

## 2. CONTEXTUAL FRAMEWORK

### *2.1. Conceptual framework, definitions and target group*

The difference between a *migrant* and a *refugee* is a matter of analytical order but at the same time an issue of high political interest and one with multiple political implications that extend far beyond strictly conceptual debates. Both concepts refer to people who have moved from their places of birth and/or former habitual residence. Most delineations of their difference follow one of two possible routes. In the former, the two concepts are contrasted in terms of whether relocation occurs on the basis of free choice (migrants) or enforcement (refugees) (UNHCR 2016). In the latter, while the emphasis on free choice versus enforcement remains, the migrant is considered as the umbrella term for all relocations and refugees are a specific category of migrants that flee persecution or conflict (OHCHR undated).

Importantly enough the term ‘refugee’ has historically gained a key position in international law, as for example with the Geneva Convention of 1951 which gave the famous definition of the refugee as someone who:

“owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country”.<sup>1</sup>

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1. Or who, as the Convention continues, ‘not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it’.

The complex system of international protection that has developed by a variety of international and regional organizations (including UNHCR and the EU) and other actors (including major NGOs) has provided refugees with a level of legal recognition and policy intervention that is not available to migrants. On the other hand, there is no universal agreement on any legal definition of the term 'migrant' which is generally considered as 'a neutral [one] to describe a group of people who have in common a lack of citizenship attachment to their host country' (OHCHR/GMG, cited by Oberoi 2018: 132).

From an analytical point of view, the distinction between migrants and refugees is much less clear than usually implied in the legal provisions, for two reasons. Firstly, because while the fear of persecution and conflict that cause the displacement of refugees are not to be underestimated, the reasons behind migration may also involve extremely harsh living conditions that are overseen by the 'free choice' ideal. Exposure to poverty and deprivation, facing the risk of starvation, seeing one's prospects for education blocked by racial discrimination or fleeing the outburst of a lethal epidemic in a country with a collapsed health system, all can be severe 'push factors' that force people to move, despite not corresponding to the legal definition of a refugee (Mandal 2005, Gil-Bazo 2006). The relatively recent concepts of 'environmental refugees' and 'climate refugees', albeit contested (Black 2001, EPRS 2019), are also indicative of this kind of proximity between the migratory and the refugee status.

Secondly, despite the violence and the emergencies that refugees confront, seeing them as impotent victims is equally misleading. Refugees move using complex local and regional networks, they generally have to mobilize adequate resources and they are often able to select among different available pathways and strategies to overcome various obstacles that exist in their places of origin, on their way and in their destinations. These pathways and strategies are not necessarily less complex than those of migrants. Moreover, refugees' integration into host societies tends to follow routes that are similar to those of migrants, although states play more active roles in the integration of refugees (Hein 1993). All in all, migrants are not

necessarily those rational subjects that move in order to maximize their well-being, as opposed to refugees that allegedly move with anaemic control on their own lives.

Apart from long-term analytical considerations, there are also short- and medium-term practical reasons why the absolute separation between migrants and refugees is delusive. Firstly, depending on national and international legal systems and arrangements, many individuals fall successively and perhaps repeatedly into different categories. For example, one may be considered an 'irregular migrant' upon her illegal arrival in a host country, only to be considered an 'asylum seeker' after her application for international protection and then an irregular migrant' gain, should her claim be rejected. As Scalettari (2007) argues, these are 'policy related labels, designed to meet the needs of policy rather than of scientific enquiry'. The very notion of the 'asylum seeker' and the prolongation of the period for which one may be considered as such indicate this protracted ambiguity.

Secondly, many major migratory movements (including recent arrivals in Greece and Europe) consist of people with various motivations and degree of enforcement. The coinage of the term 'mixed migration flows' (Sharpe 2018) which has been adopted by several international actors including IOM (2019) and the EU is representative of this complex reality.

It is after the above considerations that we decided to include refugee issues and refugee integration in the present study. The current moment of migratory movement and settlement in Greece makes this choice even more essential, since a large part of the refugees from Syria and other countries that arrived in the country in the last few years, after an initial period of emergency, are at the first steps of their integration process.

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## 2.2. Profile of the migrant populations in Greece

Migration flows into Greece are traced back to the 1970s and 1980s, involving mainly manual workers from countries such as Egypt and Pakistan and female domestic workers from Philippines. The collapse of socialist regimes in Central and Eastern Europe at the beginning of the 1990s triggered massive migration waves into Greece. During the 1990s, it is estimated that over one million third-country citizens entered the country irregularly or overstayed their visa. For many years, most of these migrants did not have access to a legal status. Four programmes for the regularisation of unauthorised migrants carried out in 1998, 2001, 2005, and 2007 allowed most of these migrants to become legal, albeit with severe delays.

