923.259 in total.

The following table shows the following elements: (a) The years of reference, (b) the number of legal migrants, based on 2001 census and the legalization by Laws 3386/05 and 3536/07, (c) apprehended migrants, (d) correction of arrests by 20% since part of the irregular migrants are not captured and recorded, as estimated by Greek Police (e) reimpatriated irregular migrants, (f) Expelled (g) the difference between arrested with reimpatriated and deportees, as increased population of irregular migrants after the correction (h) total estimated population of illegal immigrants after the correction, (i) estimated aggregate population of legal and irregular migrants.

It should also be noted that this is an estimate of the size of the issue, since migration is illegal and therefore there are no accurate figures. But in any case the following is a very conservative estimate and therefore can be safely regarded as the minimum population

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Estimate of the population of irregular migrants								
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
Year	Legal	Arrested	Correction 20%	Returned	Deported	Difference irregular	Irregular total	Gran Total
2004	923.259							923.259
2005		66.351	79.621	38.864	21.238	19.519	19.519	942.778
2006		95.239	114.287	41.103	17.650	55.534	75.053	998.312
2007		112.364	134.837	50.798	17.077	66.962	142.015	1.065.274
2008		146.337	175.604	47.956	20.555	107.093	249.108	1.172.367
2009		126.145	151.374	42.977	20.342	88.055	337.163	1.260.422
2010		132.5243	159.029	35.052	17.340	106.637	443.800	1.367.059

6.2.2 Estimation of the flows of irregular migrants in Greece

The main countries of origin of irregular migrants are: Albania, Afghanistan, Iraq, Somalia, Pakistan, Palestine, Georgia, Bangladesh, Myanmar, Egypt, etc. Their entrance in Greece is attempted either illegally or with legal-like procedures. Specifically:

a) Greek-Albanian border

The vast majority of non regular migrants are Albanians.

b) Greek-FYROM border

Mainly nationals of FYROM, Former FR Albanians in Yugoslavia and a small number of Asians are entering.

c) Greek-Bulgarian border

From Bulgaria they are entering Bulgarian citizens, citizens from the former Soviet Union, as well as Africans and Asians who arrive in Bulgaria through Turkey.

d) Greek-Turkish border

From the Greek-Turkish borders (land and sea), they are entering especially irregular migrants from countries of Africa and Asia.

⁶² The data and the table are presented as were given by the Directorate for Aliens/Greek Police Headquarters

e) Illegal immigration from Africa

At times, is observed the phenomenon of group arrivals of irregular migrants, mostly Egyptian, in coastal areas of Crete and southern Peloponnese, with fishing vessels from ports of Egypt. Given the recent situation in the countries of North Africa, the phenomenon has intensified.

Based on records kept by the Department of Immigration/Greek Police Headquarters:

- In the year 2005 a total of 66,351 immigrants were arrested. The top five nationalities are: 52,132 Albanians, 1,771, Afghans, 1,649 Bulgarians, 1,195 Romanians and 1064 Iraqis. (Table 11)
- In the year 2006 a total of 95,239 immigrants were arrested. There is an increase of 43.5% compared to 2005. The top five nationalities are: 57,466 Albanians, 8,157 Iraqis, 5,260 Afghans, 3,350 Pakistanis and 2,847 Palestinians. (Table 12)
- In the year 2007 a total of 112,364 immigrants were arrested. There is an increase of 17.9% compared to 2006. The top five nationalities are: 66,818 Albanians, 12,549 Iraqis, 11,611 Afghans, 5,135 Palestinians and 3,656 Somalis. (Table 13)
- In the year 2008 a total of 146,337 immigrants were arrested. There is an increase of 30% compared to 2007. The top five nationalities are: 72,454 Albanians, 25,577 Afghans, 15,940 Iraqis, 6,713 Somalis and 5,512 Pakistanis. (Table 14)
- In the year 2009 a total of 126,145 immigrants were arrested. There is a decrease of -13.8% compared to 2008. The top five nationalities are: 63,563 Albanians, 17,828 Afghans, 10,763 Palestinians, 7,710 Somalis and 7,662 Iraqis. (Table 15)
- In the year 2010 a total of 132,524 immigrants were arrested. There is an increase of 5.06% compared to 2009. The top five nationalities are: 50,175 Albanians, 28,299 Afghans, 8,830 Pakistanis, 7,561 Palestinians and 7,336 Algerians. (Table 16)

