

**RESPOND**

## **Working Papers**

### **Global Migration: Consequences and Responses**

Paper 2019/22, July 2019

## **Border Management and Migration Controls in Greece**

Greece Country Report

**Aggelos Ilias, Nadina Leivaditi,  
Evangelia Papatzani & Electra Petracou**

**University of the Aegean**

© Electra Petracou

**Reference:** RESPOND D 2.2

This research was conducted under the Horizon 2020 project 'RESPOND Multilevel Governance of Migration and Beyond' (770564).

The sole responsibility of this publication lies with the author. The European Union is not responsible for any use that may be made of the information contained therein

Any enquiries regarding this publication should be sent to us at: [ipetr@geo.aegean.gr](mailto:ipetr@geo.aegean.gr)

This document is available for download at <https://www.respondmigration.com/>

Horizon 2020

RESPOND: Multilevel Governance  
of Migration and Beyond (770564)



Co-funded by the Horizon 2020 programme  
of the European Union

## Contents

List of Tables .....	4
About the project .....	5
Acknowledgements.....	6
Executive summary .....	7
1. Introduction.....	8
2. Methodology .....	9
3. Developments since 2011 .....	10
4. Legal Framework.....	13
4.1 Pre-entry measures.....	13
Visas.....	13
Carrier sanction legislation .....	15
Advance passenger information/ Passenger Name information .....	17
Immigration liaison officers .....	18
4.2. At the border controls.....	19
Border surveillance .....	23
Border surveillance at sea and sea rescue .....	25
Hotspots .....	26
4.3. Internal Controls.....	29
Internal control and apprehension measures .....	36
4.4. Return, detention for return and readmission .....	38
5. Key discourses and narratives of migration control .....	41
Migration as a security issue .....	41
EU burden sharing and solidarity.....	42
The discourses regarding the “refugee crisis” .....	43
6. Implementation .....	45
6.1 Key actors.....	45
6.2 Key issues with implementing border and migration controls .....	46
6.2.1 Pre-entry .....	46
6.2.2 ‘At the border’ .....	47
6.2.3. Internal controls.....	55
6.2.4. Returns and readmissions .....	59
6.3 Co-operation among sub-national, national and supranational actors .....	60
7. Conclusions .....	61
Literature/References .....	64
Appendices.....	72
Abbreviations.....	74

## List of Tables

Table 1: National Ministries .....	45
Table 2: Key Actors at the Greek Shoreline .....	45
Table 3: Key Actors in Hot-Spots .....	45
Table 4: Key Actors at Pre-Removal Centers.....	46
Table 5: Statistics regarding the Capacity and Occupancy of the RICs on the North-Eastern Aegean islands: 31 January 2019 .....	52
Table 6: Capacity of pre-removal detention centres.....	58
Table 7: Asylum seekers detained by pre-removal centre, 2017.....	58
Table 8: Policy Recommendations .....	63

## About the project

RESPOND: Multilevel Governance of Mass Migration in Europe and Beyond is a comprehensive study of responses to the 2015 Refugee Crisis. One of the most visible impacts of the refugee crisis is the polarization of politics in EU Member States and Intra-Member State policy incoherence in responding to the crisis. Incoherence stems from diverse constitutional structures, legal provisions, economic conditions, public policies and cultural norms, and more research is needed to determine how to mitigate conflicting needs and objectives. With the goal of enhancing the governance capacity and policy coherence of the European Union (EU), its Member States and neighbours, RESPOND brings together fourteen partners from eleven countries and several different disciplines. In particular, the project aims to:

- Provide an in-depth understanding of the governance of recent mass migration at macro, meso and micro levels through cross-country comparative research;
- Critically analyse governance practices with the aim of enhancing the migration governance capacity and policy coherence of the EU, its member states and third countries.

The countries selected for the study are Austria, Germany, Greece, Hungary, Iraq, Italy, Lebanon, Poland, Sweden, Turkey and the United Kingdom. By focusing on these countries, RESPOND studies migration governance along five thematic fields: (1) Border management and migration control, (2) Refugee protection regimes, (3) Reception policies, (4) Integration policies, and (5) Conflicting Europeanization. These fields literally represent refugees' journeys across borders, from their confrontations with protection policies, to their travels through reception centres, and in some cases, ending with their integration into new societies.

To explore all of these dimensions, RESPOND employs a truly interdisciplinary approach, using legal and political analysis, comparative historical analysis, political claims analysis, socio-economic and cultural analysis, longitudinal survey analysis, interview based analysis, and photo voice techniques (some of these methods are implemented later in the project). The research is innovatively designed as multi-level research on migration governance now operates beyond macro level actors, such as states or the EU. Migration management engages meso and micro level actors as well. Local governments, NGOs, associations and refugees are not merely the passive recipients of policies, but are shaping policies from the ground-up.

The project also focuses on learning from refugees. RESPOND defines a new subject position for refugees, as people who have been forced to find creative solutions to life threatening situations and as people who can generate new forms of knowledge and information as a result.

## **Acknowledgements**

The authors would like to acknowledge the support and assistance of Ioannis Papageorgiou, Santy Protogerou, Anna Holloway, Lena Karamanidou, Bernd Kasperek and Maria Kolyva.

## Executive summary

This report presents and analyses the legal system, policies and practices regarding border management and migration control in Greece as a EU and Schengen member state. Since 2011, border management and migration control have significantly expanded in the country. A significant number of events and transformations formed the context of the period in question (2011-2018) such as: the Integrated Border Management Program for Combating Illegal Immigration (2011); the adoption of the Law 3907/2011 regarding the Establishment of an Asylum Service and a First Reception Service; the construction of the Evros fence; the increased arrivals since 2015; the closure of the so-called Western Balkans Corridor; the Joint EU–Turkey Statement of 18 March 2016; the adoption of the Law 4375/2016; and the Hotspot Approach and the Hotspot implementation; and the geographical restriction in the north-eastern Aegean islands.

The overall aim of this report is to present both the legal framework related to border management and migration control in Greece, as well as the complex aspects of its implementation. More specifically, it analyzes the relevant laws as they are formulated through the integration of European regulations and directives into Greek legislation as well as by national initiatives for the formation of the Greek legal system. It also sheds light on key aspects of the implementation of laws and policies on border management and immigration control as they emerged from field research and the review of the relevant literature. Additionally the report presents the main key discourses that have shaped public debate and narratives in Greece on policy issues regarding borders and migration control, by analyzing the views of different politicians who played an important role during the study period.

The report concludes that in terms of implementation, border management and migration control in Greece seem to have significantly intensified during the period in question compared to the previous years. Additionally a crucial gap emerges between the legal framework and its implementation in the country, due to their important differences; a gap between “the laws and real life” (see below).

The methodology of research combined multiple methods such as an in-depth review of legal documents for the analysis of the Greek legal framework and its comparison to EU legislation, review of the literature and the reports of a wide range of institutions and actors, data review from governmental authorities, discourse’ analysis, and also semi-structured interviews with executives and employees of authorities, international organizations and NGOs. The interviews, 15 in total, were conducted in Lesbos Island and Athens from June 2018 to December 2018.

## 1. Introduction

The goal of this report is to present the legal system, policies and practices regarding border management and immigration control<sup>1</sup> since 2011 in Greece as an EU and Schengen member state. It presents the relevant laws as they are formulated through the integration of regulations and directives into Greek legislation as well as by national initiatives for the formation of the Greek legal system concerning border management and migration control. It also sheds light on key aspects of the implementation of laws and policies on border management and immigration control as they emerged from field research and the review of the relevant literature. The information regarding the legal framework and its implementation is organized in four groups: pre-entry controls, controls at the borders, internal controls and returns. The most important developments *vis-à-vis* the legal framework for border management and migration control and their implementation in Greece from 2011 to 2018 are also presented. Finally, the report highlights the main points that have shaped public debate and narratives in Greece on policy issues regarding borders and migration control through the presentation of the views of different politicians who played an important role during the study period.

The text is organized into seven chapters including introduction, methodology and conclusions. The third chapter presents the main developments in border management and migration control since 2011. These include policies and measures, the goals and adoption of policies as they are mentioned in the 2011 Integrated Border Management Program for Combating Illegal Immigration, the construction of the Evros Fence, the 2015 Hotspot approach, the establishment of the Ministry of Migration Policy, Law 4375/2016 for the implementation of the EU–Turkey Statement and the upgrade of the role of EASO in asylum procedures, among others. The fourth chapter deals with the Greek legal framework and is organized into the four following subsections: pre-entry measures, border controls, internal controls and return, detention for return and readmission. Some of the issues presented in these subsections are visas, carrier sanction legislation, advance passenger information, border surveillance, hotspots etc. The fifth chapter focuses on key discourses and narratives on migration control that have prevailed in Greece between 2011 and 2017. An important issue was the change that took place in the dominant political discourse and the media, from the fight against "illegal" immigration to the reception of refugees after 2015. The sixth chapter refers to the implementation of border management and migration controls and also deals with the role of actors in the implementation of external and internal border control policies and their cooperation.

---

<sup>1</sup> We use the term border management to refer to the EU's ensemble of legislation, policies, implementation practices, institutions, and actors that are concerned with defining, conceptualising, and policing of the external border of the member states of the European Union. We use the term migration control to capture modes of control that might fall outside the scope of border management, especially as defined by the 2016 European Border and Coast Guard Directive.



## 2. Methodology

The methodology of research combined diverse methods. An in-depth review of legal documents took place for the analysis of the Greek legal framework and its comparison to EU legislation. Specifically, research was conducted for each EU directive and regulation that was transposed into the Greek legal framework, and a comparison was made (in terms of texts) in order to find similarities or differences. A general review of Greek laws was also performed in order to identify issues related to border management and migration control that were not explicitly transposed from EU legislation. This task was important as, in some cases, directives were not explicitly transposed through distinctive laws but implicitly, as part of migration legislation.

The present research gathered data through semi-structured interviews with executives and employees of authorities, international organizations and NGOs. The interviews, 15 in total, were conducted in Lesbos Island and Athens from June 2018 to December 2018. Researchers in the Evros region conducted two more interviews with authorities in October 2018. The great interest shown in migration and refugee issues and the arrival of many researchers to Lesbos, especially after 2015, seems to have tired those who deal with the subject. Some persons who participated in this research were initially cautious and did not want to talk about these matters, due to the research's relationships with the EU, and they pointed out that the EU knows the problems very well. They were also tired of being continually invited to participate in research on border and migration issues. Another problem was that Lesbos is a small place and everyone knows each other; as a consequence, the identity of the participant is instantly recognized. Officials did not want to share information on what is happening at sea or on other topics such as detention etc., as this is classified as confidential. At the same time, humanitarian actors hesitated to share with us on-the-ground photographs from rescue operations, at least on record. These difficulties were mainly overcome by virtue of the familiarization of researchers with people working in organizations, a fact that gained them their trust. That said, there were other persons who did want to talk in order to report the problems they face in the field.

This research also used reports of international organizations and NGOs, European national official documents and academic literature in order to gather more information about important developments, discourses and the implementation of border and migration policies. As far as key discourses are concerned, this research has chosen speeches and narratives from different politicians who have been involved in the adoption of border and migration policies from 2011 to 2018. The focus was on finding the main terminology of their arguments and the ways in which their views and decisions influenced the border and migration discourse. The participants were aware of the aims of this research, and their anonymity and desire to speak off the record at certain moments of the interview were respected.

### 3. Developments since 2011

Since 2011, border management and migration controls have significantly expanded in Greece. In 2011 in particular, the Greek political authorities adopted the Integrated Border Management Program for Combating Illegal Immigration<sup>2</sup> whose main targets were “the protection of both the EU and national borders”, and the “reduction of the illegal migration” (Ministry of Citizen Protection, 2011). More specifically, the Integrated Border Management Program for Combating Illegal Immigration included:

- The construction of a fence<sup>3</sup> in the southeast of Greece, along the land borders with Turkey, in order to combat ‘illegal’ entries (Evros fence)
- The development of a National Border Surveillance System in line with EU requirements for the development of the European Border Surveillance System (EUROSUR)<sup>4</sup>
- Increased Frontex operational support to Greece in the framework of joint land and sea operations, as well as the provision of technical and operational support to national authorities.
- The operation of First Reception Centers<sup>5</sup>, a new system of reception and identification services
- The staffing of the Asylum Service<sup>6</sup> and the establishment of appeal committees<sup>7</sup>
- Policies of immigrants’ control and apprehension in the urban centers of Greek cities through official “sweep” operations such as Xenios Zeus<sup>8</sup>

Crucially, during the same period the Hellenic Parliament passed Law 3907/2011 for the “Establishment of an Asylum Service and a First Reception Service, adaptation of the Greek legislation to the provisions of Directive 2008/115/EC ‘with regard to the common rules and procedures in Member States for the return of illegally staying third-country nationals’ and other provisions”. Law 3907/2011 established the Asylum Service and First Reception Services as independent from the police who, until 2011, were responsible for a wide range of related issues.

After the construction of the Evros fence, the number of arrivals on the northeastern and south-eastern Aegean islands rose considerably from 2012 to 2014. **After 2015, the Government established by the majority radical left party of Syriza in coalition with right-wing populists ANEL adopted liberal attitude towards migration and implemented actions such as closing down the detention centres and stopping sweep operations against irregular migrants (see below).** In spring 2015, as a result of the war (mainly in Syria) and of the overall adverse conditions prevailing in other countries, people mostly from Syria but also from Iraq, Afghanistan, Eritrea, Somalia started to enter Greece in larger numbers, through the sea borders with Turkey. From 2015 until the beginning of 2016, Greece

---

<sup>2</sup> <http://www.hcg.gr/node/1260>

<sup>3</sup> <https://greece.greekreporter.com/tag/evros-fence/>

<sup>4</sup> [https://ec.europa.eu/home-affairs/content/european-border-surveillance-system-eurosur-0\\_en](https://ec.europa.eu/home-affairs/content/european-border-surveillance-system-eurosur-0_en)

<sup>5</sup> <https://www.firstreception.gov.gr/content.php?lang=en&id=9>

<sup>6</sup> [http://asylo.gov.gr/en/?page\\_id=39](http://asylo.gov.gr/en/?page_id=39)

<sup>7</sup> [http://asylo.gov.gr/en/?page\\_id=52](http://asylo.gov.gr/en/?page_id=52)

<sup>8</sup> <https://www.hrw.org/report/2013/06/12/unwelcome-guests/greek-police-abuses-migrants-athens#>

experienced an unprecedented number of arrivals through its northeastern sea borders. Consequently and **against governments' first more liberal symbolic actions and rhetoric**, national authorities were unable to respond to this emergency situation. During this period, three interrelated key policies played a crucial role in border management and migration control:

- The Hotspot Approach<sup>9</sup>, developed by the European Commission as part of an immediate action plan to assist EU member states located at the external EU border (May 2015). The provision of operational support under the Hotspot Approach would focus on registration and identification procedures, return operations and on assisting in the implementation of the temporary relocation schemes
- The closure of the border with the so-called Western Balkans Corridor<sup>10</sup>
- The Joint EU–Turkey Statement of 18 March 2016, which implied the geographical restriction of asylum seekers on the Greek islands, among others

Between 2011 and 2015, most member states suspended Dublin transfers to Greece due to poor reception conditions. However, in December 2016 the European Commission recommended that all member states resume transfers of asylum seekers to Greece in March 2017<sup>11</sup> under the Dublin regulation.

Additionally, in 2016 the Greek government established a new ministry under the name of Ministry for Migration Policy<sup>12</sup> with responsibilities relating to immigration and integration, along with an independent Asylum Service operating under the ministry's supervision. Moreover, Law 4375/2016<sup>13</sup> was adopted for the implementation of the EU–Turkey Statement, introducing a considerable number of changes regarding the institutional framework, first reception procedures, the asylum procedure, the more intensive involvement of EASO and Frontex in Greece, as well as the management of refugee flows<sup>14</sup>. After the EU–Turkey Statement, the number of arrivals in the Aegean islands decreased<sup>15</sup>. Furthermore, both the EU–Turkey Statement and Law 4375/2016 led to a considerable increase in asylum applications in Greece due to the geographical restriction on the Greek islands. Another significant development regarding the legal framework is the recent Law 4540/2018 that amended the Law 4375/2016. Law 4540/2018 upgrades the role of EASO (European Asylum Support Office) and expands its operation from assessing vulnerability, conducting interviews and drafting opinions in border procedures to similar competencies in the regular asylum procedure.

Furthermore, a major transformation in Greek refugee policy is that, as the country is no longer considered to be in a state of emergency, various international agencies and NGOs have begun a gradual withdrawal from 2017 onwards. Thus, the Greek state will be the only

---

<sup>9</sup> [https://ec.europa.eu/home-affairs/content/hotspot-approach\\_en](https://ec.europa.eu/home-affairs/content/hotspot-approach_en)

<sup>10</sup> <https://www.theguardian.com/world/2016/mar/09/balkans-refugee-route-closed-say-european-leaders>

<sup>11</sup> [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20161208/recommendation\\_on\\_the\\_resumption\\_of\\_transfers\\_to\\_greece\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20161208/recommendation_on_the_resumption_of_transfers_to_greece_en.pdf)

<sup>12</sup> [http://www.immigration.gov.gr/en\\_US/web/guest/elleniki-metanasteutiki-politiki](http://www.immigration.gov.gr/en_US/web/guest/elleniki-metanasteutiki-politiki)

<sup>13</sup> Law 4375/2016, Official Gazette 51/A/3-4-2016, available at: <http://goo.gl/xkdhWo>

<sup>14</sup> <https://www.asylumineurope.org/news/04-04-2016/greece-asylum-reform-wake-eu-turkey-deal>

<sup>15</sup> <https://www.esiweb.org/pdf/ESI%20core%20facts%20-%20Greece%20Refugees%20Asylum%20-%2026%20January%202018.pdf>

one receiving EU funding to set up reception services for newcomers. According to research, roundtable discussions and interviews conducted for the needs of the present report, this transformation has created numerous difficulties and delays, widening the already existing gap between policy formulation and implementation. People who have been recognized as 'vulnerable', and are therefore no longer subject to geographical restriction on the islands, remain in hotspot areas for months due to significant delays in the identification of empty spaces in mainland sites. As a result, border areas (northeastern Aegean islands) are still over capacity, forcing the majority of asylum seekers to live under suffocating conditions.

Last but not least, there are still serious concerns regarding pushbacks across the Turkey-Greece land borders. Reports and narratives of refugees being illegally returned to Evros are steadily increasing. They describe how persons in need of international protection, asylum seekers and refugees, cross the border through Evros only to be arrested on Greek territory, detained, escorted by police back to the border and returned to Turkey<sup>16</sup>.

---

<sup>16</sup><https://www.gcr.gr/en/news/press-releases-announcements/item/1028-the-new-normality-continuous-push-backs-of-third-country-nationals-on-the-evros-river>  
<https://www.asylumineurope.org/reports/country/greece/asylum-procedure/access-procedure-and-registration/access-territory-and-push>

## 4. Legal Framework

Greece is a member state of the EU since 1981 and signed the Schengen Agreement in 1992, becoming a Schengen member in 2000. In 1990, the Schengen Convention (an agreement between five European countries for the abolition of controls at their common borders) was incorporated into the European Union treaties through the Schengen Protocol of the Treaty of Amsterdam 1997 and came into effect in 1999, creating the Schengen area.