In 2011, 818,836 citizens of non-OECD countries were recorded in the national population census. In 2018, the number of migrants legally residing in the country amounted to 523,715, while the number of asylum seekers registered between 2013 and 2017 amounted to 137,155 plus another 5,244 unaccompanied minors. The main countries of origin of migrants are Albania (67.5% of the total), countries of the former USSR (Georgia, Ukraine, Russia, Armenia) and Asian countries such as Pakistan, India, the Philippines and Bangladesh, while fewer migrants come from Europe (Serbia), North Africa (mainly Egypt), Middle East (mainly Syria) and China. Applicants for international protection come mainly from the Middle East (Syria, Iran and Iraq), while smaller numbers come from warring African countries.<sup>2</sup>

The majority of both documented and undocumented migrants works in sectors dominated by informal labour relations, such as agriculture, construction, hotels and restaurants, cleaning and domestic work. The economic crisis and the collapse of the construction sector that employed an important part of male migrants, led large sections of the migrant population to leave Greece.<sup>3</sup> Of those who remained in Greece, some slipped from authorised into unauthor-

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2. Figures from the revised *National Integration Strategy*, July 2019.

3. Within a period of just 19 months, from September 2011 to April 2013, 215,872 authorised third-country nationals left Greece (Ministry of Interior, 2013). By 2016, the majority of them had returned to Greece.

ised status, because they could not find declared employment necessary for permit renewal, whilst inflows of unauthorised migrants continued, despite the recession, albeit this time mostly from Asian and African countries (Cavounidis, 2018). As a result, the composition of the current migrant population in Greece varies substantially from that in the 1990s, both in terms of legal status, as well as in terms of a more diversified ethnic and cultural background.

In addition to the older cohorts of economic migrants settled in Greece, in 2014-2015, Greece witnessed a massive inflow of displaced populations when it became one of the two major entry points for hundreds of thousands of migrants and refugees fleeing war and poverty in Asia and Africa, in one of the biggest population mass movements in recent European history. According to Frontex,<sup>4</sup> at the height of the crisis in 2015 and 2016, 1,067,000 migrants and refugees arrived at the doorstep of crisis-stricken Greece, on their way to the more advanced European countries. The EU-Turkey agreement in March 2016 and the closure of the Balkan route resulted in a significant drop in the inflows (only 35,052 arrivals in 2017 and 50,215 in 2018<sup>5</sup>). Greece was transformed from a transit country to a host country for tens of thousands of entrapped refugees and migrants who had no choice but to request asylum in Greece. Over the last 6 years, between June 7<sup>th</sup> 2013 and August 31<sup>st</sup> 2019, according to the Greek Asylum Service, 245,733 refugees and migrants, one third of which (78,615) are children under 18 and 9,806 unaccompanied minors, filed an asylum claim in Greece.<sup>6</sup> As of August 28<sup>th</sup> 2019, the number of migrants and refugees who have filed an asylum claim in Greece, reached 81,683 people.<sup>7</sup>

At present, the total international migrant stock in Greece in 2019 is estimated by IOM at 1.2 million.<sup>8</sup>

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4. See: <https://frontex.europa.eu/along-eu-borders/migratory-routes/eastern-mediterranean-route/>

5. See International Organisation for Migration: <https://migration.iom.int/datasets/europe-%E2%80%94-mixed-migration-flows-europe-yearly-overview-2018>

6. See: [http://asylo.gov.gr/en/wp-content/uploads/2019/09/Greek\\_Asylum\\_Service\\_data\\_August\\_2019\\_en.pdf](http://asylo.gov.gr/en/wp-content/uploads/2019/09/Greek_Asylum_Service_data_August_2019_en.pdf)

7. See IOM: <https://migration.iom.int/europe?type=migrants-presence>

8. See: [https://migrationdataportal.org/data?i=stock\\_abs\\_&t=2019&cm49=300](https://migrationdataportal.org/data?i=stock_abs_&t=2019&cm49=300)

### *2.3. Institutional framework regarding the status and integration of recent migrants*

There is a strong link between migration and integration policies. Managing the effective integration of migrants has thus become an issue of concern, both in the State's migration policy agenda, as well as in the domestic public debate and opinion.<sup>9</sup> Migrant integration gained further attention in the aftermath of the recent humanitarian refugee crisis and the increase in refugee inflows.