Based on the flow of irregular migrants, the phenomenon of a steady flow of people entering from Albania is observed. In the last few years it has been an increase in the flow entry of nationals of Asian and African origin.

Also based on the above data from the years 2005 to 2008 there was a sharp increase in irregular migration. A decrease is noted in the year 2009 with a slight increase in the year 2010.

It is noteworthy that in 2010, there is a shift from the Greek-Turkish sea border to the Greek-Turkish land border, and in particular, while in 2009 in the Greek-Turkish land border were arrested 8,787 irregular migrants in 2010 were arrested 47,088 irregular migrants, ie a percentage change of about 435,88%. In the contrary in the sea border while in 2009 they had been arrested 27,685 irregular migrants in 2010 were arrested 5,190, representing a decrease of - 81.25%.

Finally noted that the data are kept only by citizenship ⁶³

6.2.3 Estimation about other stocks and flows that may be indicative of the number of irregular migrants such as:

- Reentrance bans

In the year 2005 were issued 66.469 bans on reentry from the services of the Greek Police. Of these 18.256 were registered in the SIS.

⁶³ The data were given by the Directorate for Aliens/Greek Police Headquarters

In the year 2006 were issued 74.314 bans on reentry from the services of the Greek Police. Of these 15.315 were registered in the SIS.

In the year 2007 were issued 65.470 bans on reentry from the services of the Greek Police. Of these 13.095 were registered in the SIS.

In the year 2008 were issued 86.124 bans on reentry from the services of the Greek Police. Of these 14.171 were registered in the SIS.

In the year 2009 were issued 87.935 bans on reentry from the services of the Greek Police. Of these 11.635 were registered in the SIS.

In the year 2005 were issued 108.197 bans on reentry from the services of the Greek Police. Of these 9.889 were registered in the SIS. ⁶⁴

In the relative list (SIS) are registered aliens, for whom there is certainty as to their identity, resulting from strong travel documents. Because the vast majority of aliens arrested for deportation do not possess identity documents, there is a variation of those recorded in SIS

- Sanctions against carriers in accordance with Article 4 of Directive 2004/82/EC as described in Article 3 thereof, or for the transmission of missing or incorrect data.

Directive 2004/82/EC⁶⁵ has been incorporated into the Greek legal framework i with PD 53/08⁶⁶, but the whole process is in the stage of implementation and has not been applied yet.

- Marriages, including statistics on marriages that have been identified as fraudulent (eg white marriages) and registered marriages of formerly irregular migrants with Greeks or regular migrants.

- In the year 2005, the request for a residence permit was rejected, because of the fictitiousness of the marriage, by all departments of the Ministry of Interior, to total of 6 aliens.
- In the year 2006, the request for a residence permit was rejected, because of the fictitiousness of the marriage, by all departments of the Ministry of Interior, to total of 19 aliens.
- In the year 2007, the request for a residence permit was rejected, because of the fictitiousness of the marriage, by all departments of the Ministry of Interior, to total of 19 aliens.
- In the year 2008, the request for a residence permit was rejected, because of the fictitiousness of the marriage, by all departments of the Ministry of Interior, to total of 27 aliens.
- In the year 2009, the request for a residence permit was rejected, because of the fictitiousness of the marriage, by all departments of the Ministry of Interior, to total of 26 aliens.
- In the year 2010, the request for a residence permit was rejected, because of the fictitiousness of the marriage, by all departments of the Ministry of Interior, to total of 35 aliens. ⁶⁷

To be noted that these data are available at this specific time.