In 1997, the Hellenic Parliament ratified both the Schengen Agreement and the Schengen Convention through Law 2514/1997. The ratification consisted of: 1) the Agreement between the governments of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders; 2) the Convention implementing said Agreement between the same states; and 3) the Protocols and Accession Agreements to the abovementioned Agreements: the Italian Republic, the Kingdom of Spain, the Portuguese Republic, the Hellenic Republic, the Republic of Austria, the Republic of Finland, the Kingdom of Denmark and the Kingdom of Sweden, with their Final Act, Minutes, Declarations and Joint Declarations. The Agreement began to be implemented in 2000 when, for the first time, checks at the Greek borders were abolished.

This chapter lays out the national legal framework governing border management and migration control, including EU regulations, directives and national legislation. It should be mentioned that a regulation is a binding legislative act that must be applied in its entirety across the EU and does not require transposition in the national legislation. In contrast, a directive is a legislative act that sets out a goal for all EU countries to achieve, and it is up to the individual countries to devise their own laws in order to attain this goal.

### 4.1 Pre-entry measures

A number of legislative arrangements on border management and migration control consist of pre-entry measures that, in the case of Greece, are prescribed by both EU law and national legislation. These measures include visa policies, carrier sanctions, advance passenger information and immigration liaison officers, and their target is to prevent irregular migration and enhance border management. As scholars have argued, these measures have a limited scope, as they “operate over relatively rich migrants who attempt to enter the EU from regular border crossing points, using either legal or forged documents” (Topak, 2014: 817).

#### Visas

European Legislation	National Legislation
----------------------	----------------------

<p><b>Council Regulation (EC) No 539/2001</b> of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.</p>	
	<p><b>VISA Obligation – Exemptions applied by Greece in accordance with Council Regulation (EC) No 539/2001</b>, as amended by REGULATION (EC) No 2414/2001, REGULATION (EC) No 453/2003, REGULATION (EC) No 1932/2006, REGULATION (EC) No 1244/2009, REGULATION (EU) No<sup>17</sup> 1091/2010 AND REGULATION (EU) No 1211/2010, and REGULATION (EU) No 509/2014</p>
<p><b>Regulation (EC) No 767/2008</b> of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation)</p>	
<p><b>Regulation (EC) No 810/2009</b> of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code)</p>	
	<p><b>Law 4251/2014</b> Immigration and Social Integration Code and other provisions.</p> <p><b>Law 4332/2015</b> Amendment of the provisions of the Greek Nationality Code – Amendment of Law 4521/2014 to transpose to Greek law Directive 2011/98/EU of the European Parliament and of the Council “on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third country workers legally residing in a Member State” and Directive 2014/36/EU “on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers” and other provisions.</p>

For short-term stays in the Greek territory, the relevant EU regulations apply, while national law regulates the issuance of long-term visas. The key legislative acts regarding the issuance of short-term visas are the following: a) **The Council Regulation 539/2001** (listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement), b) **the Regulation**

<sup>17</sup> <https://www.mfa.gr/en/visas/visas-for-foreigners-traveling-to-greece/countries-requiring-or-not-requiring-visa.html>

(EC) No 810/2009 (that established a Community Code on Visas - Visa Code), and c) **the Regulation (EC) No 767/2008** (concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas - VIS Regulation).

The Regulation (EC) No 810/2009 came into force in Greece in April 2010. Additionally, issues of Visa policy, are defined in the Greek legal framework by **Law 4251/2014** Immigration and Social Integration Code and other provisions which replaced the Law 3386/2005, and **Law 4332/2015**. These Laws provide the definitions of the Uniform Visa (C Visa), and Long-stay Visa (National visa - D Visa) . “Type C uniform visa means the visa valid in the entire territory of the EU Member States which implement the provisions of the EU Visa Code and it is granted for crossing the territory of these Member States or for intended residence therein, which does not exceed 90 days within a 180-day period in the territory of the Member States of the enhanced Schengen cooperation” (Law 4251/2014, article 1). Long term Visa (national visa D category) is “granted to third-country nationals by competent Greek authorities for entrance and residence in the Greek territory for a period longer than ninety (90) days and up to 365 days, in accordance with national or EU law with respect to the residence status of third-country nationals” – as defined by the Law 4332/2015 (article 6) that replaced the definition provided in the Law o 4251/2014, where the period of allowance was for more than 180 days and up to 365 days.

Law 4251/2014 (article 4), stipulates that the Greek control authorities may prohibit the entry of a third-country national into Greece if he or she – among others – has no valid visa, if so required in accordance with Council Regulation (EC) No 539/2001 of 15 March 2001 that lists the third countries whose nationals must be in possession of visas when crossing the external borders of EU Member States. The provisions of Law 4251/2014 as amended by the Law 4332/2015 are not applicable, among others:

- To “beneficiaries of international protection and the applicants for international protection, within the meaning of the Geneva Convention of 1951 and according to national laws”,
- To “persons who are authorised to reside in Greece on the basis of temporary protection or have applied for authorization to reside on that basis and are awaiting a decision on their status”, and
- To “persons granted subsidiary protection status” (Law 4251/2014, art. 2; Law 4332/2015, art. 6).

### Carrier sanction legislation

European Legislation	National Legislation
<b>Council Directive 2001/51/EC</b> of 28 June 2001 supplementing the provisions of Article	<b>Law 2514/1997</b> Schengen Agreement

<p>26 of the Convention implementing the Schengen Agreement of 14 June 1985 (carrier sanctions)</p>	<p><b>Law 3153/2003</b> Naval vocational training, training and further training and regulation of other matters within the competence of the Ministry of Mercantile Marine, Art. 37.</p> <p><b>Law 3386/2005</b> Codification of Legislation on the Entry, Residence and Social Integration of Third Country Nationals on Greek Territory, Art. 88.</p> <p><b>Law 3613/2007</b> Arrangements of issues of Independent Authorities, General Inspector of Public Administration, Inspectors of Public Administration Auditors, and other issues within the Ministry of the Interior, Art. 28.</p> <p><b>Law 4251/2014</b> Immigration and Social Integration Code and other provisions.</p> <p><b>Law 4332/2015</b> Amendment of the provisions of the Greek Nationality Code – Amendment of Law 4521/2014 to transpose to Greek law Directive 2011/98/EU of the European Parliament and of the Council “on a single Application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State” and Directive 2014/36/EU “on the conditions of entry and stay of third country nationals for the purpose of employment as seasonal workers” and other provisions.</p>
---	---

The possession of the required travel documents for entry constitutes an obligation of the carriers, whose infringement could impose penalties. Additionally, **Council Directive 2001/51** “obliges member states to enforce the responsibility of carriers to return third country nationals in transit to another member state when the state of destination has refused entry or if a carrier has refused the onward transportation to the state of destination” (Karamanidou and Kasperek, 2018:36).

According to **Law 4251/2014 (article 30) which amended the Law 3386/2005 (art. 88)**, “captains or pilots of ships, vessels or aircrafts and drivers of any means of transport along with Airlines or shipping companies, as well as any other natural person or legal entity performing any type of public transportation of persons, shall not accept to carry and shall take all measures to prevent the transportation from abroad to Greece of third-country nationals who: a) do not possess the required valid passports or other travel documents and visas, or



b) are in possession of passports or other travel documents with indications of forgery or falsification” (Law 4251/2014, art. 30). A number of obligations of carriers and penalties are defined in the Greek legislation, and through Law 4251/2014 (article 30) they are more restrictive compared to the Law 3386/2005. Carriers that transfer into Greece third-country nationals who do not have the right to enter the Greek territory or whose entry has been prohibited for any reason, as well as persons who collect them from entry points, external or internal borders, with a view to move them inland or to the territory of an EU Member State or a third country, or facilitate their transportation or provide them with accommodation for concealment, shall be sentenced to penalties that vary from imprisonment of ten (10) years to life imprisonment, and fines from ten thousand (10.000) to thirty thousand (30.000) euros for each transported person, and to seven hundred thousand (700.000) euros in total, depending on the characteristics of the act (profit making, endangering human life etc.) (Law 4251/2014). Additionally, the aforementioned persons and travel agencies “shall be wholly liable for the costs of subsistence and return of the said persons abroad” (Law 4251/2014, art.4).

The aforementioned penalties in the Greek legislation are higher compared to those determined in the Directive. Additionally, exemptions from penalties on the grounds of asylum seeking vary across member states. In the Greek case, and according to **Law 4332/2015 (article 14)**, the aforementioned sanctions “are not imposed in the case of rescue at sea, transfer of people in need of international protection in accordance with the principles of international law, as well as in the case of push to the inland or facilitation of travel, for the purpose of falling under the procedures of Article 83 of Law 3386/2005 or of Article 13 of Law 3907/2011 after the competent police and coast guard authorities are notified” (regarding e.g. third country nationals who enter the country illegally and are transferred to the First Reception Centers, according to Law 3907/2011, art. 13).

### Advance passenger information/ Passenger Name information

European Legislation	National Legislation
<p><b>Council Directive 2004/82/EC</b> of 29 April 2004 on the obligation of carriers to communicate passenger data</p>	<p><b>Presidential Decree 53/2008</b> Adaptation of Greek legislation to the provisions of Directive 2004/82/EC of the Council of the European Union of 29 April 2004 (EEL261 /</p>

	24 of 6.8.2004) on the obligation of air carriers to communicate passenger data.
<b>Directive (EU) 2016/681</b> of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime	<b>Law 4579/2018</b> Obligations of air carriers concerning the passenger records - adaptation of legislation in Directive (EU) 2016/681 and other provisions.

Through the **Presidential Decree 53/2008**, the Council Directive 2004/82/EC was transposed in the Greek legislation. Air carriers operating flights to Greece, coming from non-European countries are obliged to provide the data of the third countries passengers that intend to enter in the Greek territory. The data required by the Presidential Decree 53/2008 **are identical** with those determined by the Council Directive 2004/82/EC. The aforementioned obligation does not exist in the case of third countries passengers that departed from EU member states. The authorities could maintain the provided data in a specific computerized system file for a period of 24 hours (as also determined by the Directive), that could be extended in cases “where further processing is needed in the future in order to facilitate the control of travel traffic, as well as for those in which the sanctioning process has been promoted” (Presidential Decree 53/2008, article 5). Air carriers, who do not forward the data or transmit them incompletely or inaccurately, are liable to pay fines that range from at least 3.000 euros up to 5.000 euros for each flight (Presidential Decree 53/2008, article 7).

Additionally, Directive (EU) 2016/681 was transposed in the Greek legislation through the recent **Law 4579/2018**. While the Directive applies to flight from third countries to the EU (art. 1), in the case of the Law 4579/2018 it also applies to intra-EU flights (Law 4579/2018, art. 2) which depart from or land in Greek territory. Data can be retained for 5 years, and they must be depersonalized after six months by covering a number of other data, which can be used for the immediate identification of the passenger to which they are mentioned (Law 579/2018, art. 14). Other smaller differences between the text of the Directive (EU) 2016/681 and of the Law 4579/2018 exist, such as in the list of the “serious crimes”, where instead of “corruption” (Directive (EU) 2016/681), the “bribery or corruption of political dignitaries, officials and judicial officers” is mentioned (Law No. 4579/2018), and instead of “fraud, including that against the financial interests of the Union” (Directive (EU) 2016/681), the “fraud against the Greek State and the financial interests of the European Union” (Law No. 4579/2018) is mentioned.

### Immigration liaison officers

European Legislation / National Legislation
<b>Council Regulation (EC) No 377/2004</b> of 19 February 2004 on the creation of an immigration liaison officers network
<b>Regulation (EU) No 1168/2011</b> of the European Parliament and of the Council of 25 October 2011 amending Council Regulation (EC) No 2007/2004 establishing a European Agency for

the Management of Operational Cooperation at the External Borders of the Member States of the European Union
--

<b>Regulation (EU) 2016/1624</b> of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC
---

**Council Regulation (EC) No 377/2004**, established an immigration liaison officers (ILO) network to be posted in non-member states. The role ILO officers, deployed by member states, is “to establish and maintain contacts with the authorities of the host country with a view to contributing to the prevention and combating of illegal immigration, the return of illegal immigrants and the management of legal migration” (Council Regulation (EC) No 377/2004). It should be also mentioned that the Regulation was tabled by the Greek government who at the time saw it as an important operational issue. More particularly in 2003 one of the main priorities of the Greek Presidency was the need to improve the work of ILOs Networks<sup>18</sup>. Through the **Regulation (EU) No 1168/2011**, it is stipulated that FRONTEX can “deploy liaison officers in third countries in cooperation with the competent authorities of those countries” (Regulation (EU) No 1168/2011). Additionally, **Regulation (EU) 2016/1624** stipulated that the Agency could deploy liaison officers in third countries (Karamanidou and Kasperek, 2018).

## 4.2. At the border controls

European Legislation	National Legislation
<b>Regulation (EC) No 1987/2006</b> of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second-generation <b>Schengen Information System (SIS II)</b>	
<b>Regulation (EU) No 603/2013</b> of the European Parliament and of the Council of 26 June 2013 on the establishment of “ <b>EURODAC</b> ”	

<sup>18</sup> <https://publications.europa.eu/en/publication-detail/-/publication/3a02447f-47c0-11e8-be1d-01aa75ed71a1/language-en/format-PDF/source-70763267>

<p><b>Regulation (EU) 2016/399</b> of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (<b>Schengen Borders Code</b>)</p>	
<p><b>Regulation (EU) 2017/458</b> of the European Parliament and of the Council of 15 March 2017 amending Regulation (EU) 2016/399 as regards the reinforcement of checks against relevant databases at external borders</p>	
<p><b>Regulation (EU) 2017/2226</b> of the European Parliament and of the Council of 30 November 2017 establishing an <b>Entry/Exit System (EES)</b> to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011</p>	
<p><b>Facilitators package</b> (EU legislation on smuggling)</p> <p><b>Council Directive 2002/90/EC</b> of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence</p> <p><b>2002/946/JHA:</b> Council framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence</p>	<p><b>Law 3386/2005</b> Codification of Legislation on the Entry, Residence and Social Integration of Third Country Nationals on Greek Territory, art.88.</p> <p><b>Law 3536/2007</b> Special arrangements for immigration policy and other matters falling within the competence of the Ministry of the Interior, Public Administration and Decentralisation.</p> <p><b>Law 4251/2014</b> Immigration and Social Integration Code and other provisions.</p> <p><b>Law 4332/2015</b> Amendment of the provisions of the Greek Nationality Code – Amendment of Law 4521/2014 to transpose to Greek law Directive 2011/98/EU of the European Parliament and of the Council “on a single Application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State” and Directive 2014/36/EU “on the conditions of entry and stay of third country nationals for the purpose of employment as seasonal workers” and other provisions.</p>

The control of the EU external border is regulated by the **Schengen Borders Code** (SBC), which was adopted in 2006 by replacing previous arrangements. According to Schengen Borders Code any person can cross national borders within the Schengen territory without border checks, regardless of their nationality. However, member states can introduce **temporary national border controls** when there is a ‘serious threat to public policy or internal

security' for a limited period of up to 30 days, or for as long as a serious threat lasts. Information stored in the three key databases established by EU law – VIS, SIS and EURODAC - is also a crucial element in national border controls. As already mentioned in previous chapters, the use of these databases, were adopted through the Regulation (EC) No 767/2008, Regulation (EC) No 1987/2006, and the Regulation (EU) No 603/2013.

Additionally, the SBC stipulates that border authorities must consult the SIS and VIS databases when performing checks on third country nationals. Through the **Regulation (EU) 2016/399**, the Schengen Borders Code was recast, and the Regulation stipulates that border authorities of member states are empowered to check the SIS database for alerts on persons and they must also consult the VIS database in the case of third country nationals that hold a visa (Karamanidou and Kasperek, 2018). With the **Regulation (EU) 2017/458** of the European Parliament and of the Council of 15 March 2017, the Regulation (EU) 2016/399 was amended as regards the reinforcement of checks against relevant databases at external borders. Furthermore, the **Regulation (EU) 2017/2226** of the European Parliament and of the Council of 30 November 2017 established an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes. **Regulation (EC) No 1987/2006** of the European Parliament and of the Council of 20 December 2006 established the second-generation Schengen Information System (SIS II). Consequently, all the aforementioned regulations are Greek laws. More precisely, in **the case of Greece**, the Hellenic Police, the Coast Guard, the Customs, the Ministry of Justice, Transparency and Human Rights, the Ministry of Foreign Affairs, the Ministry of the Interior, and the Ministry of Transports have **access to the SIS II** (Hellenic Police, 2018). Moreover, the 3rd S.I.RE.N.E, section of the International Police Cooperation Division at the Hellenic Police Headquarters, has the responsibility of handling the information entered in the SIS (Hellenic Police, 2018). The **Regulation (EU) No 603/2013** of the European Parliament and of the Council of 26 June 2013 established the European fingerprint database “**EURODAC**”, with the purpose of storing fingerprints of asylum seekers and persons apprehended while irregularly crossing the EU external border. In 2015, the European Commission launched infringement proceedings against Greece for the incorrect application of the recast EURODAC Regulation (EU-LISA, 2016:5).

Issues of border crossing of third country nationals within Greek territory are regulated by **Law 4251/2014** “Immigration and Social Integration Code and other provisions”, Law 4251/2014 replaced **Law 3386/2005** in this regard, through which the Council Directive 2002/90/EC regulations were transposed into the Greek legislation (Hailbronner, K. and G. Jochum, 2007). Furthermore, **Law 4332/2015**, article 8, amended the article 3 of Law 4251/2014, regarding the points of entry-exit, and entry-exit checks. According to art.8, entry into and exit from the Greek territory are only permitted through controlled border crossings (airports, ports and land crossings on the country’s borders) that are defined by a joint ministerial decision of a number of Ministries. The same authorities are also responsible for defining the content of check and control, the competent agents and the procedure for the implementation of judicial decisions and administrative acts in relation to entry to and exit from the country. As defined by Law 4251/2014 (article 4), the Greek control authorities may reasonably prohibit the entry of a third-country national into Greece reasoned decision in a standard form (standard entry refusal form), in accordance with the Schengen Borders Code (Regulation (EC) No 562/2006)” (Law 4251/2014, article 4). As mentioned in Law 4251/2014,

“the Greek control authorities may force a third country national in transit to depart immediately if such national has no visa, if required, or a ticket to continue the trip both to the country of destination and the transit countries whose territory will be necessarily transited” (Law 4251/2014, article 3). The provisions of Law.4251/2014 are not applicable - among others - to “beneficiaries of international protection and the applicants for international protection, within the meaning of the Geneva Convention of 1951 and according to national laws”, to “persons who are authorized to reside in Greece on the basis of temporary protection or have applied for authorization to reside on that basis and are awaiting a decision on their status”, and to “persons granted subsidiary protection status”.

According to **Law 3386/2005**, imprisonment of at least three months and a fine of at least one thousand five hundred (1500) euros should punish third-country nationals who exit or attempt to exit Greece or enter or attempt to enter Greece without legal formalities. If the person attempting to depart illegally is wanted by judicial or police authorities or has tax or other obligations to the State or is a recidivist, this shall be considered as aggravating circumstances and he/she shall be punished by imprisonment of at least three months and a fine of at least three thousand (3000) euros (Law 3386/2005, art.83). The provisions of **Law 3386/2005** were not applicable - among others - to refugees, applicants for international protection, and persons granted subsidiary protection status. Additionally, third-country nationals entering Greece irregularly could be issued with a deportation decision (76 (1) L. 3386/2005). **Law 3386/2005** was replaced by the Law 4251/2014, while since 2011, “third-country nationals arrested illegally entering the country are directly transferred, on the responsibility of the authority that arrested them, to the First Reception Centre or Unit, in the boundaries of the local jurisdiction of which they were arrested” (**Law 3907/2011**, art.13). More recently, through **Law 4375/2016** “Third-country nationals or stateless persons entering without complying with the legal formalities in the country shall be directly led, under the responsibility of the police or port authorities dealing in accordance with the relevant provisions, to a Reception and identification Centre” (Law 4375/2016, art.14). They are placed under a status of restriction of liberty by decision of the Manager of the Centre in order to be subject to the reception and identification procedures. The decision shall be issued within 3 days of their arrival and the restriction of liberty may be extended by the Manager of the Centre until the completion of these procedures and for a period not exceeding 25 days from their entry into the Centre (Law 4375/2016, art.14).