Over the previous years the Greek State has developed and implemented a wide range of policy initiatives supporting migrant integration in various sectors of social, political and economic life such as the institutional framework regarding the conditions of entry and stay of certain categories of migrants, citizenship and access to nationality, access to the labour market and entrepreneurship, education and training, healthcare and other public services and institutions, social protection and social inclusion, decent housing and living conditions, the promotion of a cross-cultural approach and the intermingling of natives and migrants, non-discrimination and equal opportunities and participation in the public and political life of the host country.

However, notwithstanding these initiatives, *"The organised reception and integration of migrants, applicants and beneficiaries of international protection for many years were not a priority for Greek migration policy. The main focus was on managing migration flows with emphasis on border security, legalisation of irregular migrants and the issuance of residence permits. The integration process was mainly about the individual effort of migrants and the small number of refugees, through the support networks of their co-nationals already established in the country. [...] Although actions for the integration of migrants have partially replaced the absence of an overall integration plan, they were fragmented, short-lived and without continuity"*.<sup>10</sup>

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9. For data on the domestic public opinion see: Special Eurobarometer 469, "Integration of immigrants in the European Union", April 2018.

10. See: *National Strategy for the Integration of Migrants and Refugees*, July 2019.



As a result, for many areas, migrants suffered from discriminatory practices and violation of their rights, thus reinforcing socio-economic inequalities between the migrant and the native populations. Today, challenges of integration and underlying governance weaknesses for both the short and long-term integration responses still remain.

#### *A. Legislative framework for migration*

Over the past few decades, Greece has been transformed from a 'sender' to a 'recipient' country of migratory flows (Pavlou and Christopoulos, 2004). The migration policy constitutes a critical and integral element that is inextricably linked to the overall growth strategy of the country, transforming society and the economy and ensuring social cohesion.

As a Member State of the EU, Greece had to adopt the primary and secondary law of the EU. The process towards a deeper harmonization between EU Member States on migration policy was intensified with the entry into force of the Amsterdam Treaty in 1999, and the Tampere European Council (1999), which set the basis for the creation of CEAS (Schuster, 2003, p. 114). The first phase of the CEAS focused more on the harmonization of common policy elements. To this end, a series of directives on the reception, temporary protection, family reunification procedures and conditions for the recognition of humanitarian status were adopted (Gerard 2014, p. 58). The Hague Programme (2004-2009) and the Stockholm Programme (2010-2014) have been less ambitious in the adoption of new legislation. Efforts in these two programmes focused more on establishing higher protection standards, outsourcing, greater harmonization between Member States and enhancing solidarity mechanisms.

Legalisation was a tool used by the Greek State, from 1998 until 2007, aiming at decompressing and regulating migrant groups, whose undocumented status was creating more problems, as it was associated with delinquent behaviour, "black" and undeclared labour, exploitation of male and female migrants being, as well as with a negative impact on society with the increase of phenomena of racism and xenophobia and subsequent ghettoisation of the excluded groups.



In order to regularise migrants who had entered the Greek territory illegally and had stayed in the country over a long period of time, successive and extended legalisation procedures took place, beginning from 1997 and ending in 2007 (P.D.s 358/97 and 359/97, Law 2910/2001, Law 3386/2005 and Law 3536/2007).

The codification of the legislation for the entrance, stay and social integration of third-country nationals in the Greek territory initially took place with Law 3386/2005, which was amended and completed with new laws 20 times during a 10-year period. National policy observes the distinction made in the European migration policy between legal and illegal migrants (Sarris, 2014). The common ground of all laws is the favourable treatment of the first category, implementation of the principle of equal treatment, that emerges from the principle of “equal treatment” of community citizens, recognition of a regime of integration for them in the country and preventive measures to deal with irregular migration (Papagiannis, 2001; Sarris, 2014). Law 3686/2005, as it was amended, focused on the triadic ‘legality-rights-social inclusion’, bearing in mind that national policy is dictated by the Directives and Regulations of the European Union’s migration policy. The main innovation of the Codified Law is the provision for granting a single permit that consists in the unification of the labour permit and the residence permit.

The stability of lawful residence is an crucial element of the social integration of third-country nationals and is adequately ensured only by obtaining long-term residence permits, since holders of these permits are not at risk of deportation for regular periods, for typical reasons, and, at the same time, have specific individual and social rights, which ensure and promote their social integration.

Until the codification of legislation on migration was introduced with Law 4251/2014, the institutional framework was characterised as egalitarian, counterproductive and ineffective, but at the same time contradictory and the source of ‘legal uncertainty’, which left room for the discriminatory and arbitrary treatment of migrants by the public administration services (Triantafyllidou, 2009, pp. 167-168; Simopoulos, 2005, p. 74; Spanou, 2008, p. 153).