Table 17

-People requesting legalization, including those who have been legalized and people who have been excluded from the legalization.

As already mentioned Greece in 1997 with P.D. 358 and 359/97 made the first legalization of migrants. Then the Law 2910/2001 was accompanied by a yet another legalization. Finally with laws 3386/05 and 3536/07 a small number of migrants were legalized. Since then Greece it has not proceed in any legalization of irregular migrants.

⁶⁴ The relative data were given by the Directorate for Aliens/Greek Police Headquarters

⁶⁵ L 261/24/6-8-2004 Official Journal of EU. «On the obligation of the carriers to notify passenger v».

⁶⁶ Government Gazette 84 A/9-5-2008

⁶⁷ The data were provided from The Ministry of Interior / Directorate of Migration Policy

Of course with the provisions of Article 44, § 2, of Law 3386/05 as amended, is given the possibility to the Minister of Interior, and after an opinion of a Committee, to grant/renew exceptionally and under strict conditions one year residence permit for humanitarian grounds to third countries nationals. Specifically in the years 2006 to 2010, a total of 12,242 applications were submitted, 33 were rejected, 3,249 were granted residence permits and 8,960 applications are pending for consideration.⁶⁸

Table 18

6.2.4 Estimations about the stock of third country nationals illegally staying and working in Greece

In Greece statistics about migrant staying illegally and working in Greece they are not kept. To be noted, also, that under Article 86, par. 6, of the Law 3386/05 as applicable, the third-country nationals holding a residence permit, but provide employment services or work or exercise an economic activity without the required, correspondingly, permit or approval to the labor market, are subject, according to the provisions of the second subparagraph of paragraph 4 of Article 87 of Law 3386/2005, as applicable, to fines. In case of recidivism residence permits are revoked or not renewed⁶⁹. This means that legally resident but working illegally are not considered necessarily irregular migrants, but only in case of relapse residence permit may be revoked or not renewed and then and only then they became irregular migrants.

Finally, the Services of the Ministry of Labour and Social Insurance / Labour Inspectorate (SEPE) / Technical Services and Sanitary Inspection, in the year 2005 held 25477 controls in workplaces and imposed 4459 penalties (lawsuits, fines, interruption of work). For illegal employment of foreigners were 26 complaints and 76 fines.⁷⁰

In the year 2006, 27857 controls took place in workplaces and imposed 4930 penalties (lawsuits, fines, interruption of work). For illegal employment of foreigners were 8 complaints and 17 fines.⁷¹

In the year 2007, 27895 controls took place in workplaces and imposed 4648 penalties (lawsuits, fines, interruption of work). For illegal employment of foreigners were 13 complaints and 10 fines.⁷²

In the year 2008, 24600 controls took place in workplaces and imposed 4047 penalties (lawsuits, fines, interruption of work). For illegal employment of foreigners were 16 complaints and 0 fines.⁷³

In the year 2009, 24496 controls took place in workplaces and imposed 3588 penalties (lawsuits, fines, interruption of work). For illegal employment of foreigners were 3 complaints and 0 fines.⁷⁴

In the year 2010, 25259 controls took place in workplaces and imposed 3219 penalties (lawsuits, fines, interruption of work). For illegal employment of foreigners were 4 complaints and 17 fines.⁷⁵

6.2.5 Setting up and operating costs for the implementation of practical measures to tackle irregular migration

According to the Department of Aliens of the Greek Police Headquarters the staff employed exclusively with migration and migrants is approximately 15.000. These include border guards, personnel staffing the Immigration Directorates across the Territory, and part of the personnel from other services working with the criminality of migrants.

⁶⁸ The data were provided from The Ministry of Interior / Directorate of Migration Policy

⁶⁹ Was added with article 44, par. 5 of Law 3801/2009

⁷⁰ The data were obtained from the management report of the Labour Inspectorate for the year 2005.