A framework according to which member states can introduce sanctions against persons who assist non-nationals to enter, transit or, for financial gain, reside in the territory of member states in breach of national laws was created through the Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorized entry, transit and residence, (Karamanidou and Kasperek, 2018). **Council Framework decision 2002/946/JHA** further elaborated on the strengthening of the penal framework to prevent the facilitation of unauthorized entry, transit and residence. Through **Law 4251/2014** stipulates relevant measures (as this law replaced the Law 3386/2005 in this regard): “persons who **facilitate the entry or exit** from the Greek territory of third-country nationals without performance of the checks stipulated in Article 5 shall be sentenced up to ten (10) years of imprisonment and a fine of twenty thousand (20000) euro as a minimum. If the act was carried out with a view to making a profit or by profession or habit, or if two (2) or more persons acted jointly, the above shall be sentenced to at least ten (10) years of imprisonment and a fine of fifty thousand (50000) euro as a minimum” (Law 4251/2014, art. 29).

Law 3386/2005 deals with illegal entry and applies once the person has entered the country without authorization and is arrested by the authorities. This law is in force for 48 hours until the person has expressed an intention to seek asylum and has been surrendered and detained in the camp by command of the R.I.C Director. The person, who does not apply for asylum, enters the readmission process. It should be noted that newcomers entering from Turkey to the northeastern Aegean islands are subject to the EU-Turkey Statement's arrangements regarding returns, while those entering from the Greek-Turkish land borders are subject to the readmission protocol between Greece and Turkey (2002) (for more details see chapter of returns and implementation). Law 3907/2011 refers to and applies to those who remain in the country without authorization.

### Border surveillance

European Legislation	National Legislation
<p><b>Regulation (EU) No 1168/2011</b> of the European Parliament and of the Council of 25 October 2011 amending Council Regulation (EC) No 2007/2004 establishing a <b>European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union</b></p>	
<p><b>Regulation (EU) No 1052/2013</b> of the European Parliament and of the Council of 22 October 2013 establishing the European Border Surveillance System (<b>Eurosur</b>)</p>	
<p><b>Regulation (EU) 2016/399</b> of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (<b>Schengen Borders Code</b>)</p>	
<p><b>Regulation (EU) 2016/1624</b> of the European Parliament and of the Council of 14 September 2016 on the <b>European Border and Coast Guard</b> and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC</p>	
	<p><b>Law 3902/2010</b> Ratification of Headquarters Agreement between the Hellenic Republic and FRONTEX (European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union), for the hosting of the FRONTEX Business Office in Greece.</p> <p><b>Law 4249/2014</b> Reorganization of the Hellenic Police, the Fire Brigade and the General Secretariat for Civil Protection, the upgrading of the Ministry of Public Order and Citizen Protection and regulation of other issues within the competence of the Ministry of Public Order and Citizen Protection and other provisions.</p>

	<p><b>Law 4332/2015</b> Amendment of the provisions of the Greek Nationality Code – Amendment of Law 4521/2014 to transpose to Greek law Directive 2011/98/EU of the European Parliament and of the Council “on a single Application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third country workers legally residing in a Member State” and Directive 2014/36/EU “on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers” and other provisions.</p>
--	--

According to Law **4332/2015**, article 8, which amended the article 3 of the Law 4251/2014, the Greek police and coast police authorities are responsible for the surveillance of land and sea borders. The “protection” of the borders is a responsibility of the Hellenic Police, through its Border Protection Directorate (4249/2014, article 18). The involvement of FRONTEX in border surveillance operations was regulated by the **Regulation 1168/2011**, stipulating that FRONTEX “assist Member States in circumstances requiring increased technical and operational assistance at the external borders” as well as it coordinates “operational cooperation between Member States in the field of management of external borders” (Regulation 1168/2011). Through the **Law 4249/2014**, the Hellenic Police coordinates with the relevant authorities and Services of other countries, and it participates in FRONTEX (Law 4249/2014, article 11). Additionally, through the **Law 3902/2010** transposing **Council Regulation (EC) No 2007/2004** of 26 October 2004, the ratification of Headquarters Agreement between the Hellenic Republic and FRONTEX (European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union), for the hosting of the FRONTEX Operational Office in Greece was defined.

**Regulation (EU) No 1052/2013** established the European Border Surveillance System (**EUROSUR**), which is described as a system for the exchange of information and for operational cooperation (Karamanidou and Kasperek, 2018). All member states are called upon to establish a “national coordination center” which in the case of Greece was regulated through the **Law 4249/2014**. Through this Law, the **National Coordination Center for Border Control, Immigration and Asylum** (N.C.C.B.C.I.A.) was established in Greece, with main task the coordination of actions of all the agencies at national level on issues of immigration and asylum. The N.C.C.B.C.I.A. is an independent service directly subordinated to the Deputy Minister of Interior and it implements the national border surveillance system and exchanges information among all the competent Member States authorities and FRONTEX (Law 4249/2014, art. 101-103).

Furthermore, the decision for the construction of a **fence at Evros region** was also taken in 2011 and the construction was completed in 2012. The construction of the fence was presented as part of the “Integrated Border Management Program” that Greece initiated in 2011 as part of the EU-level process for the formation of EUROSUR. The fence was constructed on the Greek side of the land border between Greece and Turkey, between the



village of Kastanies and the town of Nea Vyssa and its length was 10.3 km. Despite its cost in a period of economic crisis for Greece, the fence at Evros region was a move enabled by the securitization of migration and border control at the national level (Grigoriadis and Dilek, 2018).

**Regulation (EU) 2016/1624** of the European Parliament and of the Council of 14 September 2016, issued recommendations to member states to initiate **joint operation and rapid interventions**, and also “it accords FRONTEX the power to intervene at the external border of a member state without the consent of the member state itself” (Karamanidou and Kasperek, 2018:47). **In the case of Greece, Rapid Border Intervention Teams** were launched in 26/10/2010 in the Evros River region, after a request from Greek authorities (Frontex, 2010a). This was the first instance of a EU member state requesting RABIT deployments on its external borders to confront emergency conditions. RABIT Operation 2010 came to an end on March 2011, and it was replaced by the **JO Poseidon Land 2011** that was active in the area of Evros since 2006 prior to the RABIT deployment (Frontex, 2011; Aggeli et al., 2014). Joint Operation Poseidon was launched in the beginning as a sea-based operation on the Greek-Turkish maritime borders, but it was amended to provide also a permanent land-based component covering the Greek and Bulgarian land borders with Turkey (Frontex 2010b). Additionally, after the completion of RABIT 2010 the upgraded **Hermes 2011** ground operation was under way and lasted through January 2012. Furthermore, **the operation “ASPIDA”** was initiated in August 2012 in the region of Evros, aiming to enhance border controls, surveillance and patrolling activities at the Greek-Turkish land border.

### Border surveillance at sea and sea rescue

European Legislation	National Legislation
International Convention for the Safety of Life at Sea (SOLAS)	<b>Law 1045/1980</b> Ratification of the International Convention for the “Safety of Life at Sea 1974” signed in London, and other provisions.
International Convention (SAR)	<b>Law 1844/1989</b> Ratification of the Convention on Maritime Search and Rescue and other provisions
United nations Convention on the law of the sea	<b>Law 2321/1995</b> Ratification of the United nations Convention on the law of the sea and of the Agreement that regards the part XI’s implementation of the convention.
<b>Regulation (EU) No 1168/2011</b> of the European Parliament and of the Council of 25 October 2011 amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union	
<b>Regulation (EU) 2016/1624</b> of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC	

As it has been mentioned, the Aegean can be regarded as “a sea under surveillance” and surveillance systems in the Aegean Sea and on the islands tend to move from “patrolling driven” to “intelligence driven” operations (Dijstelbloem et al., 2017) in which “patrolling the sea with various types of vessels and air units is increasingly combined with “smarter” systems, such as radars, satellites, and coordination centers” (Topak, 2014: 9). Apart from its role in the land borders, the involvement of FRONTEX in sea border surveillance operations was regulated also by **Regulation 1168/2011**, through the “establishment of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union” (Regulation (EU) No 1168/2011), while **Regulation (EU) 2016/1624** of the European Parliament and of the Council of 14 September 2016, can issue recommendations to member states to initiate joint operation and rapid interventions at sea borders too. In the case of Greece, beyond the operations in the land borders, sea operations were also launched. As already mentioned, according to **Law 4332/2015**, article 8, the Greek Police and Coast Guard authorities are responsible for the surveillance of land and sea borders. Additionally, through **Law 4249/2014**, the Greek Police coordinates with the relevant authorities and Services of other countries, and it participates in FRONTEX (Law 4249/2014, article 11). FRONTEX’s Operational Office is hosting in Greece as defined by the **Law 3902/2010**. **Joint Operation Poseidon** was launched in 2006 as a sea-based operation on the Greek-Turkish maritime borders (2010b). Additionally, Hermes 2011 sea operation was carried out, from April 2011 to December 2011, which aimed at ensuring an increase in FRONTEX’s operational effectiveness. During 2016, after the request of the Greek authorities for additional assistance at its external borders in the Aegean to FRONTEX, **Poseidon Rapid Intervention** replaced **Joint Operation Poseidon Sea** with a higher number of officers to assist the Greek authorities in border surveillance, identification and fingerprinting of arriving migrants (Frontex, 2016).

Additionally it should be mentioned that the Regulation (EU) 2016/1624 stipulates that search and rescue operations must conform to the United Nations Convention on the Law of the Sea, the International Convention for the Safety of Life at Sea (SOLAS), and the International Convention on Maritime Search and Rescue (SAR). In the case of Greece, the United Nations Convention on the Law of the Sea was ratified through **Law 2321/1995**, SOLAS was ratified through **Law 1045/1980**, and SAR was ratified through **Law 1844/1989**. The amendments of the international conventions were defined in Greece through the **PD 201/2000**, **PD 199/2005**, **PD 137/2007** and the **PD 97/2009**. According to Dijstelbloem et al., “official Greek policy maintains a sharp division between surveillance and SAR which leads to a division of labour between governmental agencies and officials working ‘from the screen’ on the one hand and the agencies and officials who physically encounter migrants when protecting the border on land or at sea” (Dijstelbloem et al., 2017).

## Hotspots

European Legislation	National Legislation
<b>Regulation (EU) 2016/1624</b> of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No	

863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC	
	<p><b>Law 3907/2011</b> Establishment of an Asylum Service and a First Reception Service, adaptation of the Greek legislation to the provisions of Directive 2008/115/EC “with regard to the common rules and procedures in Member States for the return of illegally staying third-country nationals” and other provisions.</p> <p><b>Law 4375/2016</b> On the organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EC “on common procedures for granting and withdrawing the status of international protection (recast) (L 180/29.6.2013), provisions on the employment of beneficiaries of international protection and other provisions.</p>

The hotspot areas, as a concept, were first introduced by the Commission in its European Agenda on Migration in May 2015, while through the **Regulation (EU) 2016/1624** of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard, it found its first legal codification, as part of a larger policy framework in the European Agenda on Migration. The hotspot approach constituted the fitting instrument to organize the re-stabilization of the European border regime (Antonakaki et al., 2016).

In the case of Greece, the hotspot approach is regulated in national legal framework, through **Law 4375/2016** which introduced both significant changes to asylum and reception procedures, and the “Reception and Identification Centers” (RICs). Earlier, through the 2010 Greek Action Plan on Asylum, the first reception procedures had been defined through the First Reception Service (FRS), established by Law **3907/2011**. “In practice, the concept of reception and identification procedures for newly arrived under Greek law predates the “hotspot” approach” (Aida, 2017: 26). In the light of the EU-Turkey statement of 18 March 2016, the Law 4375/2016 intended to regulate the establishment and function of hotspots through the RICs and the relevant procedures. As the Law mentions, “a joint decision by the Minister of Finance and the Minister of the Interior and Administrative Reconstruction shall establish Reception and identification Centers in border areas of Greece, where this is deemed necessary, taking into account the number of persons entering without complying with the legal formalities” (Law 4375/2016, article 10) and “Reception and Identification Centers shall also be established by joint decision of the Minister of Finance and the Minister of the Interior and Administrative Reconstruction in inland areas, for the purposes of the reception and identification procedures” (Law 4375/2016, article 10).

Accordingly, Law **4375/2016** defines that “all third-country nationals and stateless persons who enter without complying with the legal formalities in the country shall be submitted to reception and identification procedures” (Law 4375/2016, art. 9), while Law **3907/2011** defined that “All third-country nationals arrested entering the country without legal formalities are subject to first reception procedures” (Law 3907/2011, art. 7). According to Law **4375/2016**, the main mission of the RIS “shall be the efficient conduct of the procedures for receiving and identifying third country nationals or stateless persons entering the country without complying with the legal formalities”.

Newly arrived persons transferred to a Reception and Identification Centre (RIC), **are subject to a 3-day restriction of liberty within the premises of the center** (Law 4375/2016). If, upon expiry of the three days, the above procedures have not been completed, the Manager of the Centre may, decide to extend the restriction of the freedom until the completion of these procedures and for a period not exceeding twenty-five (25) days from their entry into the Centre (Law 4375/2016, art. 14). This restriction of freedom entails the prohibition to leave the Centre and the obligation to remain in it (Law 4375/2016, article 14). The decision to extend the restriction of liberty in order to complete the reception and identification procedures shall contain the reasoning, in fact and in law, and shall be in writing. The third country national or stateless person who is under restriction of liberty may raise objections against the decision to extend his/her restriction of liberty before the President of the local Administrative Court of First Instance (Law 4375/2016, art. 14). If, after the expiry of the aforementioned period, the examination of the application is not completed, the competent Regional Asylum Office shall issue the applicant the relevant International Protection Applicant Card and the “restriction of liberty” is lifted unless the art. 46 of the Law 4375/2016 are implemented (see next chapter). Regarding the groups considered as vulnerable, they could remain in Reception and Identification Centers in special areas until the completion of the reception and identification procedures for maximum 25 days (Law 4375/2016, art. 14).

Throughout the reception and identification procedures it shall be ensured that the third-country nationals or stateless persons: a) live under decent living conditions, b) maintain their family unity, c) have access to emergency health care and essential treatment of illness or psychosocial support, d) receive, if they belong to vulnerable groups, the appropriate treatment for each case, e) are adequately informed of their rights and obligations; f) have access to guidance and legal advice and assistance on their situation, g) keep contact with civil society groups and organizations active in the area of migration and human rights and providing legal or social assistance, and h) have the right to contact their family and close persons (Law 4375/2016, art.14).

Furthermore, under the implementation of the EU–Turkey Statement, and through the **Official Government Gazette 1366/2018 and the Official Government Gazette 4427/2018** a **restriction of movement (geographical restriction)** was adopted in the border islands of Greece (with a prohibition to leave the islands throughout the duration of the examination of their asylum claim), and especially in Lesbos, Rhodes, Samos, Kos, Leros and Chios, for public interest reasons and for the implementation of the EU-Turkey Statement, since March 2016.

### 4.3. Internal Controls

European Legislation	National Legislation
<b>Refugees</b>	
<p><b>Council Directive 2004/83/EC</b> of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.</p>	<p><b>Presidential Decree 96/2008</b> Transposition of Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.</p>
<p><b>Directive 2011/95/EU</b> of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.</p>	<p><b>Presidential Decree 141/2013</b> Adaptation of Greek legislation to the Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.</p>
<b>Asylum seekers</b>	
<p><b>Council Directive 2003/9/EC</b> of 27 January 2003 laying down minimum standards for the reception of asylum seekers.</p>	<p><b>Presidential Decree 220/2007</b> Adaptation of Greek Legislation to the provisions of Directive 2003/9/EC on minimum standards for the reception of asylum seekers</p>
<p><b>Council Regulation (EC) No 343/2003</b> of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.</p>	
	<p><b>Presidential Decree 114/2010</b> On the establishment of a single procedure for granting the status of refugee or of beneficiary of subsidiary protection to aliens or to stateless persons in conformity with Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status (L326/13.12.2005).</p>
<p><b>Directive 2013/33/EU</b> of the European Parliament and of the Council of 26 June 2013 laying down standards for the</p>	<p><b>Law 4375/2016</b> On the organization and operation of the Asylum Service, the Appeals Authority, the Reception and</p>

<p>reception of applicants for international protection.</p>	<p>Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EC “on common procedures for granting and withdrawing the status of international protection (recast) (L180/29.6.2013), provisions on the employment of beneficiaries of international protection and other provisions.</p> <p><b>Law 4540/2018</b> Amendments of the Greek legislation in accordance with the provisions of Directive 2013/33/EU of the European Parliament and of the Council of Europe of June 26 2013, on the standards required for the reception of applicants for international protection (recast, L 180/96/29.6.2013) and other provisions – Amendment of Law 4251/2014 (A 80) to transpose to Greek Law Directive 2014/66/EU of May 15 2014 of the European Parliament and of the Council concerning conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer – Amendment of asylum procedures and other provisions.</p>
<p><b>Directive 2013/32/EU</b> of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection.</p>	<p><b>Law 4375/2016</b> On the organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EC “on common procedures for granting and withdrawing the status of international protection (recast) (L180/29.6.2013), provisions on the employment of beneficiaries of international protection and other provisions.</p> <p><b>Law 2864/2016</b> Provision of legal aid to applicants of international protection.</p>
<p><b>Regulation (EU) No 604/2013</b> of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State</p>	

responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person.	
<b>Unauthorised/undocumented migrants</b>	
<p><b>Directive 2008/115/EC</b> of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.</p>	<p><b>Law 3907/2011</b> Establishment of an Asylum Service and a First Reception Service, adaptation of the Greek legislation to the provisions of Directive 2008/115/EC “with regard to the common rules and procedures in Member States for the return of illegally staying third-country nationals” and other provisions.</p>
	<p><b>Law 4375/2016</b> On the organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EC “on common procedures for granting and withdrawing the status of international protection (recast) (L180/29.6.2013), provisions on the employment of beneficiaries of international protection and other provisions.</p>
<p><b>Council Directive 2002/90/EC</b> of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence.</p> <p><b>2002/946/JHA:</b> Council framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence.</p>	<p><b>Law 3386/2005</b> Codification of Legislation on the Entry, Residence and Social Integration of Third Country Nationals on Greek Territory, art.88.</p> <p><b>Law 3536/2007</b> Special arrangements for immigration policy and other matters falling within the competence of the Ministry of the Interior, Public Administration and Decentralization.</p> <p><b>Law 4251/2014</b> Immigration and Social Integration Code and other provisions.</p> <p><b>Law 4332/2015</b> Amendment of the provisions of the Greek Nationality Code – Amendment of Law 4521/2014 to transpose to Greek law Directive 2011/98/EU of the European Parliament and of the Council “on a single Application procedure for a single permit for third-</p>

	country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State” and Directive 2014/36/EU “on the conditions of entry and stay of third country nationals for the purpose of employment as seasonal workers” and other provisions.
<p><b>The Schengen acquis</b> - Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.</p>	

### Recipients of international protection and the recipients of subsidiary protection

**Regarding the recipients of international protection and the recipients of subsidiary protection**, their issue with residence permits is regulated through the **Directive 2011/95/EU**. Additionally, according to the **Council Directive 2004/83/EC**, issues of movement are also defined, as the recipients of international protection have the right to be issued travel documents and travel to the territory of other member states, while recipients of subsidiary protection can only receive travel documents if they are unable to obtain them from their country of origin. In the case of Greece, the Council Directive 2004/83/EC was adopted through the **Presidential Decree 96/2008**, using a similar text compared with the Directive. Additionally, the Directive 2011/95/EU was adopted through the **Presidential Decree 141/2013**. Despite the fact that according to the Directive 2011/95/EU, recipients of subsidiary protection may receive residence permits of at least one year (and at least two in the case of renewal), through the Presidential Decree 141/2013, the duration is specifically defined as for three years. The duration for the cases of recipients of international protection is the same with the Directive (at least 3 years). Additionally, in contrast with the Directive 2011/95/EU, which defines that the family members of the recipients of international protection, can be issued with residence permits of less than three years, through the Presidential Decree 141/2013, it is determined that their family members are issued with residence permits of the same duration as the recipients (Presidential Decree 141/2013, art.24).