The coding of the migration legislation with the introduction of the Social Integration Code (Law 4251/2014), as it was amended

and is in force, was drafted aiming at: a) gathering together the provisions of the legislation on migration, b) harmonising the national legislation with EU legislation, and c) rationalising the existing institutional framework and addressing the malfunctions detected during the implementation of the existing legislation.

In particular, the Code further simplified the procedures for the issue of residence permits, reduced the categories of residence permits, and increased their duration, re-examined the conditions of access to the labour market, created a friendly investment climate and facilitated long-term residence status. In addition, a child protection grid and a special favourable residence status for “second generation” male and female migrants was adopted, in order to facilitate their integration prospects and disentangle them from the general procedures and conditions of renewal of residence permits, that could at any time put at risk their legal status. At the same time, with Law 4018/2011, Aliens and Migration Services were converted to One-Stop Services (Stratoudaki, 2016, p. 21). Regions became responsible for issuing and renewing all permits.

Furthermore, the Code establishes a protective framework for rights, so that third-country nationals enjoy enhanced protection according to the principles of equality and non-discrimination on the grounds of race, gender, language or religion, and respecting their particularities, which is based on social justice, placing particular emphasis on the rights of children.

In addition, the terms and conditions of access to long-term residence permits were reviewed, aiming at promoting long-term residence permits, which, due to increased rights and equal treatment in various areas of social and economic life, constitute a type of “reward” for those migrants who prove that they have developed strong bonds with Greece, and who are living and working in Greece lawfully for a number of years. As for long-term national statuses, i.e. ten-year and infinite-term residence permits of the previous legislation, these were maintained, but their automatic renewal and their transition to long-term EU resident status with more favourable terms were abolished.

Furthermore, with Law 4332/2015 and the transposition of Directive 2011/98/EU “regarding a single procedure of submission

of an application to grant third-country nationals a single residence and working permit in the territory of the Member State and regarding a common set of rights for workers coming from third countries and lawfully residing in a Member State”, a set of common rules was established, which govern the procedure of the examination of applications for single permit granting, aiming at making the overall residence permit issue procedure effective and transparent, in order to ensure the appropriate level of legal safety for those concerned.

A significant piece of legislation is the operation of a parallel system of reinstatement to a status of legality or legitimisation of third-country nationals through an individualised procedure (extraordinary reasons), for those who were either holders of a final residence permit during the last decade or reside in the country for more than seven years, as long as they can provide evidence that they have developed bonds with the country. In addition, the conditions for ensuring the legality of second-generation residents became more favourable, as the right to access third-country nationals’ residence permit is granted, regardless of the legality or the legalisation title they possess, and provided they have successfully completed six grades of the Greek school before their 23<sup>rd</sup> birthday.

Moreover, a set of rights was enacted in order to establish the equal treatment of the citizens of a Member State or a third country, who have not yet acquired long-term resident status. These citizens have either become accepted in the territory of the Member State in order to work and reside, and are thus legally working there, or have been accepted for other reasons, besides work (e.g. family reunification) and were subsequently granted access to the labour market of the Member State, according to the provisions of the EU or national law.

In particular, the right of equal treatment with nationals, which is granted to third-country nationals – holders of a single residence permit, maintaining, where provided for, specific deviations or reservations of the specific national legislation, has to do with the following areas:

- a) the terms of employment, including minimum legal age of employment, working conditions, including pay and dismissal, working hours, leave and holidays, as well as health and safety at work;



- b) the right to strike and participate in trade unions, according to national law, the freedom to associate and join and participate in employee or employer organisations or in any organisation, the members of which practice a specific occupation, including the advantages provided by these organisations, among which are the right of negotiation and drafting collective agreements, without prejudice to the provisions on public order and public safety;
- c) education and vocational training. The right of equal treatment is granted to third-country nationals, who are working or have worked in the past, and who are registered as unemployed, and does not include benefits and study loans and living benefits or other benefits and loans granted for educational reasons. Regarding access to university and tertiary education and to vocational training, not directly linked to the specific job position, special conditions apply, including adequate knowledge of the language and tuition fees, according to national law;
- d) the recognition of diplomas, certificates and other professional titles, according to the relevant national procedures;
- e) social security rights, as they are set in Regulation (EU) no. 883/2004 of the Council, for the coordination of social security systems for salaried persons, non-salaried persons and their family members who are moving within the European Union. The competent services cannot limit these rights for third-country employees, who are working or have worked for a minimum period of six months and who are registered as unemployed;
- f) tax advantages, provided the employee is considered a resident for tax purposes in the Greek territory. The competent services grant equal treatment in cases where the registered or standard place of residence of the third-country employee's family members, eligible for the benefits, is within the Greek territory;
- g) access to and acquisition of goods and services that are offered to the public, including housing procedures according to national law, without prejudice to the freedom to draft contracts according to EU and national legislation. The competent services provide equal treatment to third-country employees, who are working, while they may not apply equal treatment regarding access to housing;



- h) counselling services, which are offered by employment offices (National Strategy for Integration, pp.18-19).