⁷¹ The data were obtained from the management report of the Labour Inspectorate for the year 2006.

⁷² The data were obtained from the management report of the Labour Inspectorate for the year 2007.

⁷³ The data were obtained from the management report of the Labour Inspectorate for the year 2008.

⁷⁴ The data were obtained from the management report of the Labour Inspectorate for the year 2009.

⁷⁵ The data were obtained from the management report of the Labour Inspectorate for the year 2010

For the management of irregular migrants, from their arrest to their removal, the expenses incurred shall be borne by the state budget.

Additionally, for this purpose are used also European funds. Specifically, the No. 575/2007/EC of 05.23.2007 Decision of the European Parliament and the Council established the European Return Fund for the period 2008 to 2013 as part of the General Program "Solidarity and Management of Migration Flows ". The European Return Fund co-finances actions (75% community participation and national participation of 25%) associated with the forced return of third country nationals to their home countries for the programming period 2008-2013.

With No E (2009) 1544 of 03.13.2009 and E (2009) 4191 of 15.06.2009 Decisions of the Commission of European Communities approved for Greece, the annual 2008 and 2009 budget for the forced returns of 4.881.190,09 euros and 6.697.796,55 euros, respectively. The funding covers costs associated with the implementation of forced return, relating to the issuance of travel documents, ticket purchase or rental of aircraft, accommodation and food for returnees irregular migrants and police escorts during return operations in the country of origin. Additionally, has been approved the annual plan for 2010 of the European Return Fund with a total budget of 19.152.579,20 euros and is under implementation with final completion date of 06/30/2012.

For the deportation of irregular migrants (according to the Directorate of Finance of the Greek Police Headquarters (as competent authority), was spent by the state budget the following amounts: in the year 2006, 632.353,65 euros, in 2007 447, 250,30 euros, in 2008, 600.084,50 euros, in 2009, 618.871,90 euros and in 2010, 2.100.000 euros.

Also, for the catering of irregular foreign prisoners, also from the regular state budget, were spent the following amounts: in the year 2006, 5.864.354,95 euros, in 2007, 4.907.925,82 euros, in 2008, 5.034.855,33 euros, in 2009, 5.000.000,00 euros and for the year 2010, 7.500.000,00 euros.

Also, in the context of the effective tackling of irregular migration, were organized special flights "charter", for the deportation of irregular migrants to their countries of origin, and specifically:

In the year 2009 were carried out the following flights:

- 1st flight: On 10-06-2009, was carried out the return of 55 nationals of Pakistan with a total cost of 103.000 euro
- 2nd flight: On 15-07-2009, was carried out the return of 83 nationals of Afghanistan and 6 nationals of with a total cost of 193.555 euro
- 3rd flight: On 14-08-2009, was carried out the return of 50 nationals of Afghanistan and 48 nationals of Pakistan with a total cost of 198.760 euro.
- 4th flight: On 15-12-2009, was carried out the return of 35 nationals of Afghanistan and 34 nationals of Pakistan with a total cost of 131.300 euro.

In the year 2010 were carried out the following flights:

- 1st flight: On 20-04-2010, was carried out the return of 69 nationals of Egypt with a total cost of 34.995,00 euro.
- 2nd flight: On 19-10-2010, was carried out the return of 46 nationals of Pakistan with a total cost of 165.500 euro. Πακιστάν
- 3rd flight: On 10-11-2010, was carried out the return of 44 nationals of Pakistan and 20 nationals of Afghanistan with a total cost of 179.700 euro.
- 4th flight: On 25-11-2010 was carried out the return of 49 nationals of Nigeria with a total cost of 189.000 euro.

To be noted that the cost of the above operations was covered by the Return Fund.