### Asylum seekers

According to **Council Directive 2003/9/EC** – as adopted in the Greek legal framework through **Presidential Decree 220/2007**, asylum seekers have the right to remain and move freely in the territory of the member state or in an area that the Central Authority defines “when there are reasons of public interest or public order or where this is necessary for the prompt and effective execution of their application” (Presidential Decree 220/2007, art. 6). Additionally, they have to inform the competent authorities of their address of residence and related changes immediately, as defined also in the Directive 2013/32/EU. More specifically, the **Directive 2013/32/EU** was adopted in the Greek legal framework through the **Law 4375/2016**. According to the **Law 4375/2016**, “applicants shall be allowed to remain in the country until



the conclusion of the administrative procedure for the examination of their application and they shall not be removed in any way” (art. 37).

**Article 46** of the **Law 4375/2016** transposed **article 26 of Directive 2013/32 (EU)** and the **articles 8-11 of Directive 2013/33 (EU)**, regarding the detention of applicants. **“An alien or stateless person who applies for international protection shall not be held in detention for the sole reason that he/she has submitted an application for international protection, and that he/she entered irregularly and/or stays in the country without a legal residence permit”** (Law 4375/2016, art. 46). In contrast, **he/she “shall remain in detention, exceptionally”, for one of the following reasons:** a) in order to determine his /her identity or nationality, b) in order to determine those elements on which the application for international protection is based which could not be obtained otherwise, c) when it is ascertained on the basis of objective criteria, including that he/she already had the opportunity to access the asylum procedure, that there are reasonable grounds to believe that the applicant is making the application for international protection merely in order to delay or frustrate the enforcement of a return decision, d) when he/she constitutes a danger for national security or public order, or e) when there is a serious risk of absconding of the applicant, pursuant to Article 2 point (n) of **Regulation (EU) No 604/2013** of the European Parliament and of the Council of 26 June 2013 according to the criteria of Article 18 point (f) of law 3907/2011 which apply respectively and in order to ensure the enforcement of a transfer decision according to the above Regulation” (Law 4375/2016, art. 46). The exact same grounds figure among the provisions of Presidential Decree 114/2010. The only difference is that **Presidential Decree 114/2010** adds the reason that an asylum seeker can also be detained if it seems necessary “for the prompt and effective” completion of the application for asylum.

The detention order shall be taken by the respective Police Director and, in the cases of the General Police Directorates of Attica and Thessaloniki, by the competent Police Director for Aliens matters and shall include a complete and comprehensive reasoning. In the aforementioned cases (a), (b), (c), and (e) the detention order is taken upon a recommendation of the Head of the competent Receiving Authority (competent Regional Asylum Office / Autonomous Asylum Unit (RAO/AAU)). In case (d), Police Director may order the detention of asylum seekers without relevant recommendation (Law 4375/2016, art. 46). The initial detention order and the order for the prolongation of detention shall be transmitted to the President of the Administrative Court of First Instance, or the judge appointed by this former, who is territorially competent for the applicant’s place of detention and who decides on the legality of the detention measure and issues immediately his decision, in a brief record, a copy of which he/she immediately delivers to the competent police authority (Law 4375/2016, art.46).

Furthermore, in the **Law 4540/2018, the article 7 of the Directive 2013/33 (EU)** was adopted, according to which: “Applicants may move freely within the Greek territory or within an area assigned to them by the Asylum Service. The decision for the restriction of free movement is taken when it is necessary for the swift processing and effective monitoring of his or her application for international protection, or for reasons of public interest, or public order. The applicants should inform the competent authorities of their current address and notify any change of address to such authorities as soon as possible” (Law 4540/2018, art. 7). Some of the provisions of the **Directive 2013/33/EU have not been transposed into Greek legislation** as specifically the article 10 par. 2 “detained applicants shall have access to open-

air spaces”, and the article 11 par. 1 “the health, including mental health, of applicants in detention who are vulnerable persons shall be of primary concern to national authorities. Where vulnerable persons are detained, Member States shall ensure regular monitoring and adequate support taking into account their particular situation, including their health” (Directive 2013/33/EU).

Additionally, Law 4375/2016 states that “the detention of applicants for international protection shall be imposed for the minimum necessary period of time. Delays in administrative procedures that cannot be attributed to the applicant shall not justify a continuation of detention”. **It is important though the reference that, the detention of applicants of the cases (a), (b) and (c) described above, shall, initially, not exceed 45 days and can later be prolonged by a further 45 days. Additionally, regarding the cases (d) and (e) shall not exceed three (3) months.** It is also stipulated that in any case, and independently of whether the time limits for the cases (d) and (e) above have been completed or not, the total detention period may not exceed in any case the maximum time limit for detention, which is 18 months as foreseen in Article 30 of Law 3907/2011 (Law 4375/2016, art. 46). The detention of an asylum seeker constitutes a ground for accelerating the asylum procedure, taking into account the possible lack of appropriate spaces and difficulties in ensuring decent living conditions of the detainees. Additionally, the vulnerability of the applicants shall be also considered for the imposition or prolongation of detention (Aitima, 2016:16-17).

In addition, for a person who applies for international protection while in detention, is possible to remain in detention for a very long time, as defined by **the Presidential Decree 114/10** On the establishment of a single procedure for granting the status of refugee or of beneficiary of subsidiary protection to aliens or to stateless persons in conformity with Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status (L 326/13.12.2005). He/she, shall remain in detention when alternative measures cannot be applied for one of the following reasons: a) the applicant does not possess or has destroyed his/her travel documents and it is necessary to determine the identity, the circumstances of entry and real information on his/her of origin, in particular in the case of mass illegal entries of applicants, b) the applicant is a danger for national security or public order, the reasons being detailed in the detention order, c) detention is considered necessary for the speedy and effective completion of the application (Presidential Decree 114/10, art. 13). This detention is ordered for the absolutely necessary duration and in no case can it exceed ninety (90) days. If the applicant has been detained earlier in view of an administrative deportation order, the total detention time cannot exceed one hundred and eighty (180) days (Presidential Decree 114/10, art. 13).

Applicants are detained in detention areas as provided in Article 31 of Law 3907/2011 called “pre-removal detention centers”. In cases of detention of applicants, the competent authorities shall apply the following as per case: a) They shall ensure that women are detained in an area separately from men as well as the due respect for the privacy of families in detention, b) They shall avoid detaining women during pregnancy and for 3 months after giving birth, c) They shall provide detainees with the appropriate medical care, d) They shall ensure the right of detainees to legal representation, e) They shall ensure that detainees are informed in a language they understand of the reasons and the duration of their detention, their right and means to challenge the detention decision and their right to free legal assistance (L.4375/2016, art.46). Additionally, if an application for international protection is submitted in transit zones of ports or airports in the country art. 46 should apply (Law 4375/2016, art.60).

If the decision on the application is not taken within twenty eight (28) days from the date it was submitted, the applicant shall be allowed to enter and stay in the country and his/her application shall be examined in accordance with the other provisions of this law (Law 4375/2016, art.60).

Minors who have been separated from their families and unaccompanied minors shall not be detained, as a rule. Only in very exceptional cases, unaccompanied minors who applied for international protection while in detention according to the relevant provisions of Law 3386/2005 and Law 3907/2011, may remain in detention, as a last resort solution, only to ensure that they are safely referred to appropriate accommodation facilities for minors. This detention is exclusively imposed for the necessary time for the safe referral to appropriate accommodation facilities and cannot exceed twenty-five (25) days. When, due to exceptional circumstances, such as the significant increase in arrivals of unaccompanied minors, and despite the reasonable efforts by competent authorities, it is not possible to provide for their safe referral to appropriate accommodation facilities, detention may be prolonged for a further twenty (20) days. Minors who have been separated from their families and unaccompanied minors shall be detained separately from adult detainees. When minors are detained, they shall be given the possibility to occupy themselves with activities, including games and recreational activities appropriate for their age (L.4375/2016, art.46, par.10).

### **Unauthorized and undocumented migrants**

**Directive 2008/115/EC** was transposed by **Law 3907/2011**. According to this, “illegal stay” means the presence in the Greek territory of a third-country national who does not meet or no longer meets the conditions of entry, as defined in article 5 of the Schengen Borders Code, or any other conditions for entry, stay or residence of the legislation in force” (Law 3907/2011, art. 18). **Law 3907/2011** article 21, defines that in case an application to grant or renew a residence permit is rejected, as well as in case of revocation of a valid residence permit, the competent authority shall issue a return decision of the third-country national. The return decision is an integral part of the decision rejecting an application for stay or revoking a residence permit. In all other cases of third-country nationals illegally staying in the Greek territory, a return decision is issued by the competent bodies, under article 76, paragraph 2, of Law 3386/2005. **Law 3386/2005, article 76**, defined that the expulsion shall be ordered by decision of the competent Police Director and, in case of the General Police Directorates of Athens and Thessaloniki, by the Police Director in charge of aliens or a higher officer, appointed by the competent General Police Director. It is important though, that as the **Directive 2008/115/EC allows, in the Law 3907/2011** is defined that “the competent, on a per case basis, authorities may, at any time, issue a separate residence permit for compassionate, humanitarian or other reasons, to a third-country national illegally staying in the Greek territory (**Law 3907/2011, article 21**). Greece has excluded from the scope of the Law 3907/2011 any persons apprehended for irregular crossing of an external border and who have not subsequently obtained authorization to stay as provided by art. 2 of the Directive 2008/115/EC. Thus, Law 3386/2005 is still applicable for this category. In other words, Law 3907/2011 applies for third-country nationals who are arrested for illegally residing in the country and are referred to “return” procedures and not for those who are arrested for arriving irregularly who are referred to “deportation” procedures within the scope of the Law 3386/2005. **According to the more recent Law 4375/2016**, “third-country nationals or stateless persons residing in Greece without complying with the legal formalities, and whose

nationality or identity cannot be certified by a public authority document shall also be submitted to reception and identification procedures” (Law 4375/2016, art. 9).

Regarding the **facilitation of irregular stay**, Council Directive 2002/90/EC stipulates that member states can introduce sanctions against persons who assist non-nationals to reside in the territory of member states in breach of national laws, but only for the purpose of financial gain. Council Framework decision 2002/946/JHA further elaborated on the types of sanction member states could introduce to prevent the facilitation of residence. In the Greek context, in **Law 4251/2014** is determined that: “**Persons who facilitate the illegal residence** of a third-country national or obstructs the investigations of police authorities to locate, apprehend and deport such national, shall be sentenced to at least one (1) year of imprisonment and a fine of five thousand (5000) euro as a minimum. If the act was carried out with a view to making a profit, the above persons shall be sentenced to at least two (2) years of imprisonment and a fine of ten thousand (10,000) euro as a minimum” (Law 4251/2014, art.29). Additionally, “persons who **facilitate the entry or exit** from the Greek territory of third-country nationals without performance of the checks stipulated in Article 5 shall be sentenced up to ten (10) years of imprisonment and a fine of twenty thousand (20 000) euros as a minimum. If the act was carried out with a view to making a profit or by profession or habit, or if two (2) or more persons acted jointly, the above shall be sentenced to at least ten (10) years of imprisonment and a fine of fifty thousand (50 000) euro as a minimum” (Law 4251/2014, art.29).

### Internal control and apprehension measures

European Legislation	National Legislation
<b>Regulation (EU) 2016/399</b> of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders ( <b>Schengen Borders Code</b> )	
<b>Directive 2009/52/EC</b> of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals	<b>Law 4052/2012</b> Law falling within the competence of the Ministry of Health and Social Solidarity and the Ministry of Labour and Social Security regarding the implementation of the Law on the Approval of the Draft Financial Assistance Facility Agreements between the European Financial Stability Facility (EFSF), the Hellenic Republic and the Bank of Greece, approval of the Draft Memorandum of Understanding between the European Commission, the Hellenic Republic and the Bank of Greece and other urgent provisions for the reduction of the public debt and the rescue of the national economy, and other provisions.
<b>Regulation (EC) No 767/2008</b> of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation)	

**Regulation (EC) No 1987/2006** of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II)

**Regulation (EU) No 603/2013** of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac'

Internal control and apprehension measures are measures aiming at detecting the presence of unauthorized migrants, or non-compliance of refugees and asylum seekers with stay provisions (e.g. ID document checks, stop-and-search, employer raids, etc.). The aforementioned measures feeding into the control of irregular migration are also applied under Directive 2009/52/EC, known as “Employers Directive”. In the case of Greece, the Directive was adopted through Law **4052/2012**, according to which the employment of illegally staying third-country nationals is forbidden (Law 4052/2012, article 79). The employers are obliged: a) to claim from third country nationals possession and submission to them of a valid residence permit or other valid residence permit to take over employment, b) keep a copy of the residence permit or of the residence permit to the competent authorities at least during the employment period, for the purpose of possible inspection, and c) to inform without delay the case-by-case authorities for the recruitment and commencement of employment of a third-country national (Law 4052/2012, article 80). The Labor Inspection Body (SEP) in accordance with the provisions governing it (Law 4052/2012, article 80) shall exercise the control of compliance with the employers’ obligations. When the cases b) and c) of the Law 4052/2012, article 80 are not respected, fines of 500 euros are imposed for each infringement.

Additionally, a number of other control and apprehensions measures within the territory of Greece were adopted, regarding internal controls. Sweeping operations in different areas were one of the main policies in order to reinforce controls to migrants since 1990s while in 2012, these operations became more frequent under the name of “**Xenios Zeus**” (Hospitable Zeus) and took place in Athens as well as in other cities of the country. Actually the purpose of these operations was that persons who enter and stay in the Greek territory without authorization to be arrested and placed under administrative detention in order to be expelled. In other words the purpose was to clean up and expel through the application of existing legislation, of Law 3386/2005 and Law 3907/2011<sup>19</sup> defining the legal administrative framework for third-country nationals who enter and stay without authorization in Greece.

---

<sup>19</sup> As we mentioned these laws define the framework, conditions, timelines, rules and exemptions of administrative detention with a view to deportation

#### 4.4. Return, detention for return and readmission

European Legislation	National Legislation
<p><b>Directive 2008/115/EC</b> of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals</p>	<p><b>Law 3907/2011</b> Establishment of an Asylum Service and a First Reception Service, adaptation of the Greek legislation to the provisions of Directive 2008/115/EC “with regard to the common rules and procedures in Member States for the return of illegally staying third-country nationals” and other provisions.</p> <p><b>Joint Ministerial Decision No. 8038/23/22</b></p>
<p><b>Council Regulation (EC) No 2007/2004</b> of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union</p>	
<p><b>Regulation (EU) No 1168/2011</b> of the European Parliament and of the Council of 25 October 2011 amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union</p>	
<p><b>Regulation (EU) 2016/1624</b> of the European Parliament and of the Council of 14 September 2016 - on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007 / 2004 and Council Decision 2005/ 267/ EC</p>	
<p><b>Council Decision of 29 April 2004</b> on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders</p>	
<p><b>Regulation (EU) 2016/1953</b> of the European Parliament and of the Council of 26 October 2016 on the establishment of a European travel document for the return of illegally staying third-country nationals, and repealing the Council Recommendation of 30 November 1994</p>	
<p><b>Directive 2003/110/EC</b> of 25 November 2003 on assistance in cases of transit for the purposes of removal by air</p>	<p><b>Presidential Decree 54/2007</b> Assistance in transit in case of removal of third-country nationals by air.</p>

The “Return Directive” (Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals) was transposed in the Greek legal framework through the Law 3907/2011. The Law 3907/2011 defines that in case an application to grant or renew a residence permit is rejected, as well as in case of revocation of a valid residence permit, the competent authority shall issue a return decision of the third-country national (Law 3907/2011, article 21). A return decision cannot be issued for illegal stay reasons, against a third-country national who has submitted on time an application for the issuance or renewal of

a residence permit (Law 3907/2011, article 21). After the return decision, the period of between seven (7) to thirty (30) days, for voluntary departure, is defined in the Law, in accordance with the "Return Directive". The competent police authorities shall take all necessary measures to enforce the return decision if: a) no period for voluntary departure has been granted, in accordance with article 22, par.4 and b) the obligation to return has not been complied with by the third-country national within the period for voluntary departure granted (Law 3907/2011, article 23). Additionally, **the third-country nationals who are subject to return procedures shall be detained for their return preparation and enforcement of the removal procedure**, unless other sufficient but less coercive measures can be implemented in a specific case. The detention measure shall apply when: a) there is risk of absconding or b) when the third-country national concerned avoids or hampers the preparation of return or the removal process (as defined in the Return Directive) or c) grounds of national security occur (Law 3907/2011, article 30). The latter ("grounds of national security") is not mentioned in the Return Directive, while it is not also allowed according to the Return Handbook, where is mentioned that "No detention for public order reasons: The possibility of maintaining or extending detention for public order reasons is not covered by the text of the Directive and Member States are not allowed to use immigration detention for the purposes of removal as a form of "light imprisonment" (Return Handbook, page 78). The detention shall be imposed and maintained for the shortest period possible, and in any case, the availability of suitable detention facilities and the ability to guarantee decent living conditions for detainees shall be taken into consideration when imposing or pursuing the measure of detention (Law 3907/2011, article 30). Detention in total could reach the period of 18 months, as in the Law, an extended period of 12 months is allowed after the first 6 months (Law 3907/2011, article 30, par.5 & 6).

Greece has excluded from the scope of the Law 3907/2011 any persons apprehended for irregular crossing of an external border and who have not subsequently obtained authorization to stay as provided by art. 2 of the Return Directive. Thus, the previous national legal framework (Law 3386/2005) is still applicable for this category, by using the term "deportation" instead of "return". In other words, the Law 3907/2011 applies for third-country nationals who are arrested for illegally residing in the country and are referred to "return" procedures and not for those who are arrested for arriving irregularly who are referred to "deportation" procedures within the scope of Law 3386/2005. However, the provisions regarding the detention and the detention conditions (art. 30 and 31 Law 3907/2011) lie among the minimum safeguards that the art. 19 of Law 3907/2011 provides even for the third country nationals who are excluded from the scope of the "return" procedures. As such, third-country nationals residing illegally in Greek territory are issued with a return decision (Law 3907/2011, art. 21) while third-country nationals entering Greece irregularly are issued with a deportation decision (Law 3386/2005, art.76). Based on the above, "deportation" and "return" refer to similar processes with some differences regarding the procedural safeguards such as legal aid, appeal etc. Law 3907/2011, art. 21 is general and refers to anyone who is illegal and arrested in Greece while Law 3386/2005 refers to anyone who enters illegally and is arrested at land or sea borders. She/he is detained for 48 hours and deported if she/he does not apply for asylum.