The replacement of residence permits in the form of independent documents and the use of biometric data was a key element in the process of granting and renewing residence permits.

At the same time, in 2016, with Law 4368/2016 and Joint Ministerial Decision no. 25132/4-4-2016 the right of free access to all public health structures for the provision of nursing and medical care to uninsured persons and vulnerable social groups, including migrants and international protection applicants and beneficiaries, was established. The health coverage that is guaranteed by the new framework is full and includes their nursing, diagnostic and medical coverage.<sup>11</sup>

The Centres for Migrant Integration, established as branches of the municipal Community Centres (Law 4368/2016), play a significant role in the integration of migrants. In terms of the implementation of migration policy, these new structures have a double role. Initially, as it is described in the respective law (Law 4368/16), one of the actions of Community Centres has to do with the social integration and socialisation of migrants. At the same time, the Centres for Migrant Integration can also operate as branches of the Community Centres, with the appropriate personnel, according to the principles of the Code of Migration on the one hand and of all the Regulations, Decisions and Announcements of the European Parliament on the other. In the Community Centres without a Centre for Migrant Integration, the actions concerning migrants are by law carried out by the centre itself, which takes a number of initiatives to combat social exclusion and enhance the social integration of vulnerable groups.

Law 4375/2016 re-established the Directorate for Social Integration, whose aim was to study, plan and implement the social

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11. The new government elected in July 2019 abolished the right of uninsured third-country nationals to have full access to healthcare services, except for cases of a life-threatening situation. A new system of providing access to healthcare and social security to third country nationals via a provisional number, introduced in November 2019 (law 4369/2019), has only recently come into force.

integration policy of international protection beneficiaries and migrants into the Greek territory, thus further reinforcing the significance attached to the issues of social integration.

In 2016, an autonomous Ministry for Migration Policy was established (P.D. 123/2016), having as its objective the administrative, institutional and symbolic upgrade of the management of migration and asylum policies and the promotion of social integration. Since July 2019, following the change of government, this Ministry became a General Secretariat for Migration Policy and is part of the Ministry of Citizen Protection.

Supportive to migrant integration is also the role of Migrant and Refugee Integration Councils, the competences of which are described in Law 4555/18 (“Kleisthenis I” Programme). The Migrant and Refugee Integration Council is a consulting body, which is established following a decision made by the Municipal council, in order to replace the institution of Migrant Integration Councils provided for by the “Kallikratis programme of Law 3852/2010” (Sarris, 2016). The main objective of the Migrant and Refugee Integration Council is to act as a consultant in order to enhance the social integration of migrants and refugees in the host society, to promote their participation in the community, as well as to resolve the problems they face. Therefore, the significance and the decisive role of the Migrant and Refugee Integration Councils in local communities with large migrant populations are evident, particularly when there is also a Centre for Migrant Integration structure. Even though these are two clearly independent entities, what is highlighted here is the convention of a parallel action at the local level.

Articles 33, 34, 35, 36 and 37 of Law 4604/2019 made amendments to articles 6, 7 and 9 respectively of the Greek Citizenship code, regarding the supporting documents required for the naturalisation of foreigners, the naturalisation procedure, as well as oath taking respectively, facilitating the acquisition of the Greek citizenship.

### *B. Legislative framework for the asylum*

In 2000, Greece was under pressure to implement the common European standards for the reception and asylum procedures, while at the same time it struggled to secure its borders against migrants who entered illegally (Afouxenidis et al., 2017). Until 2008, the asylum process and social rights of asylum seekers were regulated by Greek Law 1975/1991, as amended by Greek Law 2452/1996 and the relevant Presidential Decrees (Karamanidou & Schuster, 2012, p. 173). In addition, by 2008 the European directives on temporary protection, reception of asylum seekers, minimum standards and the identification procedures were transposed into the Greek legislation.

A new law on asylum was voted in 2011 (Law 3907/2011) that significantly reshaped the Greek legislative framework. This law provides for the establishment of an “Asylum Service,” consisting of a Central Office and Regional Offices (Article 1). The Law also introduced the establishment of a “First Reception Service” (Article 6), with the mission to “effectively manage third-country nationals illegally entering the country”.