Regarding the personnel involved in border control and in the context of the European External Borders Fund the following activities for their education were financed, and specifically:

- ✓ On the year 2009 (the period from 09/06/2009 to 19/12/2009) 432 police officers were trained in "Integration at the Police Training System of the Joint Training Model of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States". The expenses (travel and professorships) reached the amount of 561.579,67 euro.
- ✓ On the year 2010 (the period from 21/6/2010 to 23/6/2010) 47 police officers were trained in "Control and detection of forged travel documents". The expenses (travel and professorships) reached the amount of 10.177,14 euro.
- ✓ Also on year 2010 (the period from 4/10/2010 to 25/6/2011) 464 police officers were trained in "Integration at the Police Training System of the Joint Training Model of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States". The expenses (travel and professorships) reached the amount of 657.248,48 euro.
- ✓ Finally, on year 2010 (the period from 29/11/2010 to 27/5/2011) 65 police officers were trained to: «Language training for police personnel and Border Guards in Albanian, Turkish and Arabic». The expenses (travel and professorships) reached the amount of 493.302,95 euro.

Regarding the reinforcement of the services of Greek Police operating at land and sea borders of Greece, the last four years through the External Borders Fund purchased and distributed to competent departments, large numbers of vehicles including passenger cars (446), Jeep (69), trucks (10) and buses (3) for a total budget of 11.899.000 euro. Also technical means such as thermal imaging cameras (20), goggles of night observation (54), goggles of daily sighting (105) for a total budget of 1.390.586 euro. Finally, significant amounts have been allocated for the construction/improvement of the buildings of the Border Guard and detention centers of aliens. ⁷⁶

⁷⁶ The data were obtained from <http://www.thanos-plevris.gr/boyli> and were provided from a relative answer of the Ministry of Citizen Protection in question by MPs A. Plevris and A. Georgiadis of LAOS

7. CONCLUSIONS

While Greece by the end of the 80s was one of the traditional countries of emigration, became in a short time a country of migration. Because of its geographical position receives, especially in the last few years, an intense pressure of migration by aliens of various nationalities since is the natural boundary that connects Asia and Africa with the rest of Europe.

During the period when Greece was a country of emigration the legal framework for entry, residence, work and deportation of foreigners in Greece was governed by Law 4310/1929, which was in force until the early 90s. The main reason for revising the legal framework was the geopolitical upheavals in Europe, especially the dissolution of the Soviet Union, where a significant number of migrants moved to EU countries. Was adopted Law 1975/1991, which would move clearly towards a deterrent, defensive and repressive logic.

Then, and with the purpose to develop a realistic long-term immigration policy has adopted a legal framework which is of course always changing since, each time, is taking into account the new data is generated and also the legislative framework adopted by the EU

Given that the problem of irregular migration had begun to take alarming proportions, and in order to address the problem, took at first legislative measures and specifically adopted strict penal (felony status) and administrative measures against those who in any way easier irregular migrants to enter, to leave and to remain and work in Greece. It also provided, confiscation of assets and removal of secrecy, obligation of carriers to communicate passenger data, and finally increased the time of booking, subject to conditions, to 12 months for aliens awaiting deportation.

Moreover, in practice, has developed a package of four levels, initially before the entry of illegal immigrants, and specifically:

- ◆ Measures to secure visas at consular points such as authentication of supporting documents, mandatory interviewing, checking for any unlawful conduct, cooperation with other Member States Consulates and information exchange, cooperation with neighboring countries on the management of common borders, arrangements for police cooperation and readmission agreements, especially with countries of origin and transit of immigrants.
- ◆ Measures at the borders, where conducts substantive testing of persons in transit at authorized points (land, sea, air) and effective surveillance of land borders between border crossing points (green border) from a special Border Guard Service and Prosecution of Irregular Migration, effective surveillance of maritime borders, with staff and means of Coast Guard and finally cooperation with FRONTEX.
- ◆ Takes enhanced research measures to identify and arrest irregular migrants and traffickers in the country, utilizing modern technology and the information it collects and analyzes.
- ◆ Finally, take steps to successful expulsions, deportations near the border and implementation of readmission agreements.