Minors third country nationals staying irregularly on the Greek territory, and do not fall under the exception clause of Art. 41 of the same law may be subject to return procedures (Art.21 of Law 3907/2011). Unaccompanied minors and families with minors shall only be detained as a measure of last resort, when no other adequate and less coercive measure can be used for the same purpose and for the shortest appropriate period of time.

Additionally, according to **Law 4375/2016**, upon the completion of the reception and identification procedures, third-country nationals or stateless persons who do not fall under the provisions of international protection or other forms of protection and who possess no legal residence title in Greece, shall be referred, by decision of the Manager of the Centre, to the competent police authority for the return, readmission or expulsion procedures, in accordance with the relevant provisions (Law 4375/2016, art. 14). The **First Reception Service is also responsible** for the establishment, operation and supervision of **Open Temporary Accommodation Structures for third-country nationals or stateless persons who are under a return, removal or readmission** procedure in accordance with articles 22, 30, 24 of law 3907/2011, or article 76, and 78 of Law 3386/2005 (cases of administrative deportation and related suspension) (Law 4375/2016).

The **Joint Ministerial Decision No. 8038/23/22**, dated 21/1/2015 regulates the conditions in Pre-Removal Detention Centers. Pre-removal Detention Centers are special detention premises for the detention of third country nationals that have been issued with deportation or return decisions and they are detained pursuant to article 31 of Law 3907/2011 and articles 76 par 3 and 81 par 1 of Law 3386/2005, until the completion of the deportation or return procedures.

**Directive 2003/110/EC** of 25 November 2003 on assistance in cases of transit for the purposes of removal by air was transposed in the Greek legal framework through the **Presidential Decree 54/2007** Assistance in transit in case of removal of third-country nationals by air. Its purpose is to establish measures to provide assistance between the competent authorities at the airports of the Member States of the European Union regarding removals by air of third-country nationals subject to a removal order, with or without escort.

Regarding readmission agreements, are closely linked to return policy and the aim of controlling irregular migration by facilitating the swift return of irregular migrants, and they stipulate mutual obligations for the European Union member states and signatory non-member states to readmit their own nationals, third country nationals and stateless individuals who have been found to be irregularly staying in their territory. The Greek authorities regard readmission agreements as the most practical tool in the management of irregular immigration compared to returns and expulsions (Aggeli et al., 2014). Their “advantage”, is that they apply a simplified procedure, implemented through transnational requests (Aggeli et al., 2014). Greece has signed, amongst others, readmission agreements with Turkey (2002), Albania (2004) and Pakistan (2010). The most prominent example of informalised readmission arrangements is the EU-Turkey Statement.



## 5. Key discourses and narratives of migration control

Since 1990s migration has become part of Greek public discourse, mainly through a rhetoric that focuses on the unauthorized entry of immigrants in the country. Despite the fact that immigration was not a new phenomenon, the migration of Albanians during the 1990s dominated the relevant discourse, which constructed the image of a “dangerous” other.

The most significant developments of the period in question (2011-2017) in Greece were the arrival of refugee populations in 2015 and the change of government, from the coalition of right-wing New Democracy (ND) and the Panhellenic Socialist Movement (PASOK) (also initially including the Democratic Left party, DIMAR, from 2012 to 2014) to the coalition of left-wing SYRIZA and the nationalist, conservative, right-wing Independent Greeks (ANEL) (2015-today). Another significant political development was the emergence of the far right and the expansion of an extreme racist and nationalist discourse that prevails until today. In terms of the key discourses of that period, the main transformation in the dominant discourse was imprinted through the change of government in 2015.

### Migration as a security issue

Until 2015, key discourses were shaped in the context of the economic crisis and the deepening of inequalities and revolved around “illegal migration” (*lathrometanastefsi*) and the “illegals”. In 2011, Greek political authorities celebrated the adoption of the Integrated Border Management Program for Combating Illegal Immigration, whose main targets were “the protection of both the EU and national borders”, and the “reduction of the illegal migration” (Ministry of Citizen Protection, 2011). The term “illegal” was not chosen by chance; it was a political choice as, according to then Public Order Minister Nikos Dendias (ND party), “illegal immigration” was the most appropriate notion:

*“We will not neither hide the terms nor try to make them beautiful. And we also claim **the maintenance of the term 'illegal' in relation to 'irregular'** in the European political vocabulary. For us this is absolutely clear. **The violation of the Greek and European borders is a criminal offense according to Greek law and specifically Law 3386/2005**” (Ministry of Public Order and Citizen Protection, 2013).*

In this context, a clear distinction was made in dominant political discourses between “legal” immigrants, deserving international protection, and “illegals”, towards which “we will not feel sympathetic when we are going to protect our national sovereignty and our borders. It is our right” (Ministry of Public Order and Citizen Protection, 2013).

Another important issue was the construction of the fence in Evros, described as a “technical barrier” that will combat “illegal” migration. The construction of the fence was undertaken by the Greek government and funded through the National Program of Public Investments at a time of financial crisis. It thus constituted mostly a symbolic display of border protection on the part of Greece. It “*is a clear message to the international community that Greece is not unattended, is not an unfenced vineyard*” then minister of citizen protection Christos Papoutsis stated during the presentation of the construction of the fence (Ministry of Citizen Protection, 2012). Grigoriadis and Dilek (2018) argued that “*national-level discourse by political actors reveals that the construction of the fence was linked to the wider EU-level migration and border control practices, as well as to the national-level perception of migration as a security issue*” (Grigoriadis and Dilek, 2018:2). The fence in Evros definitely reconfirmed

the perception of immigration as illegal in Greece and, consequently, in the perception of immigrants as a threat at both the national and the EU level.

In the same period, and particularly from 2012 until 2014, a dominant discourse regarding the urban space of the large Greek cities also emerged. Although the mainstream discourse of the early 1990s focused on the overall denunciation of the migrant “invasion”, at the beginning of the 2010s it was clearly characterized by anti-immigrant and racist elements (Kalantzopoulou et al., 2011; Koutrolikou and Siatitsa, 2011). This anti-immigrant and racist discourse applied the term “ghetto” to specific central areas in Athens; the role of nationalist parties (e.g. the neo-Nazis of Golden Dawn) and practices was also crucial in this. Despite the fact that the discourse focused on the urban centers, it was directly related to the protection of the Greek borders. Policies of immigrant persecution in the city center through official “sweep” operations emerged, such as operation Xenios Zeus, with the declared aim of combating “illegal migration and crime” (Papakonstantis, 2012). This policy, along with the transfer and detention of the “illegals” in closed centers in the mainland, also constituted part of the Integrated Border Management Program for Combating Illegal Immigration. As such, border discourses and policies did not apply – in spatial terms – only at the Greek borders but also in the centers of the large Greek cities and the Greek mainland.

### **EU burden sharing and solidarity**

Another key discourse of that time focused on the role of Greece in the management of the European borders, especially due to its geographical position. The country's geographical position was a key argument regarding the uneven migration burdens that Greece has had to manage (Prime Minister Antonis Samaras, 2014). As such, a crucial issue in the political discourses of that period was “common (EU) responsibility” in border management. As Christos Papoutsis (member of the PASOK government, minister of citizen protection) mentioned in 2011, “in fact, we brought Europe to its external borders, highlighted the European dimension of the problem, by shedding light on all its complex aspects” (Ministry of Citizen Protection, 2011). Despite the change of government, a similar discourse was also raised by Vangelis Meimarakis (chairperson of the Hellenic Parliament) who also insisted on “common (EU) responsibility”: “In particular, my country, due to its enormous coastline and its many islands, lifts a disproportionate burden in order to manage the illegal migratory flows that have their final destination in central and northern Europe. [...] The stifling pressure on the eastern and southern borders of the European Union cannot leave any European member state indifferent” (Hellenic Parliament, 2014). Additionally, the principle of “solidarity” between EU member states in the areas of asylum, border and migration management was highlighted by Prime Minister Antonis Samaras during his speech on the achievements of the Hellenic presidency of the Council of the European Union, when he referred to the adoption of the Post Stockholm Strategic Guidelines in the area of Freedom, Security and Justice (Prime Minister Press office, 2014). “Immigration, especially illegal immigration, is not only a problem for the countries of the South. It concerns all member states. It has a pan-European character! Because its impact on economic growth and social cohesion is felt by everyone. It concerns all of us. And we can only deal with it effectively if we are united! Only together!” (Emphasis given in the original) (Prime Minister Press office, 2014). The Dublin Convention also emerged as a key narrative of that period, as Nikos Dendias (ND, Minister of Public Order during 2013) argued: “Greece for the first time with this government has changed its policy. It did not agree

with this regulation. It did not agree to the criterion of the first country of entry” (Ministry of Public Order and Citizen Protection, 2013).

The notion of “solidarity” between EU member states is a common issue for both the SYRIZA-ANEL coalition and previous governments, and the SYRIZA government insists on the need for a “true solidarity”. According to Nikos Toskas (Minister of Citizen Protection), the main problems that made the management of the refugee crisis difficult for the EU were the low level of solidarity between member states and the uneven burden of pressure between them, among others. The principle of “true solidarity” between EU member states, the need for mutual support and sharing of burdens within the EU (and not only their undertaking by reception countries such as Greece) (ANA-MPA, 2018) was also highlighted. The SYRIZA government calls for more EU solidarity also as a way out of the “refugee crisis”. Moreover, criticism emerged against the “nationalization” of border control (Ministry of Citizen Protection, 2017).

Europe will be able to respond effectively to the challenge of managing mixed flows only if it does it as a whole, in a coordinated and especially cooperative way in terms of true solidarity” [...] “The EU united stance is tested by the national interests of the member states that have emerged, in the most cruel way, through the security dimension of the refugee crisis. If the Union fails to effectively protect the external borders and secure the fair burden sharing among member states, the risk of a more comprehensive nationalization of policies will become a reality (Ministry of Citizen Protection, 2017).

### **The discourses regarding the “refugee crisis”**

After 2015, both refugee arrivals in Greece and change of government constituted significant factors for a transformation of the dominant political discourse. During this “turn”, the term “illegal migration” was left behind and was replaced by the term “refugee crisis” in the dominant discourse of the Greek government and of a wide range of other actors (including International Organizations, the EU, NGOs, and scholars). The shift from “*lathrometanastes*” to “refugees” also characterized the discourse of a wide range of media. Moreover, according to then Minister of Citizen Protection Nikos Toskas, there is a need for approaching migration in terms of “human security that places the immigrant in the epicenter”. Additionally, instead of the term “border protection”, the SYRIZA government insisted on the term “border management” (Ministry of Migration Policy, 2018). As mentioned in the political decision of the Central Committee of the SYRIZA party on refugees, “Greece of Humanity stands against the Visegrad countries, the fences and the closed borders” (SYRIZA, 2016). It should be mentioned, however, that this change in SYRIZA's political discourse did not characterize the government as a whole, due to the fact that ANEL is a nationalist party that, until today, insists on issues of national identity and sovereignty and has different perceptions on migration than SYRIZA does.

Additionally, two issues emerge from the key discourses of the SYRIZA government. Firstly, the government supported the implementation of the EU-Turkey Statement as a “top priority to eliminate primary flows” (ANA-MPA, 2018) and also recognized the need for the “decompression of the islands”, even if the facilities on the islands are over capacity until today. There is ongoing debate between large part of the humanitarian actors and government authorities regarding the worsening conditions at the Greek islands. Despite the acknowledgement that “the fences and the walls cannot stop the flows of the forced moving populations” (Ministry of Citizen Protection, 2017), “*this does not mean that Europe can and*

*must pursue a policy of "open" or "fluid" borders*" (Ministry of Citizen Protection, 2017). Instead, recent proposals made by the Prime Minister included the replacement of EU border agency Frontex with a more powerful European border and coast guard (ANA-MPA, 2018).

Since 2015, the debate on border management and migration control has influenced discourses on national sovereignty. A characteristic example of this is an extract from a speech by Nikos Toskas (minister of citizen protection): "Thus the migratory-refugee crisis has questioned the notion of territorial sovereignty as a structured entity with a single population and a border-bound territory. According to this recruitment, the mass movement of populations has called into question the traditional national security models, through which the national interests were traditionally defined" (Ministry of Citizen Protection, 2017). From the part of Greek authorities and politicians, EU assistance on migration and border control was more than appreciated, and fears for national sovereignty did not emerge in key political discourses. This issue does not only refer to the SYRIZA-ANEL government but also to the period of the coalition governance of ND. According to then Chairperson of the Hellenic Parliament Vangelis Meimerakis "the effective coordination of institutions dealing with issues directly or indirectly related to migration such as Frontex, the European Asylum Support Office (EASO), Europol and the European External Action Service should be sought" (Hellenic Parliament, 2014).

## 6. Implementation

### 6.1 Key actors

There are multiple key actors such as national institutions, national and international agencies as well as NGO's that are involved in the implementation of border management and migration control in Greece and function under the supervision of national ministries. Tables below present these supervising Ministries (Table 1), as well as, the operating territories of the aforementioned key actors (Tables 2,3,4).

**Table 1: National Ministries**

<b>Ministries</b>
<ul style="list-style-type: none"> <li>Ministry of Migration Policy (RIS, GAS)</li> </ul>
<ul style="list-style-type: none"> <li>Ministry of Citizen Protection (Hellenic Police, Hellenic Coast Guard)</li> </ul>
<ul style="list-style-type: none"> <li>Ministry of National Defence (Greek Army)</li> </ul>

**Table 2: Key Actors at the Greek Shoreline**

<b>Shoreline</b>
<ul style="list-style-type: none"> <li>Hellenic Coast Guard</li> </ul>
<ul style="list-style-type: none"> <li>Frontex</li> </ul>
<ul style="list-style-type: none"> <li>Hellenic Police</li> </ul>

**Table 3: Key Actors in Hot-Spots**

<b>Hot-Spots</b>
<ul style="list-style-type: none"> <li>RIS (Reception and Identification Service)</li> </ul>
<ul style="list-style-type: none"> <li>GAS (Greek Asylum Service)</li> </ul>
<ul style="list-style-type: none"> <li>EASO</li> </ul>
<ul style="list-style-type: none"> <li>Frontex</li> </ul>
<ul style="list-style-type: none"> <li>Hellenic Police</li> </ul>
<ul style="list-style-type: none"> <li>Greek Army</li> </ul>
<ul style="list-style-type: none"> <li>HCDCP (Hellenic Center for Disease Control and Prevention)</li> </ul>
<ul style="list-style-type: none"> <li>UNHCR</li> </ul>
<ul style="list-style-type: none"> <li>IOM</li> </ul>
<ul style="list-style-type: none"> <li>NGO'S</li> </ul>

**Table 4: Key Actors at Pre-Removal Centers**

<b>Pre-Removal Detention Centres</b>
<ul style="list-style-type: none"> <li>• Hellenic Police</li> </ul>
<ul style="list-style-type: none"> <li>• Health Units</li> </ul>
<ul style="list-style-type: none"> <li>• UNHCR</li> </ul>
<ul style="list-style-type: none"> <li>• IOM</li> </ul>
<ul style="list-style-type: none"> <li>• Legal Representatives</li> </ul>

## 6.2 Key issues with implementing border and migration controls

Our interviews with staff members of NGOs and international organizations (meso level) as well as with asylum seekers (in micro-level) highlight that newly arrived persons do not have access to appropriate reception conditions and services.

More specifically, according to their testimonies, people are often obliged to stay for several hours inside the buses waiting under bad conditions and without any food or blankets for their transportation from the shores or the Coast Guard area to the site of Moria. Moreover, serious problems are observed upon their arrival in Moria and as part of the implementation of reception and identification procedures. Contrary to the law, after arriving in Moria, people wait for prolonged periods of time for registration, while forced to stay in a large tent for new arrivals, stacked by dozens or hundreds under sub-standard conditions which negatively impact their physical or psychological health. However, the difficulties continue after the completion of the registration procedures. Significant problems persist both in terms of access to shelter and health care as well as in terms of access to legal aid, interpretation and international protection procedures.

### 6.2.1 Pre-entry

#### Smuggling networks

Regarding smuggling networks, most agencies that participated in the present research lack information, except for a few narratives from official border management authorities and an NGO involved in search and rescue operations. The General Police Director of Orestiada, during an interview with RESPOND researchers in autumn 2018 while referring to smuggling networks, reported that:

We have arrested 480 smugglers who were referred to Greek justice with felony charges. Last September we had arrests of 27 smugglers, who were either drivers who loaded illegal immigrants to transfer them inside the country or were sailors arrested by the special squad within the River Evros. Others were escorting people and hiding them along the highway, these three are mainly the basic ways used by the international circuits of trafficking of irregular immigrants. Most of them are coming from Syria and Bulgaria.

Regarding the northeastern borders, the representative of the Hellenic Coast Guard in Lesvos noted that the smugglers are no longer accompanying the boats. They usually assign

the handling of the boat to a passenger. However, he also referred to cases of smuggling mainly (but not exclusively) of Turkish nationals, who usually arrive with very fast vessels escorted by the smugglers. In these cases, he said, “we are not going for a peaceful rescue only, there will be pursuit, we will go for an arrest. Our first priority is to rescue, safety in the water and policing the borders, but if we know that someone is a smuggler or doing any illegal activity it is our responsibility to arrest him”. The above are confirmed from the part of a coordinator of a rescue NGO in north Lesbos as following: "However, the smugglers have been reduced. That is, they have the smuggler who will reach them to the beach (Turkey), to give them the boat, the life jackets, and then one of them is forced to drive the boat. There are of course still smugglers with fast boats who bring them, leave them and turn back. But there is less". Additionally, according to press releases, police officers are often involved in smuggling networks as well<sup>20</sup>.

### 6.2.2 ‘At the border’

Towards the end of 2012, a new electronic surveillance system was introduced along the Greek-Turkish land borders and the construction of a 12km fence was completed, making the entry from this part of the land borders along the Evros River practically impossible. These measures led to refugees and migrants attempting to enter Greece by sea and especially through the northeastern sea borders, reaching a peak between the summer of 2015 and March 2016. Until today, the northeastern sea borders still remain the main entry points. Before 2015, the northwestern port of Igoumenitsa and the port city of Patra were the main exit points from Greece to Italy and then to Central/Northern Europe.

In 2015, one of the main migratory routes to Europe was the so-called Western Balkan route composed of two migratory movements. One movement entered from the Balkan countries and the other one entered the EU (Bulgaria or Greece) via Turkey by land or sea, with the aim of reaching the Schengen area. However, recent facts have shown that this route has not been completely closed. Even though the number of refugees and migrants moving along this route has dropped dramatically, there are still thousands that succeed in transiting. Additionally, the route has changed its course and has become even more dangerous for migrants who are trying to reach Europe. In fact, since the beginning of 2018 it has been redirected, with the southern entry point shifting from the Greek islands to Bulgaria’s land border with Turkey, and of course the form of transit has shifted back to the use of smugglers<sup>21</sup>.

Moreover, since the summer of 2017 Patra, as an exit point of the country, has also witnessed a new surge in (secondary movement) arrivals of asylum seekers as a direct effect of the closure of the “Balkan Route” and the implementation of the EU–Turkey Statement<sup>22</sup>.