The Asylum Service (which was enacted on June 7<sup>th</sup> 2013), today falls under the jurisdiction of the Ministry of Citizen Protection and acts as an independent service directly reporting to the Minister. The Service’s competence extends to the entire territory. Its mission is the implementation of the legislation on asylum and other forms of international protection of foreigners and stateless persons, as well as the contribution to the planning and formulation of the national asylum policy. The Asylum Service is also competent for the implementation of the New York Convention of September 28<sup>th</sup> 1954 on the legal status of stateless persons.

The Asylum Service implements P.D. 141/2013, which adapted national law to the redrafted Directive 2011/95/EU of the European Parliament and the Council of December 13<sup>th</sup> 2011 (L 337) on the requirements for the recognition and the status of foreigners and stateless persons as beneficiaries of international protection, for a single status for refugees and female refugees or for persons entitled to subsidiary protection and for the content of the protection provided in combination with Law 4375/2016, as amended and enforced



(with Law 4399/2016, Joint Ministerial Decision no. 13257 and Law 4485/2017), by which the provisions of redrafted Directive 2013/32/EU of the European Parliament and the Council on the common procedures for granting and revoking the status of international protection were transposed into national legislation, while, at the same time, revised provisions for the employment of international protection beneficiaries and other provisions were taken into consideration. The same law reorganised the Asylum Service.

In the framework of the implementation of the European legislation on the provision of international protection, the Asylum Service implements redrafted Regulation (EE) no. 604/2013 of the European Parliament and the Council of June 26<sup>th</sup> 2013, on the establishment of criteria and mechanisms for the determination of the Member State that is responsible to examine the application for international protection submitted to a Member State by a third-country national or a stateless person, and Regulation (EU) no. 603/2013 of the European Parliament and the Council of June 26<sup>th</sup> 2013, on the establishment of “Eurodac” for the comparison of fingerprints, for the effective implementation of regulation (EU) no. 604/2013.

After the EU-Turkey Agreement in March 2016, the Greek Parliament made amendments to the asylum law, including the creation of the General Secretariat of Reception, which includes the Reception and Identification Service (R.I.S.) (Article 26, Law 4375/2016). Its object is to perform the procedures for the reception and identification of incoming people in the Greek territory. The R.I.S. comprises the Central Service and the Regional Reception and Identification Services, which include the Reception and Identification Centres (R.I.C.), the Reception and Identification Mobile Units, the Open Temporary Reception Structures and the Open Temporary Accommodation Structures (Article 8, Law 4375/2016). In this context, the General Secretariat of Reception is responsible for establishing, operating and supervising structures for four different regional services: initially, the R.I.C., which performs the procedures of registering, identification and data verification; secondly, the Reception and Identification Mobile Units, which have these respective responsibilities; thirdly, the Open Accommodation Structures for asylum seekers. In addition, the pre-departure accommodation structures



for those in the deportation process. The Central Service plans, directs, monitors and inspects the actions of the Regional Services and ensures the necessary requirements for the exercise of their responsibilities, in cooperation with the other competent services (Article 8, Law 4375/2016).

The purpose of each Structure's operation is to provide a stable, short- and medium-term residence framework. The services provided include housing and nutrition, information on the residents' rights and responsibilities in the host country, their psychosocial support, facilitating their access to health services, providing basic personal hygiene products, clothing and footwear and teaching the Greek language, as well as access to training and skills development programmes (Article 110, Law 4172/2013) (Kourachanis, 2018).

In 2016, in order to deal with the growing number of NGOs that appeared mostly after the 2015 refugee crisis, the Ministry for Migration Policy created a National Register of Greek and foreign NGOs active in the areas of international protection, migration and social integration, pursuant Joint Ministerial Decision no. 39487/2016. This register includes today 61 Greek and 9 foreign NGOs ([https://mko.yypes.gr/home\\_in\\_mitroo\\_report](https://mko.yypes.gr/home_in_mitroo_report)).

Moreover, P.D. 122/2017 establishes the Directorate for the Protection of Asylum Seekers, the strategic objective of which is the implementation of national policy for the reception of international protection applicants, mainly through planning, monitoring and implementing protection programmes, with particular emphasis on vulnerable groups.