Based on data collected by the competent authorities, mainly from Directorate for Aliens / Greek Police Headquarters, in 2005 the competent Greek services for passport control at land, sea and air borders for various reasons refused entry into Greece to 11,025 people, in 2006 to 10.729, in 2007 to 3.416, in 2008 to 2.058, in 2009 to 3.000 and in

2010 to 3.804 people. It is noted that in the last few years at a relatively small number of people is refused entry. It is estimated that the safeguard measures for issuing visas by the consular authorities in conjunction with the fact that people serving in passport control agencies have undergone relevant training and in addition also have modern technology to identify counterfeit travel documents - visas, have prevented significant number of irregular migrants attempting to enter the country using forged / counterfeit travel documents - visas.

Also, always based on data that were given by the Directorate for Aliens/ Greek Police Headquarters, from 2005 to 2008, there was a rapid increase in irregular migration by sea and land borders, and specifically, during the 2005 a total of 66.351 migrants were arrested and during the 2006 were arrested 95.239, i.e. an increase of 43,5% compared to 2005. In 2007, 112.364 migrants were arrested i.e. an increase of 17,9% compared to 2006. In 2008, 146.337 migrants were arrested, i.e. an increase of 30% compared to 2007. On the contrary in 2009, 126.145 immigrants were arrested i.e. a decrease of -13,8% compared to 2008, and in 2010, 132.524 migrants were arrested i.e. an increase of 5,06% compared to 2009. Over the years the majority among those arrested are Albanians. It is noteworthy that in 2010, there is a shift of the flow from the Greek-Turkish sea border to the Greek-Turkish land border compared to 2009, where there is an increase of 435,88% in the Greek-Turkish land border, and a decrease of -81,25 % sea border.⁷⁷

Despite the legislative measures taken (severe penalties of felony status, confiscation of assets, etc.) and also practical measures (bilateral cross-border surveillance by Greek Police and the Coast Guard, cooperation with FRONTEX, equipment, etc.) not seem to have yielded the expected results. It was observed only in 2009 a slight decrease of -13,8% compared to 2008.

Based on data provided by the Directorate for Aliens / Greek Police Headquarters it is noted that a very large number of irregular migrants are captured for illegal entry and stay in Greece. Analysis of the tables presenting the arrests of aliens for illegal entry and stay, the table of returns on the northern border and the deportation tables, shows that there is a serious deficit mainly to the expulsion of irregular migrants from Africa and Asia but also from Europe. As an example we analyze the relevant tables of 2010 and specifically the tables 4, 4a and 16 presenting expulsions, deportations and arrests. For the analysis were selected two European countries, such as Albania and Georgia, two African countries, as Algeria and Somalia, and two Asian countries like Afghanistan and Pakistan. From America and Oceania were not chosen some countries since the arrests, etc. from these continents are too few.

- In the year 2010 were arrested for illegal entry and stay 50.175 Albanians, 35.052 of them were returned and 13.125 were deported.
- In the same year were arrested for illegal entry and stay 1.456 Georgian nationals, 3 of them were returned and 333 were deported.
- Also that year were arrested for illegal entry and stay 7.336 Algerian nationals, no one returned and 93 were deported.
- Also that year were arrested for illegal entry and stay 6.525 Somali nationals, no one returned and 17 were deported.
- Also that year were arrested for illegal entry and stay 8.830 Citizens of Pakistan, 1 was returned and 405 were deported.
- Finally, the same year were arrested for illegal entry and stay 28.299 Afghan nationals, 3 were returned and 421 were deported.

From these data it seems that, with exception of Albanians, the vast majority of nationals from Georgia, Algeria, Somalia, Pakistan and Afghanistan could not be repatriated.