---

<sup>20</sup> <https://www.keeptalkinggreece.com/2018/10/26/policemen-arrested-migrants-trafficking/>  
<https://www.thepressproject.gr/article/97780/Greek-Authorities-Arrest-29-for-Smuggling-600-into-Greece-from-Turkey>  
<https://greece.greekreporter.com/2014/05/30/greek-police-officers-implicated-in-migrant-smuggling-ring/>

<sup>21</sup> <http://library.fes.de/pdf-files/bueros/sarajevo/13436.pdf>

<sup>22</sup> <https://www.gcr.gr/media/k2/attachments/SCIZReportZfinalZPDF.pdf>

## Enforcement of border controls

### Pushbacks

Serious concerns have been raised by various reports and press releases that illegal pushbacks have been occurring systematically at the Greek territorial waters and Greek-Turkish land borders (Proasyl, 2013)<sup>23</sup>. Despite government denials, cases of alleged pushbacks by police at the Greek–Turkish border of Evros have been systematically reported until the present time<sup>24,25</sup>. According to these allegations, the Greek authorities follow a pattern of arbitrary arrests of newly arrived persons entering the Greek territory from the Turkish land borders, *de facto* detentions in police stations close to the borders and subsequent pushbacks to Turkey by the police. A report of the Greek Council for Refugees (2018) documented a number of complaints concerning pushbacks in the Evros region. It mentioned that allegations of push backs have been continuous and increasing in numbers, referring *inter alia* to large families, pregnant women, victims of torture, children and other persons belonging to vulnerable groups. Moreover, the Commissioner for Human Rights recently expressed serious concerns regarding pushbacks or collective expulsions from Greece to Turkey and she urged the Greek authorities to cease the pushback operations<sup>26</sup>.

Additionally, testimonies of local residents and lawyers persist that pushbacks, especially in the Evros region, are an “illegal activity of police officers and potential military officers who act in the “darkness” without worrying about the complaints they have occasionally seen the light of publicity. Usually there are hooded men with varied uniforms that steal immigrants’ personal belongings and fly them back to the inflated river waters in order to get to the Turkish region”<sup>27</sup>. Other testimonies<sup>28</sup> of migrants mention arrests and transfers to police stations, where they are loaded into vans and trucks. While they are reassured that they are being transported to a hosting area, they find themselves at the border where groups of people, under the threat of weapons, pass them over to the other side (Turkish area). They also mention that, before being illegally returned to Turkey, they are transported and kept for hours in military areas, away from the indiscreet eyes of residents and without the possibility of lawyer intervention<sup>29</sup>.

The Greek–Turkish land border of Evros had for years constituted the main entry point for third-country nationals fleeing persecution or destitution towards Europe. As it was mentioned before, Christos Papoutsis who was Minister of Social Order and Citizen Protection in 2011, decided to construct the Evros fence. This was one of the goals of the Integrated Border Management Program that Greece initiated in 2011 as part of the EU-level process for the formation of a European Border Surveillance System (EUROSUR). The construction of the fence was also accompanied by a surveillance system using thermal cameras and increased

---

<sup>23</sup> <https://www.proasyl.de/en/pressrelease/pro-asyl-releases-new-report-pushed-back/>

<sup>24</sup> [https://www.gcr.gr/en/news/press-releases-announcements/item/1200-to-esp-katathetei-minyseis-kai-anafora-meta-apo-kataggelies-prosfygon-gia-epanaproothiseis-ston-evro?fbclid=IwAR3Ot9xMIVeHgWFfYXag-xXM53GpP-aa6\\_5CL4BTMlw2BpPbfdWR8mMMkoQ](https://www.gcr.gr/en/news/press-releases-announcements/item/1200-to-esp-katathetei-minyseis-kai-anafora-meta-apo-kataggelies-prosfygon-gia-epanaproothiseis-ston-evro?fbclid=IwAR3Ot9xMIVeHgWFfYXag-xXM53GpP-aa6_5CL4BTMlw2BpPbfdWR8mMMkoQ)

<sup>25</sup> <https://www.asylumineurope.org/reports/country/greece?fbclid=IwAR0WWhoA6RiHL85Hox6oaekcePKjnZjRoCfCXHjRnpzHXu8R3sZiqx5WNUxg>

<sup>26</sup> <https://twitter.com/CommissionerHR>

<sup>27</sup> <https://tvxs.gr/news/ellada/apantisi-toska-gia-tis-apokalypseis-toy-tvxs>

<sup>28</sup> <https://www.hlhr.gr/en/coordinated-refoulements-turkey/>

<https://www.unhcr.org/gr/en/6244-unhcr-deeply-concerned-reports-informal-forced-returns-greece-turkey.html>

<sup>29</sup> <https://tvxs.gr/news/ellada/apantisi-toska-gia-tis-apokalypseis-toy-tvxs>



patrols across the land border. Other measures included the provision of technical means (helicopters supplied with thermal cameras, mobile X-ray units and mobile thermal cameras) and the establishment of SIS II. Furthermore, the Greek government launched two national operations, Aspida and Xenios Zeus, to combat 'illegal' migration. Operation Aspida took place at the border areas of the country, while Xenios Zeus was implemented mainly in the large Greek cities. Additionally, another operation called Poseidon was carried out along the Greek sea and land borders under the coordination of Frontex. Twenty-six EU and Schengen area member states took part in this operation providing land, sea and air forces, technical equipment and officials<sup>30</sup>.

### **Operation Aspida**

Operation Aspida was launched in August 2012 and its main purpose was to strengthen border controls by enhancing the physical presence of patrols along the Greek–Turkish land borders. In contrast to the Evros fence, covering only 5% of the land borders between Greece and Turkey, Operation Aspida was deployed along 206 km of the Evros River. While most police officers were assigned with border management tasks, some of the staff was also entrusted with reception and control tasks, including asylum management and informing newcomers about their rights. After the completion of the first phase, Operation Aspida was extended until June 2013 and is still in progress. According to the General Regional Police Director in Orestiada, Operation Aspida is a successful operation. As he states:

Since August 2012, a large police operation has been deployed in the region of Eastern Macedonia and Thrace, in particular in Evros, to deal with irregular immigration under the code name ASPIDA. Staff from all over the country supports the operation so, we are making a strong deterrent force... First of all, to understand the boundary, the General Police Directorate of Orestiada has 12.5 km of land border, where the Frontex and Hellenic Police Patrols and the Evros River are built, where the middle of the river hull is the natural border with Turkey. So one he either crosses the river and is in Greece or does not pass it and is in Turkey. There is no other case. Certainly you know that we are patrolling in and it is a fact that these patrols have a very big effect because of the deterrence on Turkish soil. Once they see the police either patrolling with a police boat or walking, they all return back to Turkey and this is the first goal of the business.

### **Deployment of RABIT**

Another crucial operation regarding the border management of the country was Operation Rabbit in 2010, which also had a symbolic importance as it was the first time a European member state invoked an emergency situation and asked for help with its border surveillance. In October 2010, Greece submitted an official request to the European Union for further European assistance in the field of border operational cooperation (Frontex, 2010a). This led to the deployment of Operation RABIT that was carried out in the Evros region from 2 November 2010 to 2 March 2011<sup>31</sup>. During the operational period every week close to 200 well-trained guest officers from 26 Member States assisted their Greek colleagues in

---

<sup>30</sup><https://www.mfa.gr/en/foreign-policy/greece-in-the-eu/area-of-justice-freedom-and-security.html?page=4>

<sup>31</sup> [http://europa.eu/rapid/press-release\\_MEMO-11-130\\_en.htm](http://europa.eu/rapid/press-release_MEMO-11-130_en.htm)

controlling the border areas as well as in identifying the apprehended irregular immigrants. This operation also helped the Greek authorities in gathering information on the migration routes and facilitator networks<sup>32</sup>.

Operation RABIT built upon Poseidon Land 2010 joint operation 33 by reinforcing the number of guest officers and assets deployed along the borders. Joint operation Poseidon Land 2011 was launched right after the end of RABIT operation with the goal of effectively controlling the Greek–Turkish border as well as of preventing migration in the Eastern Mediterranean region. Since the completion of RABIT in 3 March 2011, upgraded ground operation Hermes 2011 started and lasted until 4 January 2012. Sea operation Hermes 2011 was also carried out from 1 April 2011 to 31 December 2011, aiming at increasing the operational effectiveness of Frontex<sup>34</sup>. In December 2015, Frontex replaced the ongoing joint operation Poseidon Sea with Poseidon Rapid Intervention<sup>35</sup> in order to provide Greece with additional technical assistance to strengthen its border surveillance, registration and identification capacity.

### **Schengen evaluation report for Greece**

Greece experienced considerable migration arrivals at the end of 2015, especially in the northeastern Aegean islands. The European Commission in November 2015 carried out an evaluation report that revealed serious shortcomings in the implementation of controls at the external borders of the country (European Commission 2016b). The high numbers of “irregular” migrants in Greece, the persisting arrivals, the backlog of asylum applications, and the ‘residue of pressure’ concerning secondary movements from Greece, resulted to the implementation of temporary internal border controls in a number of Member states (Karamanidou and Kasparek, 2018).

A series of measures have since been taken, such as the implementation of the EU–Turkey Statement and the ongoing NATO and Frontex operations under the scope of a more effective border control. As the recommendation of the European Commission highlights, even though Greece has taken a number of measures to deal with the situation, further efforts are needed. Specifically, the European Commission insisted on the need for a) more effective screenings in terms of the identification and registration procedures and b) systematic fingerprinting and transmission of data to the EURODAC databases to be compared with European databases.

### **European Border Surveillance System (EUROSUR)**

The European Border Surveillance system (EUROSUR) is a multipurpose system for cooperation between the EU Member States and Frontex, implemented in Greece 2014. Technologies already in use include thermal cameras, thermovision vans, patrol units, helicopters, airplanes, a fence, radar surveillance systems, the Surveillance Operational

---

<sup>32</sup> [http://europa.eu/rapid/press-release\\_MEMO-11-130\\_en.htm](http://europa.eu/rapid/press-release_MEMO-11-130_en.htm)

<sup>33</sup> [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/securing-eu-borders/fact-sheets/docs/20161006/eu\\_operations\\_in\\_the\\_mediterranean\\_sea\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/securing-eu-borders/fact-sheets/docs/20161006/eu_operations_in_the_mediterranean_sea_en.pdf)

<sup>34</sup> <https://www.mfa.gr/en/foreign-policy/greece-in-the-eu/area-of-justice-freedom-and-security.html?page=4>

<sup>35</sup> <https://reliefweb.int/report/greece/frontex-and-greece-agree-operational-plan-poseidon-rapid-intervention>

Center and Geographical Information Systems (GIS); the full operationalization of the National Coordination Center and of EUROSUR (European Border Surveillance System) with its satellites and drones (unmanned aerial vehicles) is in process. These technologies seem to render the border zone space controllable (Topak, 2014).

I will primarily talk about the important issue of border protection. Greece needs to be supported financially in order to take the advantage of technology. To develop technical means next to Evros River, to fulfill our goal. Which is the first goal of Greece and Europe? Prevention on Turkish territory, before they pass on to European soil. Greece cannot respond by itself with our own funds. We need to place cameras all the way up to Alexandroupolis, big cameras to cover the entire spectrum of Evros River. Tall and stable cameras so that we can have a real-time borderline image so that we can then have our border control centers (General Police Director of Orestiada).

While surveillance with vessels, air units and land vehicles continues, the Greek authorities and Frontex have in recent years also installed land-based surveillance systems to monitor the situation in the Aegean Sea from a distance. The rationale here is to move from “patrol-driven” (based on patrolling without any support from land-based infrastructure) to “intelligence-driven” (significantly supported in the detection/identification of targets by the land-based infrastructure) surveillance (EBF, 2010: 37). In these terms, the Greek coast guards already have an automatic identification system and vessels traffic management and information system. In addition to compiling data from existing land-based surveillance systems and air units, EUROSUR is also intended to gather data from satellites and drones (Topak, 2014).

### **The implementation of the Hotspots on the northeastern Aegean islands**

In 2016, two key interrelated events played a crucial role in the management of migratory flows of third-country nationals: on the one hand, **the establishment of hotspots** on five islands in the northeastern Aegean due to increased arrivals, following **the closure of the border to the so-called Corridor** of the Western Balkans; on the other hand, the **EU–Turkey Statement of 18 March 2016**. The European Commission had rolled out the **Hotspot Approach** since May 2015 in order to manage the so-called “refugee crisis and assist frontline member states facing disproportionate migratory pressure at their external borders”<sup>36</sup>. In the beginning, hotspots in Greece operated as open facilities to register, screen and assist arriving migrants and asylum seekers before their swift transfer to the Greek mainland. Immediately after the launch of the EU-Turkey Statement on 20 March 2016, Reception and Identification Centres (RIC) on five Aegean Islands (Lesvos, Chios, Kos, Leros and Samos), the so-called “hotspot” facilities, have been transformed into closed (or “secure”) facilities. As Tazzioli argues “the Hotspot System is formed by a set of procedures and infrastructures for regaining control over autonomous migration movements and, simultaneously, for monitoring and putting pressure on Greece and Italy, concerning their obligation to identify migrants” (Tazzioli,

---

<sup>36</sup>[http://www.europarl.europa.eu/RegData/etudes/BRIE/2018/623563/EPRS\\_BRI\(2018\)623563\\_EN.pdf?fbclid=IwAR1MdXFXaIFn4SAed\\_iGM6ciVFNhBT-cLnLE7xaNbwuifHiaEBB4NSsT3Hg](http://www.europarl.europa.eu/RegData/etudes/BRIE/2018/623563/EPRS_BRI(2018)623563_EN.pdf?fbclid=IwAR1MdXFXaIFn4SAed_iGM6ciVFNhBT-cLnLE7xaNbwuifHiaEBB4NSsT3Hg)

2017: 2).

**Table 5: Statistics regarding the Capacity and Occupancy of the RICs on the North-Eastern Aegean islands: 31 January 2019**

Island	RIC	
	Capacity	Occupancy
Lesvos	3100	4871
Chios	1014	1391
Samos	648	3675
Leros	860	966
Kos	816	773
<b>Total</b>	<b>6438</b>	<b>11676</b>

Source: Ministry of Citizen Protection, National Coordination Centre For Border Control, Immigration And Asylum (N.C.C.B.C.I.A.)

A number of official actors are present in the RIC facilities on the inlands, both national and European. Regarding national authorities, the Asylum Service, the Reception and Identification Service and the police, port authorities and the army are involved in the RIC facilities. EU authorities present at the hotspots are the EASO and FRONTEX, while also International Organizations such as UNHCR and IOM are also involved, as described below<sup>37</sup>.

Regarding the national authorities, the Asylum Service is responsible for the admissibility interview, access to the asylum procedure and in merit examination of the claims, and its function is governed by Law 4375/2016<sup>38</sup>. The Reception and Identification Service (RIS), former First Reception Service (FRS), handles the management of Reception and Identification Centres (RIC) in the hotspots. Additionally it is responsible for the first reception procedures upon entry of third-country nationals that include: identity and nationality verification; registration; medical examination and any necessary care and psychosocial support; provision of proper information about newcomers' obligations and rights, in particular about the conditions under which they can access the asylum procedure; and identification of those who belong to vulnerable groups so that they be given the proper procedure<sup>39</sup>. Since the mid-2017, the Centre for Disease Control and Prevention (KEELPNO), a private law entity

<sup>37</sup> <https://www.asylumineurope.org/reports/country/greece/asylum-procedure/access-procedure-and-registration/reception-and>

<sup>38</sup> <https://www.ecre.org/wp-content/uploads/2016/12/HOTSPOTS-Report-5.12.2016..pdf?fbclid=IwAR0bIHCBsT747kISwFXe6K2L4PsNbswrB3c4MDeYLZk-LxMBW9SQzckEv4>

<sup>39</sup> [https://www.asylumineurope.org/reports/country/greece/asylum-procedure/access-procedure-and-registration/reception-and?fbclid=IwAR0rmkAsLrCHeGY1CuELHBw9p5GChKMP\\_Tv86NeZiDxgL4W8MGz0BNA4fYM](https://www.asylumineurope.org/reports/country/greece/asylum-procedure/access-procedure-and-registration/reception-and?fbclid=IwAR0rmkAsLrCHeGY1CuELHBw9p5GChKMP_Tv86NeZiDxgL4W8MGz0BNA4fYM)

supervised and funded directly by the Ministry of Health and Social Solidarity has started taking over the provision of the medical and psychosocial services<sup>40</sup>. The police, port authorities and the army are involved in various parts of the procedures. The Police is responsible for guarding the external area of the hotspot facilities, as well as for the identification and verification of nationalities of newcomers. The army has been entrusted with logistics aspects of camp construction and management.

Concerning the European actors, EASO is also engaged in the asylum procedure, and mostly at the fast-Track Border Procedure, as they conduct first instance personal interviews, they issue opinions regarding asylum applications and they are also involved in the vulnerability assessment procedure<sup>41</sup>. Following a legislative reform in 2018, Greek-speaking EASO personnel can also conduct any administrative action for processing asylum applications, including in the Regular Procedure. Additionally, Frontex staff is also engaged in the identification and verification of nationality. Although Frontex should have an assisting role, it conducts nationality screening almost exclusively in practice, as the Greek authorities lack relevant capacity such as interpreters. It should be noted that, even though the Greek authorities may base their decision concerning the nationality of a newcomer exclusively on a Frontex assessment, documents issued by the latter are considered being 'non-paper' and thereby inaccessible to individuals<sup>42</sup>. Additionally, the involvement of UNHCR is connected with the protection monitoring (to ensure that refugee and human rights standards are upheld), and the provision of information on the rights and procedures to seek asylum<sup>43</sup>. Last but not least, IOM is also responsible for providing information and for implementing the Assisted Voluntary Return and Reintegration Program (AVRR)<sup>44</sup>.

### **The restriction of movement on the north-eastern Aegean islands under the EU-Turkey Statement**

People residing in the RIC are subject to a "geographical restriction" as they are under an obligation not to leave the island and to reside in the RIC facility (Official Government Gazette 1366/2018 and Official Government Gazette 4427/2018). Pursuant to this measure, migrants and asylum seekers are obliged to remain on the island on which they are initially registered and undergo a fast-track border procedure to determine whether Turkey is a "safe third country" for them. The order of the restriction of movement imposed both by the Police Authorities and the Head of the Asylum Service<sup>45</sup>. After the full registration of the asylum application, an asylum seeker card is provided to the applicant and a stamp on the card mentions: "Restriction of movement on the island of [...]" (AIDA, 2018).