Law 4540/2018 adjusts the Greek law to the provisions of Directive 2013/33/EU of the European Parliament and the Council of June 26<sup>th</sup> 2013, on the requirements for the reception of international protection applicants (redrafting, L 180/96/29.6.2013) and other provisions – Amendment of Law 4251/2014 on the adjustment of the Greek law to Directive 2014/66/EU of May 15<sup>th</sup> 2014 of the European Parliament and the Council on the prerequisites for the entry and residence of third-country nationals – Adjustment of asylum procedures and other provisions.

In 2018, Greece was the only European Union country making it to the top 5 list of countries that receive the most asylum seekers,

both in absolute numbers, as well as proportionately to its population (Eurostat 2018). In the second quarter of 2019, Greece was in the fourth position among the EU countries, as to the highest number of first-time asylum applicants, with 13,300 first-time applicants registered, or 9% of all first-time applicants in the EU Member States (Eurostat 2019).

### *C. Institutional framework further supporting the exercise of Migration Policy*

During the past two years there were many legislative initiatives, which created a new, enhanced institutional framework to support, among other things, the implementation of Migration Policy. These include:

- a) the establishment of the *National Mechanism of Monitoring and Evaluation of Social Integration and Social Cohesion Policies* (by Law 4445/2016), whose main objectives are:
  - to set down the social needs of citizens, to coordinate the process of social integration and cohesion policies;
  - to monitor and evaluate their implementation, to determine the priorities of social solidarity, based on individual emergencies;
  - to contribute to the strengthening of briefing, transparency, efficiency and effectiveness of the social protection system;
  - to substantiate and specify policies and actions, with regard to the cumulative characteristics of the persons at risk of poverty, extreme poverty and social exclusion;
  - to plan, supervise and evaluate the institutional framework for the universal introduction of the Social Solidarity Income (passage 2.5.3, par. C', article 3 of Law 4336/2015).
- b) the establishment of the *National Council against Racism and Intolerance* (Law 4356/2015), with the following duties:
  - the formulation of policies for preventing and combating racism and intolerance, in order to ensure the protection of individuals and groups that are targeted due to race, colour, na-

tionality or ethnic origin, genealogy, social origin, religious or other beliefs, disability, sexual orientation, gender identity or characteristics;

- the supervision of the implementation of the legislation against racism and intolerance, and its compliance with international and European law;
  - the promotion and coordination of the activities of participating bodies for the more effective handling of the phenomenon, as well as the strengthening of the collaboration with civil society on these issues.
- c) the establishment of the *National Mechanism for the Elaboration, Monitoring and Evaluation of Action Plans for the Rights of Children* (articles 8-12 of Law 4491/2017), with the following competences:
- the elaboration of National Action Plans for the Rights of Children, including base reports;
  - the consultation with Civil Society during the formulation of Action Plans. The National Mechanism also provides for the participation of children in the consultation process;
  - the promotion and publicity of Action Plans;
  - the monitoring of the implementation of Action Plans, and the drafting of interim reports on their implementation;
  - the evaluation of Action Plans, and, in particular, of their degree of implementation, as well as of their total effectiveness;
  - the preparation of subsequent Action Plans.

In July 2019, the Ministry for Migration Policy<sup>12</sup>, in order to respond to the new migration realities in the country such as “*the mass influx of mixed migratory flows, as well as applicants of international protection and migrants from war zones which face high levels of unemployment and poverty and with an increased number of vulnerable people (children, women, people with post-migration trauma)*”, launched

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12. Which was abolished as a ministry following the July 7, 2019 elections and its competencies were transferred to the Ministry for Citizen Protection. In January 2020, the ministry was re-instated with a new title ‘Ministry of Migration and Asylum’.



a revised *National Strategy for the Integration of Migrants and Refugees*, that replaced the previous one from 2013, which describes the priority policy areas and the main interventions and actions to be implemented towards integrating the refugee and migrant populations in the Greek society. The new *National Strategy for the Integration of Migrants and Refugees*, while targeting third-country nationals legally residing in Greece, also includes actions to address the specific challenges faced by asylum seekers, beneficiaries of international protection and refugees. For a more detailed account see below section 3.1.2.

#### *D. Return of third-country nationals*

The Greek Ombudsman has been proclaimed as the national monitoring mechanism for the return of third-country nationals on the basis of Directive 2008/115/EC (“Return Directive”) and Law 3907/2011 which transposed it into the Greek legislation. After entry into force of EU Regulation 2016/1624 for the conversion of FRONTEX into the European Border and Coast Guard Agency and the bolstering of its competences in the management of external borders, the Greek Ombudsman was called upon, as a national mechanism for the protection of rights, to work with the newly founded European reporting mechanism of FRONTEX, as well as to appoint investigators for the establishment of an EU pool of monitors, to be called upon by the European agency to participate in European return operations.