⁷⁷ The data were given by the Directorate for Aliens/Greek Police Headquarters

It is true that there are objective difficulties, such as lack of diplomatic representation, the lack of air connection, obstruction of consular authorities of their countries to issue in a short time travel documents (perhaps deliberately), the improper use of asylum procedures in order to frustrate the process of expulsion, the short detention time (until recently three (3) months) and the lack of adequate detention facilities. As a serious reason may also be mentioned that Turkey's attitude regarding the application of the readmission protocol, where systematically refuses to readmit irregular migrants, who proven came from its territory by constantly putting obstacles, such as not respond to requests for readmission or responds negatively or slow to respond to requests for readmission. Moreover, creates several problems at the delivery and until recently was not activating the port of Smyrna as a delivery point.

Greece appears that in recent years is making serious efforts to tackle the problem in legal terms but also in practice. E.g. the increase of the detention time, under conditions, up to 12 months, for the irregular migrants to be deported, will allow the possibility and the time to the competent departments to develop all the necessary steps to supply the persons to be deported with travel documents and generally to organize their repatriation. Certainly, the increase of the detention time requires at the same time the existence of adequate detention facilities. The establishment of the First Host Service (Article 7 N.3907/11), where among its powers is the verification of identity - citizenship of irregular migrants from qualified interpreters, is expected to offer substantial help towards the identification of irregular migrants and will facilitate the work of expulsion services. Also, and the rest of the actions that have occurred for the utilization of existing detention facilities and the creation of new ones will help substantially in this direction by significantly increasing the percentage of irregular aliens to be repatriated.

Nobody can ignore the efforts made by Greece to political - strategic and operational level to deal with the phenomenon, as the intensification of patrols (Police, Coast Guard) at land and sea borders, the use of FRONTEX for border control, the use of recent legislative changes (trafficking of irregular migrants became felony, confiscation of assets, extension of detention time, etc.), the creation of First Reception Centers and the utilization of existing detention facilities and the recent establishment of a National Coordinating Centre. Of course, according to data registered in FRAN, (FRONTEX ANALYSIS NETWORK)⁷⁸, in Greece in 2010 were arrested, for irregular entry and stay a total of 132,524 irregular migrants. At the external borders (land and water) were arrested, 89,178 irregular migrants, i.e 86% of all immigrants apprehended at the external borders of all the member states of the EU, with Spain second where arrested 5,199 illegal immigrants i.e 5%, and third Italy where were arrested 4,400 illegal immigrants i.e. 4.2%.⁷⁹, a number that compared with the data of Greece is excessively disproportionate and with severe impact in areas such as the national economy, increasing crime, the inability to obtain necessary reception conditions and temporary residence, illegal work, etc.

It is estimated that any measures taken by the Greek authorities before, during and after the entrance in the country of irregular migrants if they are unable to expel - deport the vast majority of them and in particular those who are not entitled to international protection, the phenomenon will continue to exist and may be increased each time for several reasons. The effective removals, either with organized flights (charters) or joint operations with other member states, is a clear message and a mechanism to discourage prospective irregular migrants but also the networks promoting irregular migrants in the EU. It seems appropriate to focus particularly on forced removals, assisted or otherwise, to organize more charter flights to the countries of origin especially to those where there is no air link. Equally important will be considered the role of voluntary returns to the countries of origin of irregular migrants.

⁷⁸ The data were given by the Directorate for Aliens/Greek Police Headquarters

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Important role in the proof of identity - nationality of the immigrant, have interpreters - translators, who during the investigation of cases of migrants can obtain information on the identity - nationality, so then they can be provided with a travel document for their return. For this issue, Greece should give special weight.

Also, special attention should be paid, and it must take a systematic nature, to the organization of information campaigns in countries of origin in cooperation with the Greek Consular Authorities and local governments, to inform local people about their immigration rules to EU and the risks they face.

The Greek authorities should exhaust the maximum estimated time of detention of irregular aliens who do not cooperate (12 months) in pursuance of recent legislation and simultaneously put pressure on the diplomatic authorities of countries of origin of irregular migrants for the issuance of travel documents citing the reports - interviews with interpreters - translators about the verification of the identity - nationality of migrants.