---

<sup>40</sup> <https://www.asylumineurope.org/reports/country/greece/asylum-procedure/access-procedure-and-registration/reception-and>

<sup>41</sup> <https://www.asylumineurope.org/reports/country/greece/asylum-procedure/access-procedure-and-registration/reception-and>

<sup>42</sup> <https://www.asylumineurope.org/reports/country/greece/asylum-procedure/access-procedure-and-registration/reception-and>

<sup>43</sup> [https://www.unhcr.org/news/briefing/2016/3/56f10d049/unhcr-redefines-role-greece-eu-turkey-deal-comes-effect.html?fbclid=IwAR3lZJAzYXN-VwBVxwL7QwXCnGZ7UeUKMd8By4A7\\_r6W8Wnkuz4GfTL56mc](https://www.unhcr.org/news/briefing/2016/3/56f10d049/unhcr-redefines-role-greece-eu-turkey-deal-comes-effect.html?fbclid=IwAR3lZJAzYXN-VwBVxwL7QwXCnGZ7UeUKMd8By4A7_r6W8Wnkuz4GfTL56mc)

<sup>44</sup> <https://greece.iom.int/en/assisted-voluntary-return-and-reintegration-programs-avrr?fbclid=IwAR3Fh5WlIxPrSKao0QV7nmE5RpB-VAdOaQimKN6VdTioZxHMQRXYKAZbpBk>

<sup>45</sup> <https://www.asylumineurope.org/reports/country/greece/reception-conditions/access-and-forms-reception-conditions/freedom-movement>

The geographical restriction is lifted in the following cases: a) all applicants receiving international protection have their restriction lifted immediately, b) all Syrian applicants whose claim has been determined as admissible due to the inapplicability of the safe third country concept have their restriction lifted immediately, c) all applicants exempted due to the applicability of the Dublin Regulation have their restriction lifted immediately, d) following a change in practice in May 2017, Syrian applicants exempted due to vulnerability have their restriction lifted immediately, while non-Syrian applicants exempted due to vulnerability do not have their restriction lifted until they undergo the personal interview (AIDA, 2018: 121).

Visibly connected to the implementation of the EU-Turkey statement seems to be the Fast-Track Border Procedure (Law 4375/2016, art.60). It was voted some days after the launch of the EU Turkey statement and it regards the northeastern Aegean islands. The fast-track border procedure is introduced as an extraordinary and temporary procedure<sup>46</sup>. However, its application is repeatedly extended and remains in force to date. The above procedure is applied to applicants who have arrived on the Greek Aegean islands after 20 March 2016 and have lodged applications before the RAO of Lesbos, Chios, Samos, Leros and Rhodes, and the AAU of Kos. On the contrary, applications lodged before the Asylum Unit of Fylakio by persons remaining in the RIC of Fylakio in Evros are not examined under the fast-track border procedure<sup>47</sup>.

Within the framework of the fast-track border procedure, applications by Syrian asylum seekers are examined on admissibility on the basis of the Safe Third Country concept. Applications by non-Syrian asylum seekers from countries with a recognition rate below 25% are examined only on the merits, and applications by non-Syrian asylum seekers from countries with a recognition rate over 25% are examined on both admissibility and merits<sup>48</sup>. Last but not least, according to Law 4375/2016, art. 60, the fast-track border procedure is not applied to vulnerable groups or persons falling within the family provisions of the Dublin III.

### **“Low-Profile Scheme” Project**

The “Pilot Project” or “Low profile scheme” refers to a highly systematized and arbitrary practice of detention. Specifically, newly arrived persons, usually single men belonging to particular nationalities, whose country of origin has low recognition rates EU wide, are placed in administrative detention upon arrival and remain there for a 3 months period. The implementation of the above practice started as a “pilot project”, since October 2016 and is still in progress without being legally defined in legislation. This project of automatic detention upon arrival persists on the Islands of Lesbos, Kos and to a certain extent Leros. The project focuses on nationals of Pakistan, Bangladesh, Egypt, Tunisia, Algeria and Morocco, Sub-

---

<sup>46</sup> European Council, EU-Turkey statement, 18 March 2016, para 1: “It will be a temporary and extraordinary measure.”

<sup>47</sup> [http://www.asylumineurope.org/sites/default/files/report-download/aida\\_gr\\_2018update.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf)

<sup>48</sup> [http://www.asylumineurope.org/sites/default/files/report-download/aida\\_gr\\_2018update.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2018update.pdf)

Saharan while the list of countries was expanded to 28 in March 2017, when the project was rebranded as “Low-Profile Scheme” project<sup>4950</sup>.

During our research, and specifically during the Roundtable discussion organized by the research team, at the university of the Aegean<sup>51</sup>, the “Low-profile Scheme” project was characterized by most of the roundtable participants as a discriminatory “containment policy” that functions as a new norm for Greece and a pilot project for the entire European Union.

### 6.2.3. Internal controls

In 2012 the Greek government initiated an operation aiming at the reduction of irregular migrants within the country. **Operation Xenios Zeus**, named after the ancient Greek god of hospitality, was launched in August 2012. The operation unfolded in urban areas and, more specifically, in both public places and private areas, e.g. migrants’ houses, places of encounter and places of worship. Xenios Zeus involved 4,000 police officers from the Hellenic Police; according to reports, between 4 August 2012 and 22 February 2013 almost 85,000 people of foreign origin were stopped on the streets of Athens and taken to a police station for the examination of their identification papers and legal status. Only 4,811 – about 6% – were found to be residing in Greece without the proper documents<sup>52</sup>. It has to be mentioned that said operation triggered condemnation and strong reactions from various humanitarian actors and international human rights organizations<sup>53</sup>.

### Detention (Administrative Detention)

According to the administrative guidelines of the Asylum Service, the detention of asylum seekers is necessary on the grounds of “the verification of the applicant’s identity or origin” and “the speedy and effective completion of the examination of the application”. As revealed by the meso-level interviews implemented for the present research, the cooperation of two authorities is needed to issue a detention order. The head of the competent Asylum Service or Regional Asylum Office is responsible for issuing a recommendation for detention, while the Hellenic Police is responsible for issuing the detention order. However, in cases where the asylum seeker constitutes a danger to national security or public order, the police is the only responsible authority involved in the detention process and order.

The conditions of administrative detention are seriously problematic in Greece. As reports and press publications on Greece’s immigration detention practices point out, there are several related concerns regarding the country’s resistance to using alternatives to detention, its systematic detention of children, the issuing of detention orders that lack individual assessments, inadequate conditions of detention and the use of police stations for immigration

---

<sup>49</sup> <http://legalcentrelesvos.org/2018/02/10/january-2018-report-on-rights-violations-and-resistance-in-lesvos/?fbclid=IwAR2jHxfq12184lbrzUAUFJFX194YVSmuE40GI8LD9K75PcWyhc9o1rSx4BA>

<sup>50</sup> [https://www.ecre.org/interview-asylum-procedure-based-on-nationality-rather-than-on-merit-the-situation-of-pakistani-asylum-applicants-under-the-eu-turkey-deal/?fbclid=IwAR2na8ippOYKCieX\\_Gyq1aCz15IEE653D\\_lfZ9S9klyRHWiM43Bia8QgAwM](https://www.ecre.org/interview-asylum-procedure-based-on-nationality-rather-than-on-merit-the-situation-of-pakistani-asylum-applicants-under-the-eu-turkey-deal/?fbclid=IwAR2na8ippOYKCieX_Gyq1aCz15IEE653D_lfZ9S9klyRHWiM43Bia8QgAwM)

<sup>51</sup> <https://www.respondmigration.com/blog-1/2018/11/29/the-first-roundtable-discussion>

<sup>52</sup> <https://www.hrw.org/report/2013/06/12/unwelcome-guests/greek-police-abuses-migrants-athens#>

<sup>53</sup> HRW (Human Rights Watch) (2013) *Ανεπιθύμητοι επισκέπτες: Καταχρηστικές πρακτικές της Ελληνικής Αστυνομίας κατά των μεταναστών στην Αθήνα [Unwelcome Guests: Greek Police Abuses of Migrants in Athens]*. Human Rights Watch, United States of America.

detention purposes. Consequently, Greece's detention system has attracted broad international condemnation – including from four UN Special Procedures<sup>54</sup> and four UN human rights treaty bodies<sup>55</sup> – and has prompted more than 20 rulings by the European Court of Human Rights. In addition, a number of the Geneva-based treaty bodies have also criticized Greece's practices. For example, the UN Human Rights Committee (2015) urged Greece to ensure that all detention decisions are based on the individual circumstances of the person and consider less invasive means to achieve the same end<sup>56</sup>.

### Pre-removal Detention Centres on the islands

The 2012 Action Plan on Asylum and Migration Management put the pre-removal detention centres, which have been set up through ministerial decisions, in place. Moreover, in line with the Joint Action Plan<sup>57</sup> on the implementation of the EU–Turkey statement, a recommendation was made to increase detention capacity on the islands and, as a result, three pre-removal detention centres opened on the Islands of Lesbos, Kos and Samos in 2017<sup>58</sup>.

The detention facilities on the Aegean Islands hold mainly asylum seekers whose claims have been declared inadmissible or have been rejected at the first and second instance, in order to facilitate and secure the planned fast deportations to Turkey. Additionally, according to our meso-level interviews and discussions, detainees also include individuals from nationalities with low recognition rates (such as people from N. Africa, Algeria, Morocco, Egypt, Sub Saharan countries, the Sahel, Pakistan and Bangladesh) at least in the pre-removal center of Lesbos. The implementation of the above mentioned started in 2017 as a

---

<sup>54</sup> Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, "Report submitted by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak: Mission to Greece," A/HRC/16/52/Add.4, March 2011, [www.ohchr.org/EN/countries/ENACARRegion/Pages/GRIndex.aspx](http://www.ohchr.org/EN/countries/ENACARRegion/Pages/GRIndex.aspx); Special Rapporteur on the sale of children, child prostitution and child pornography, "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Juan Miguel Petit: Addendum: MISSION TO GREECE (8-15 November 2005)," E/CN.4/2006/67/Add.3, March 2006, [www.ohchr.org/EN/countries/ENACARRegion/Pages/GRIndex.aspx](http://www.ohchr.org/EN/countries/ENACARRegion/Pages/GRIndex.aspx); Working Group on Arbitrary Detention, "Report of the Working Group on Arbitrary Detention: Addendum: Mission to Greece," A/HRC/27/48/Add.2, 30 June, <http://www.ohchr.org/EN/Countries/ENACARRegion/Pages/GRIndex.aspx>.

<sup>55</sup> Human Rights Committee, "Concluding observations on the second periodic report of Greece," CCPR/C/GRC/CO/2, 3 December 2015, <http://www.ohchr.org/EN/Countries/ENACARRegion/Pages/GRIndex.aspx>; Committee against Torture, "Consideration of reports submitted by States parties under article 19 of the Convention: Concluding observations of the Committee against Torture: Greece," CAT/C/GRC/CO/5-6, 27 June 2012, <http://www.ohchr.org/EN/Countries/ENACARRegion/Pages/GRIndex.aspx>; Committee on the Rights of the Child, "Consideration of reports submitted by States parties under article 44 of the Convention: Concluding observations: Greece," CRC/C/GRC/CO/2-3, 13 August 2012, <http://www.ohchr.org/EN/Countries/ENACARRegion/Pages/GRIndex.aspx>; Committee on the Elimination of Racial Discrimination, "Concluding observations on the twentieth to twenty-second periodic reports of Greece"

<sup>56</sup> Human Rights Committee, "Concluding observations on the second periodic report of Greece," CCPR/C/GRC/CO/2, 3 December 2015, <http://www.ohchr.org/EN/Countries/ENACARRegion/Pages/GRIndex.aspx>

<sup>57</sup> [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-e-do/policies/european-agenda-migration/20171114\\_annex\\_2\\_joint\\_action\\_plan\\_on\\_the\\_implementation\\_of\\_the\\_eu\\_turkey\\_statement\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-e-do/policies/european-agenda-migration/20171114_annex_2_joint_action_plan_on_the_implementation_of_the_eu_turkey_statement_en.pdf)

<sup>58</sup> The one on Lesbos was established in 2015 but reopened in 2017. The center on Samos has not yet become operational.



“pilot project” that was not legally defined in the legislation. Newcomers belonging to particular nationalities whose country of origin has low recognition rates EU-wide are immediately placed in administrative detention upon completion of RIS procedures, and remain there for a 3-month period. This police practice is informally known as the Low-profile Scheme. It has also been characterized by participants in the present research as a discriminatory “containment policy” that serves as a new norm for Greece and a pilot project for the entire European Union. Just like the consideration of individuals as “*delinquents*” for the sole reason of having moved to mainland by breaking the geographical restriction<sup>59</sup> or of having withdrawn from asylum procedures in order to join IOM AVRR (Assisted Voluntary Return and Reintegration)<sup>60</sup>.

### **Excessive use of detention**

According to several reports and press releases, upon their arrival at the Evros land borders with Turkey and prior to undergoing any kind of reception procedures, refugees and asylum seekers are forced into detention<sup>61</sup>. Thus, applicants are either forced to remain within a closed registration and identification camp or at the various police precincts and pre-removal centers scattered throughout the region which are, themselves, closed detention facilities reserved (in theory) for those waiting to be deported<sup>62</sup>. In total, eight pre-removal detention centers were active in Greece by the end of 2017, compared to six in 2016. A ninth pre-removal center has been legally established in Samos but is not yet operational. Total pre-removal detention capacity was 6,627 places in 2017, up from 5,215 places in 2016 (see Table 5).

Apart from the aforementioned pre-removal facilities and despite commitment from the Greek authorities to phase out such practices, third-country nationals including asylum seekers continued to be detained in border guard units, police stations and special holding facilities during 2017, as confirmed *inter alia* by GCR visits. In regard to detention in police stations, accurate data are hard to find (Aida, 2017:160).

---

<sup>59</sup> <https://greece.iom.int/en/assisted-voluntary-return-and-reintegration-programs-avrr>

<sup>60</sup> <https://www.gcr.gr/media/k2/attachments/SCIZReportZfinalZPDF.pdf>

<sup>61</sup> <https://www.gcr.gr/media/k2/attachments/SCIZReportZfinalZPDF.pdf>,  
<https://www.asylumineurope.org/news/01-06-2018/greece-cpt-slams-inhuman-detention-conditions-border>

<https://www.infomigrants.net/en/post/9706/greece-has-wide-disparities-in-standards-among-its-migrant-detention-centers>

<sup>62</sup> op.cit

**Table 6: Capacity of pre-removal detention centres**

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

Source: Directorate of the Hellenic Police

**Table 7: Asylum seekers detained by pre-removal centre, 2017**

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

Source: Directorate of the Hellenic Police

#### 6.2.4. Returns and readmissions

Return decisions are issued for all people irregularly entering the country. If a person applies for asylum, the decision is suspended until the completion of the examination of the asylum claim. Persons who do not apply for asylum, or receive a final rejection of their asylum claim, or quit from the claim, or whose claim examination is discontinued for one of the reasons foreseen in Greek legislation (Law 4375/2016) have their return decision reactivated; they are subject to readmission, and if they are arrested they will may be detained in view of their readmission and until the completion of the deportation or return procedures.

As already mentioned newcomers entering from Turkey to the Aegean islands are subject to the EU-Turkey Statement's arrangements regarding returns, while those entering from the Greek-Turkish land borders are subject to the readmission protocol between Greece and Turkey (2001). According to lawyers' interviewees, employed at national and supranational agencies, there is a gap between the legal framework and its implementation. The EU-Turkey Statement, which is applicable at the Greek islands, has not an official legal force, and the official legal basis for returns are found in the readmission protocol between Greece and Turkey and in the EU recast Asylum Procedures Directive (APD) as it was transposed in the Greek legislation by Law 4375/2016 and in Laws 3386/2005 and 3907/2011. At the same time, in the case of Evros region where the EU-Turkey Statement is not applicable, Turkey has suspended the readmission protocol since June 2018<sup>63</sup>. As a result, returns from the Evros region have been put on hold, with the exception of Turkish nationals who do not apply for asylum.

Regarding quantitative data, since the launch of the EU-Turkey statement on 20 March 2016 and until 31 December 2018, 1,806 individuals had been returned to Turkey on the basis of the EU-Turkey Statement, of which 801 in 2016, 683 in 2017 and 322 in 2018<sup>64</sup>.

According to the General Peripheral Director of the North Aegean, indeed, *readmission is a process that is being implemented by the Greek police in cooperation with Frontex*. Additionally, discussions held with the representative of the Hellenic Coast Guard in Lesvos showed that the Hellenic Coast Guard is also present during the readmission process. More specifically, we were informed that:

Returns take place either by air or by boat. We (the Hellenic Coast Guard) are related only with the sea transportations and only for safety, to ensure the security of the process, that is to say, these people safely on board, our responsibility is confined to the port area, for the safety of the harbor, if someone resists getting into the boat. Who goes back and all this has nothing to do with us. The Police is always in charge of the process. And we have to mention that in Frontex there is well trained staff especially to accompany migrants.

---

<sup>63</sup> <https://www.reuters.com/article/us-turkey-security-greece/turkey-suspends-migrant-readmission-deal-with-greece-hurriyet-idUSKCN1J31OO?fbclid=IwAR1tZyAYA3pFLtEbVIT3mqU-TYEO-cMuNPwuY10Jl2eSXmIvxDazfiN0T4A>

<sup>64</sup> <https://bit.ly/2HM6txP>

Moreover, an interviewee from an international agency monitoring relevant procedures mentioned that:

In Lesvos, readmissions normally take place on a weekly basis but this is subject to changes as they might be cancelled due to weather conditions, public holidays or not having reached a sufficient number of people to be readmitted. The Police is responsible to arrange the readmissions in prior agreement with Turkey. Until the very last moment it remains unclear who are the persons that will finally be readmitted as legal actors might proceed to legal remedies a few minutes prior to the departure. Additionally major legal actors dispose of these confidential information.

In addition, readmissions are supposed to be closely monitored by the Ombudsman. According to the 2015 Annual Report of the Ombudsman, there is a lack of steady funding for pre-removal centres, as well as forced return operations<sup>65</sup>. Another related problem mentioned in the report pertains to the financing of the external monitoring of returns by the Greek Ombudsman; while provided for by the JMD governing the organization of the monitoring (Government Gazette 2870B/24.10.2014), it is hindered by delays in state funding since 1 July 2015 and for almost the whole of 2016.

### **6.3 Co-operation among sub-national, national and supranational actors**

Coordination still seems crucial at several levels, from high-ranking political direction, through to policy and technical coordination and down to implementation of policies in the field. At the same time, the response to the increased needs since 2015 spanned different policy areas and often required the expertise and resources of the Ministries of the Interior and of Foreign Affairs, as well as of the humanitarian agenda of EU and of national governments. Finally, to be effective on the ground, the Greek government relies on the assistance of operational actors, from EU agencies (notably Frontex and EASO) through to international organizations and NGOs. Especially in Lesvos Island, 114 NGOs with 7356 'volunteers' are active<sup>66</sup>. Bringing these actors together to respond in a coherent manner constituted a significant challenge, particularly as many had not worked together prior to 2015.

Indeed, it has taken time to ramp up coordination between the national, subnational and supranational agencies and EU institutions (Frontex, EASO) as each has its own internal priorities and procedures. Our participants, as well as reports<sup>67</sup> from NGOs and INGOs, have noted that the development of operational working methods is strongly influenced by specific needs on the ground. Another crucial point is that the development of modes of coordination also differed from site to site or from hotspot to hotspot. It is still often unclear who the ultimate decision maker is.

---

<sup>65</sup> [https://www.synigoros.gr/resources/docs/epistrofes\\_en\\_2015.pdf](https://www.synigoros.gr/resources/docs/epistrofes_en_2015.pdf)

<sup>66</sup> [http://www.europarl.europa.eu/doceo/document/E-8-2018-002966\\_EN.html?redirect](http://www.europarl.europa.eu/doceo/document/E-8-2018-002966_EN.html?redirect)

<sup>67</sup> [https://reliefweb.int/sites/reliefweb.int/files/resources/greece\\_roadmap\\_oxfam\\_final.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/greece_roadmap_oxfam_final.pdf)

It is also important to mention that, faced with a quickly escalating emergency in late February 2016, the Greek Government established the Coordinating Body for the Management of the Refugee Crisis in early March 2016. This is an interministerial body headed by the deputy Minister of National Defence and composed by the Ministry of National Defence, Ministry of Citizen Protection, Ministry of Migration Policy, Ministry of Infrastructure, Transport and Networks, Ministry of Maritime Affairs and Insular Policy, and the Ministry of Macedonia and Thrace. This body has taken on the task of organizing and coordinating the management of the flows as well as the establishment of reception centres (Triandafyllidou et al., 2016: 21).