According to Eurostat, in 2017, 188,905 third-country nationals were returned, out of 618,780 residing in the EU illegally, in other words slightly less than 1/3 of those registered.

The fact that the dramatic reduction in the numbers of forced returns of third-country nationals in 2018 does not correspond to the high number of administrative detainees to be returned, is highlighted in a special report by the Greek Ombudsman, in its capacity as national monitoring mechanism for returns, according to EU law. The Ombudsman points out that the police return operations are affected by certain dysfunctions in the asylum process and the lack of fully connected data systems. The Ombudsman stresses the im-



portant role of transparency and protection of fundamental rights in planning an effective system of returns at the European level, focusing its critical remarks on the EU Commission's proposal for a Recast Return Directive. Last but not least, the Greek Ombudsman's initiative to engage in networking with its counterparts in other Member States and the Council of Europe, aims at achieving transparency and an independent external monitoring on European forced return operations by FRONTEX, in view of the relevant EU Regulation being under amendment (The Greek Ombudsman 2019).

### *E. Concluding remarks*

Significant efforts have been made so far for the integration of migrants and refugees in the Greek society, although there is still plenty of room for further fine-tuning. Improvements to the legislation in force have contributed to the access of migrants and refugees to basic rights and services. The two main laws 4251/2014, *Migration and Social Integration Code*, and 4375/2016 on asylum issues aim at the social integration of migratory flows. The first piece of legislation introduces important reforms in the area of residence permits for third-country nationals, as well as new organisational arrangements for their social integration in the Hellenic Republic. In an effort to address the negative effects of the economic crisis in Greece, the *Code of Migration and Integration* attempts to institutionalise a series of Migration Advisory Committees, reflecting on the important role of social inclusion. Law 4375/2016 on the organisation and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition of the provisions of Directive 2013/32/EC into the Greek legislation, improves the organisation of the asylum issues. The main problem, however, remains the implementation of the legislative framework.

There is no doubt that the Greek state found itself largely unprepared to deal with the dramatic increase in the inflow of asylum seekers and unauthorised migrants, both in terms of procedures and infrastructures. Until 2015, the Greek state was mainly pursuing the

policies of a transit country (Spyropoulou and Christopoulos, 2016). The closure of the borders by the Balkan countries and the EU-Turkey agreement in the spring of 2016 made it necessary to transform Greek temporary accommodation policies into a long-term social inclusion system for larger numbers of people.

In July 2019, the Greek government announced a new national strategy for the integration of migrants and refugees, taking into account new data that dictated the re-examination of the targets of the Greek State in the area of migration. This new strategy is an attempt to reflect the new realities, mainly the massive influx of mixed migratory flows and the economic situation of the country. The integration strategy of asylum applicants and international protection beneficiaries, unaccompanied minors and male and female migrants, as well as of migrants and refugees belonging to vulnerable groups, constitutes a horizontal policy the realisation of which calls for the collaboration of the Ministry for Citizen Protection (which has assumed, following the July elections, the competences of the former Ministry for Migration Policy) with other competent Ministries and the Local Government, as well as a dialogue with Civil Society agencies.

In Greece, a major problem continues to be the prolonged stay and the geographical limitation of asylum seekers, at the Reception and Identification Centres, in numbers that hugely fall short of the rate of readmissions to the neighbouring country, as the EU-Turkey Agreement of 18/03/2016 aspired to.

The issue of managing irregular migrants remains above all a political issue, for Europe, as well as for Greece. In 2018, the limitations of the current European and national policies for the management of mixed, migrant and refugee, flows became even more salient. The European Union, having already sealed the case of relocation of asylum seekers from Greece and Italy, as a temporary measure that expired on 26/9/2017, has not to date gathered the necessary consensus to reform the common European asylum system.

In order to improve the management of the mixed migration flows, a policy based on three pillars is required: firstly, the government must seek to internationalise the problem to the maximum

degree, and, at the same time, to pursue its management in proportion to its size and capacity. Greek boundaries are finite, and the Greek economy, due to the recent crisis, cannot absorb such waves of migrants and refugees. Secondly, it is imperative that the richest and more powerful European countries (Germany, France) negotiate with Turkey, in order to find points of contact and understanding, so that refugees are no longer used as an alibi for other, obscure aims. Thirdly, competent authorities must be equipped with managing skills and capabilities. The authorities dealing with refugees cannot carry through with asylum applications and the control of refugees and migrants, nor can the Greek Armed Forces and the Coast Guard decisively contribute *ad infinitum*, with limited resources and capabilities, to the control of the phenomenon.

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