Given that Turkey does not cooperate and in substance does not apply the bilateral readmission protocol with Greece, should be accelerated the procedures for the completion of the Readmission Agreement EU-Turkey, since is estimated that Turkey will be more involved and will work effectively towards combating irregular migration.

Greece also should intensify its efforts to conclude a protocol for the implementation of readmission agreements signed by the EU with the following countries: Hong Kong, Macau, Sri Lanka, Albania, Russia, Ukraine, FYROM, Bosnia & Herzegovina, Montenegro, Serbia, Moldova, Pakistan and Georgia. Especially with the countries that pose a problem to Greece, both in terms of number of irregular migrants and the issuance of travel documents and readmission., e.g. Pakistan, Georgia etc.

Finally, it is quite clear that the problem of irregular migration in Greece may be regarded as a **major national issue** and this means that there should be a unified approach, not fragmentary, establishment of a clear national policy on migration (legal and illegal) with political consensus and determination in the adoption and implementation of measures to be taken at all levels. Given that the problem of irregular migration in Greece does not seem to be diminishing should be avoided actions such as transferring responsibilities to other ministries, eg (from the Ministry of Interior to the Ministry of Development, etc.), and why not, the institutionalization of a political body (Ministry for Migration) for a comprehensive and a uniform manner for the management of the migration phenomenon.

ANNEXES

1. Additional resources on irregular migration

In the present report important information gathered and recorded are presented. A key criterion was the legislative revisions and changes in administrative practice.

For the preparation of this report there have been contacts with institutions and persons responsible in the Greek Administration for the handling of issues related to tackling illegal immigration. To be noted that there was excellent cooperation from all stakeholders who contributed substantially to the study. Also, data were drawn from websites of agencies, organizations, etc.

Following is the recording of information sources and of databases that were used:
Ministry of Citizen Protection www.yptp.gr
Ministry of Interior www.ypes.gr
Ministry of Foreign Affairs www.mfa.gr
Ministry of Labour and Social Security www.ypakp.gr
UNHCR, Office in Greece www.unhcr.gr.

2. Standard tables, for the collection of national statistics on irregular migration, from Eurostat

- a) Tables 1, 1a and 1b: Show the number of people who have been denied entry at land, sea and air borders in 2008.
- b) Tables 2, 2a and 2b: Show the number of people who have been denied entry at land, sea and air borders in 2009.
- c) Tables 3, 3a and 3b: Show the number of people who have been denied entry at land, sea and air borders in 2010.
- d) Table 4: Shows the number of deportees in the years 2005 to 2010 by nationality.
- e) Table 4a: Show the number of repatriated in the years 2005 to 2010 by nationality.
- f) Table 5: Show the number of aliens whose requests for political asylum was rejected in A grade in 2005.
- g) Table 6: Show the number of aliens whose requests for political asylum was rejected in A grade in 2006
- h) Table 7: Show the number of aliens whose requests for political asylum was rejected in A grade in 2007
- i) Table 8: Show the number of aliens whose requests for political asylum was rejected in A grade in 2008
- j) Table 9: Show the number of aliens whose requests for political asylum was rejected in A grade in 2009
- k) Table 10: Show the number of aliens whose requests for political asylum was rejected in A grade in 2010
- l) Table 11: Show the number of aliens arrested for illegal entry and residence in 2005.
- m) Table 12: Show the number of aliens arrested for illegal entry and residence in 2006.
- n) Table 13: Show the number of aliens arrested for illegal entry and residence in 2007.
- o) Table 14: Show the number of aliens arrested for illegal entry and residence in 2008.
- p) Table 15: Show the number of aliens arrested for illegal entry and residence in 2009.
- q) Table 16: Show the number of aliens arrested for illegal entry and residence in 2010.
- r) Table 17: Show the number of aliens whose residence permits were rejected because of fictitiousness of the marriage.
- s) Table 18: Show the number of requests – rejections - grants and pending applications for residence permits on humanitarian grounds (article 44 Law 3386/05).