Moreover, since 2017, the Greek state has begun to take over the management and financing of aspects of the reception and integration system, and many international non-governmental organizations (NGOs) that came to assist at the time of humanitarian emergency are downsizing or preparing to leave the country entirely. However, progress seems to be insufficient to date in terms of a proper coordination between the institutions and the Greek government, as well as between multiple actors on the ground, including NGOs.

## 7. Conclusions

This report is part of the Working Package 2, of the research project RESPOND, and it specifically engaged with the presentation and analysis of the legal system, policies, practices and key-discourses regarding border management and immigration control in Greece since 2011.

The first part of the present report analysed the Greek legal framework and its interrelations and differences with the EU legislation. The respective chapter was structured through 4 sub-chapters regarding: “pre-entry measures” (including VISAs issues, Carrier sanction legislation, Advance passenger information/Passenger Name information and Immigration liaison officers), “at the border controls” (including border surveillance and the Hotspot approach), “Internal Controls” (including conditions of stay or Recipients of international protection and the recipients of subsidiary protection, Asylum seekers, and Unauthorized and undocumented migrants) and “Return, detention for return and readmission”. The analysis and comparison between the EU and the national legislation, revealed the general alignment of the Greek with the EU legal framework. The majority of the relevant directives were explicitly transposed in the Greek legislation, while others, were not explicitly transposed through distinctive Laws, but implicitly as parts of migration legislation. Differences, between the Greek legislation and the EU directives (in terms of texts) were few, by maintaining the general accordance between the two, in terms of border management and migration control. The Laws that mostly determine the Greek policy on Border Management and Migration Control, were the Law 3386/2005 “Codification of Legislation on the Entry, Residence and Social Integration of Third Country Nationals on Greek Territory”, the Law 3907/2011 “Establishment of an Asylum Service and a First Reception Service, adaptation of the Greek legislation to the provisions of Directive 2008/115/EC “with regard to the common rules and procedures in Member States for the return of illegally staying third-country nationals” and other provisions”, the Law 4251/2014 “Immigration and Social Integration Code and other provisions”, the Law 4375/2016 “On the organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions

of Directive 2013/32/EC “on common procedures for granting and withdrawing the status of international protection (recast) (L 180/29.6.2013), provisions on the employment of beneficiaries of international protection and other provisions”, and the Law 4540/2018 “Amendments of the Greek legislation in accordance with the provisions of Directive 2013/33/EU of the European Parliament and of the Council of Europe of June 26 2013, on the standards required for the reception of applicants for international protection (recast, L 180/96/29.6.2013) and other provisions – Amendment of Law 4251/2014 (A80) to transpose to Greek Law Directive 2014/66/EU of May 15 2014 of the European Parliament and of the Council concerning conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer – Amendment of asylum procedures and other provisions”.

Regarding the implementation, in the present report, the main policies/measures that seem to lead to a change in the mode of border management and migration control in Greece and consequently in Europe were presented and analysed. The implementation chapter was also organised through 4 sub-chapters regarding: “pre-entry measures” (including issues related to push backs, and smuggling networks), “at the borders controls (including the “Integrated Border Management Program”, the Evros Fence, the closure of the Western Balkan route, the Operations RABIT and Aspida, the European Border Surveillance System (EUROSUR), as well as the “Hot Spot Approach” and the EU-Turkey Statement), “Internal controls” (including Operation “Xenios Zeus”, issues of administrative detention, the so called “Low Profile Scheme”, Pre-removal Detention Centers) and “Returns and readmissions”. A significant issue was also the Schengen evaluation report for Greece from the part of the European Commission. Last but not least in this chapter we also referred to the cooperation and the need for better coordination among the national, sub national and supranational agencies together with EU institutions (EASO, RONTEX) that are involved in the management of the migration control in Greece. Overall, in terms of implementation, border management and migration control in Greece seem to have met a significant intensification during the period in question, if compared to the previous years. A crucial gap emerges between the legal framework and its implementation in Greece, due to their important differences; a gap between “the laws and real life”<sup>68</sup>.

One could subscribe to Ong’s thesis that there is an “asymmetric unfolding of emerging milieus” and “the promiscuous entanglements of global and local logics crystallize different conditions of possibility...fragmenting and re-combining spaces and populations in novel ways” (Ong, 2007, p. 5 & p. 7). We can say that there are different milieus crossing bounded territories while at the same time there is a regionalization process, which constructs territories through and in national ones. Places, borders, movements are parts of new assemblages of the sovereignties irrespectively of whether border lines seem to be still enforced by national states and other regional institutions. Furthermore, it is worth mentioned that different actors, strategies, practices and rationalities shape border policies through multiple narratives, practices and logics such as humanitarian actions and border protection by unwanted movements. In this processes, Greece and Greek islands have been placed on the epicentre.

In brief, the changes worth pointing for Greek border management: Border management in Greece has been more Europeanised since 2015, which is based on the implementation of the Hot Spot approach, and the actions of Frontex & Easo which have been reconstructed and consolidated with the migration movement. Moreover, the EU-Turkey Statement re-

---

<sup>68</sup> <https://www.respondmigration.com/blog-1/2018/11/29/the-first-roundtable-discussion>

territorializes space, creating specific bounded areas between EU and national territories. In fact, Turkish and Greek territories are connecting in bordering process, constructing a buffer zone, even though it is not legally binding.

**Table 8: Policy Recommendations**

- Ensure that the human rights of all migrants, asylum seekers and refugees are the primary consideration of all negotiations.
- Develop clear procedural and legislative safeguards to protect human rights and secure/obtain that serious vulnerable and in danger individuals are not going to be returned.
- Setting up an independent authority to monitor and collect accurate data on border and immigration issues.
- Increase in the number of staff of the relevant Greek competent authorities under the Ministry of Immigration Policy.
- Free access to legal aid/support - Early legal advice, preferably through personal contact with assigned caseworkers and lawyers.
- Promote viable alternatives to detention by developing open reception infrastructures for migrants, asylum seekers and beneficiaries of international protection and suitable accommodation for vulnerable groups.
- Ensure that procedural guarantees, including access to legal representation and legal aid, in decisions surrounding any deprivation of liberty, are fully implemented.
- Ensure the non-detention of vulnerable groups, including children, in line with the guidance of the UN Committee on the Rights of the Child.
- Appropriate training of border police, police officers, immigration officials (including out-posted immigration and airline officers operating outside their own states' territories), coast guards and others who are in first contact with persons arriving at the borders in order to be able to apply cultural, age and gender-sensitive approaches and attitudes in day-to-day contacts, in full compliance with international law and standards.
- Better identification of persons with special needs, including potentially asylum seekers, requiring referral to appropriate services.
- Relevant, appropriate and increased use of interpreters.
- Improvement in co-ordination between/among relevant governmental and non-governmental actors.

- Implementation of proportionate number distribution policies in the EU Member States on the model of the "relocation program".

## References

Aggeli, D., Dimitriadi A., Triantafyllidou, A., 2014. *Assessing the cost-effectiveness relation, of policies of irregular immigration's control.*



- AIDA (2018, 2017, 2016) Greece, Country Reports. [online] Available at: <<https://www.asylumineurope.org/reports/country/greece?fbclid=IwAR0WWhoA6RiHL85Hox6oaekcePKjnZjRoCfCXHjRnpzHXu8R3sZiqx5WNUxg>> [Accessed 30 May 2018]
- Amnesty International, 2016. *Trapped in Greece an avoidable refugee crisis*. [online] Available at: <<https://www.amnesty.org/en/documents/eur25/3778/2016/en/>> [Accessed 14 March 2018]
- Anagnostou, D., Gemi, E., 2015. *Monitoring and Assessing the Integration of Vulnerable Migrants In Greece*. [pdf]. Available at: [http://www.eliamep.gr/wp-content/uploads/2015/03/ASSESSNatl.Report.Phase2\\_FINAL.pdf](http://www.eliamep.gr/wp-content/uploads/2015/03/ASSESSNatl.Report.Phase2_FINAL.pdf)
- ANA-MPA 2018 *Tsipras: migration a European challenge that needs European solution*. [online] Available at: <https://www.amna.gr/en/article/270199/Tsipras-migration-a-European-challenge-that-needs-European-solution>
- Antonakaki, M., Kasperek B., Maniatis, G., 2016. *Counting heads and channelling bodies. The hotspot center Vial in Chios, Greece*. Report, Transit Migration 2. [online] Available at: <https://societyandspace.org/2016/11/29/counting-channelling-and-detaining-the-hotspot-center-vial-in-chios-greece/>
- Asylum Information Database (AIDA), 2017. *Country Report: Greece*. [online] Available at: [http://www.asylumineurope.org/sites/default/files/report-download/aida\\_gr\\_2017update.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2017update.pdf)
- Aitima, FORGOTTEN, 2016. *Administratively detained irregular migrants and asylum seekers* [online] Available at: <https://www.asylumineurope.org/sites/default/files/resources/forgotten.pdf>
- Avramopoulos D., 2016. *Commission Recommendation of 8.12.2016 addressed to the Member States on the resumption of transfers to Greece under Regulation (EU) No. 604/2013*. [pdf] Available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20161208/recommendation\\_on\\_the\\_resumption\\_of\\_transfers\\_to\\_greece\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20161208/recommendation_on_the_resumption_of_transfers_to_greece_en.pdf)
- Bez nec, B., Speer M., and M. Stojić Mitrović, M., 2016. *Governing the Balkan Route: Macedonia, Serbia and the European Border Regime*. Research Paper Series of Rosa Luxemburg Stiftung Southeast Europe, 5.
- Boers-Goi, S., 2016. *Refugee Life at Europe's Borders Abandon, Survival and Retaking Control in Idomeni, Greece*. University of Amsterdam Graduate School of Social Sciences Master thesis Political Science Conflict Resolution and Governance.
- Deputy Minister's of Civil Protection Nick Toskas reply to TVxS report [online] Available at: <https://tvxs.gr/news/ellada/apantisi-toska-gia-tis-apokalypseis-toy-tvxs>
- Dijstelbloem, H., Van Reekum, R., Schinkel, W., 2017. *Surveillance at sea: The transactional politics of border control in the Aegean*. *Security Dialogue* 48,3, 224–240.
- Ebert F., Bodo Weber, St., 2017. *The EU-Turkey Refugee Deal and the Not Quite Closed Balkan Route*. [pdf] Available at: <http://library.fes.de/pdf-files/bueros/sarajevo/13436.pdf>

Eu-LISA, 2016. *Annual report on the 2015 activities of the central system of Eurodac, including its technical functioning and security pursuant to Article 40(1) of Regulation (EU) No 603/2013.*

European Commission EC, 2011. *The Global Approach to Migration and Mobility. Communication from the commission to the European Parliament, the council, the European economic and social Committee and the committee of the regions, COM(2011) 743 final.*

European Commission, 2016. *EU operations in the Mediterranean Sea.* [pdf] Available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/securing-eu-borders/fact-sheets/docs/20161006/eu\\_operations\\_in\\_the\\_mediterranean\\_sea\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/securing-eu-borders/fact-sheets/docs/20161006/eu_operations_in_the_mediterranean_sea_en.pdf)

European Commission, Press Release Database, 2011. *Frontex and the RABIT operation at the Greek-Turkish border.* [online] Available at: [http://europa.eu/rapid/press-release\\_MEMO-11-130\\_en.htm](http://europa.eu/rapid/press-release_MEMO-11-130_en.htm)

European Council for Refugees and Exiles, 2016. *Greece: Asylum Reform in the Wake of the EU-Turkey Deal.* [online] Available at: <https://www.asylumineurope.org/news/04-04-2016/greece-asylum-reform-wake-eu-turkey-deal>

European Stability Initiative, 2018. *Refugees and Asylum in the Aegean.* [pdf] Available at: <https://www.esiweb.org/pdf/ESI%20core%20facts%20-%20Greece%20Refugees%20Asylum%20-%2026%20January%202018.pdf>

Frontex, 2010a. *Frontex Executive Director signs decision to deploy RABITs.* *Frontex, New Release.* [online] Available at: <https://frontex.europa.eu/media-centre/news-release/frontex-executive-director-signs-decision-to-deploy-rabits-FyNU0c>

Frontex, 2010b. *Frontex RABIT Deployment to Greece Extended Until March 2011.* *Frontex, New Release.* [online] Available at: <https://frontex.europa.eu/media-centre/news-release/frontex-rabit-deployment-to-greece-extended-until-march-2011-4dbY6K>

Frontex, 2011. *RABIT Operation 2010 Ends, Replaced By JO Poseidon 2011.* *Frontex, News Release.* [online] Available at: <https://frontex.europa.eu/media-centre/news-release/rabit-operation-2010-ends-replaced-by-jo-poseidon-2011-ia6Kaq>

Frontex, 2016. *Rapid Border Intervention Teams In Greece.* *Frontex, Media Center, Focus.* [online] Available at: <https://frontex.europa.eu/media-centre/focus/rapid-border-intervention-teams-in-greece-MtcPFu>

Grigoriadis, I.N., Dilek, E., 2018. *Securitizing Migration in the European Union: Greece and the Evros Fence,* *Journal of Balkan and Near Eastern Studies,* <https://doi.org/10.1080/19448953.2018.1506280>

Greek Council for Refugees, 2018. *Access to the territory and pushbacks.* [online] Available at: <https://www.asylumineurope.org/reports/country/greece/asylum-procedure/access-procedure-and-registration/access-territory-and-push>

Greek Council for Refugees (GCR), 2018. *Borderlines of Despair: First-line reception of asylum seekers at the Greek borders.* [online] Available at: <https://www.gcr.gr/media/k2/attachments/SCIZReportZfinalZPDF.pdf>

- Greek Council for Refugees, "Country report: Greece", 2016. *Asylum Information Database (AIDA)*, "European Council on Refugees and Exiles (ECRE)" <http://www.asylumineurope.org/reports/country/greece>
- Greek Council for Refugees, Arsis, Human Rights 360. *The new normality: Continuous push-backs of third country nationals on the Evros River*. [pdf] Available at: <https://www.gcr.gr/en/news/press-releases-announcements/item/1028-the-new-normality-continuous-push-backs-of-third-country-nationals-on-the-evros-river>
- Hellenic Parliament, 2014. *Press Release. Speech of Mr Vaggelis Meimerakis, Chairperson of the Greek Parliament in the meeting of the Chairpersons of the Conference of Parliamentary Committees for Union Affairs of the Parliaments of the European Union (Chairpersons' COSAC) at Vilnius, Lithuania*.
- Hellenic League for Human Rights, 2017. *Coordinated refoulements to Turkey?* [online] Available at: <https://www.hlhr.gr/en/coordinated-refoulements-turkey/>
- Hellenic Republic Ministry of Foreign Affairs, 2019. *Frontex – Joint European Operations*. [online] Available at: <https://www.mfa.gr/en/foreign-policy/greece-in-the-eu/area-of-justice-freedom-and-security.html?page=4>
- International Organization for Migration, (IOM), Greece Projects. *Assisted Voluntary Return and Reintegration Programs (AVRR)*. [online] Available at: <https://greece.iom.int/en/assisted-voluntary-return-and-reintegration-programs-avrr>
- Joint action plan on the implementation of the EU-Turkey Statement, 2016. [pdf] Available at: [https://ec.europa.eu/commission/sites/beta-political/files/december2016-action-plan-migration-crisis-management\\_en.pdf](https://ec.europa.eu/commission/sites/beta-political/files/december2016-action-plan-migration-crisis-management_en.pdf)
- Joint Agency Briefing Paper, 2017. *Transitioning to a government run refugee and migrant response in Greece*. [pdf] Available at [https://reliefweb.int/sites/reliefweb.int/files/resources/greece\\_roadmap\\_oxfam\\_final.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/greece_roadmap_oxfam_final.pdf)
- The Guardian, 2016. *Balkan countries shut borders as attention turns to new refugee routes*. [online] Available at: <https://www.theguardian.com/world/2016/mar/09/balkans-refugee-route-closed-say-european-leaders>
- Hailbronner, K., Jochum G., 2007. *Directive 2002/90 Facilitation unauthorised entry & stay synthesis report. Academic Network for Legal Studies on immigration and asylum in Europe*. [online] Available at: <http://odysseus-network.eu/wp-content/uploads/2015/03/2002-90-Facilitation-unauthorised-entry-Synthesis.pdf>
- Hellenic Police (2018) Schengen Information System - S.I.S. [http://www.hellenicpolice.gr/index.php?option=ozo\\_content&lang=%27..%27&perform=view&id=26982&Itemid=898&lang=EN](http://www.hellenicpolice.gr/index.php?option=ozo_content&lang=%27..%27&perform=view&id=26982&Itemid=898&lang=EN)
- Human Rights Watch, 2013. *Unwelcome Guests, Greek Police Abuses of Migrants in Athens*. [online] Available at: <https://www.hrw.org/report/2013/06/12/unwelcome-guests/greek-police-abuses-migrants-athens>
- Kalantzopoulou, M., Koutrolikou, P., and Polihroniadi, K., 2011. *The dominant discourse about the city-centre of Athens*. [online] Available at: <https://encounterathens.files.wordpress.com/2011/05/encounter-logos-15052011.pdf>

- Karamanidou, L., and Kasperek, B., 2018. *Border Management and Migration Control in the European Union. Respond Working Paper "Global Migration: Consequences and Responses"*, 2018/14.
- Kontarinis, G., 2017. *Mouzas: The controversial but effective agreement for the refugees.* [online] Available at: <https://www.cnn.gr/news/politiki/story/108786/moyzas-diafilonikoymeni-alla-apotelesmatiki-i-symfonia-gia-to-prosfygiko>
- Koutrolikou, P., Siatitsa, D., 2011. *The Construction of a 'Public' Discourse for Athens Centre: Media, Migrants and Inner-city Regeneration. In International RC21 Conference. Amsterdam*
- Law 1045/1980 Ratification of the International Convention for the "Safety of Life at Sea 1974" signed in London, and other provisions. Government Gazette of the Hellenic Republic, Issue no 95 Series A, 25/4/1980.
- Law 1844/1989 Ratification of the Convention on Maritime Search and Rescue and other provisions. Government Gazette of the Hellenic Republic, Issue no 100 Series A, 25/4/1989.
- Law 2321/1995 Ratification of the United Nations Convention on the Law of the Sea and of the Agreement that regards the part XI's implementation of the convention. Government Gazette of the Hellenic Republic, Issue no 136 Series A, 23/6/1995.
- Law 2514/1997 Ratification: 1) of the Agreement between the Governments of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders; 2) the Convention implementing the said Agreement between the same States - (3) of the Protocols and Accession Agreements to the above-mentioned Agreements: the Italian Republic, the Kingdom of Spain, the Portuguese Republic, the Hellenic Republic, the Republic of Austria, the Finnish The Kingdom of Denmark and the Kingdom of Sweden, with their Final Act, Minutes, Declarations and Joint Declarations. Government Gazette of the Hellenic Republic, Issue no 140 Series A, 27/6/1997.
- Law 3153/2003 Naval vocational training, training and further training and regulation of other matters within the competence of the Ministry of Mercantile Marine. Government Gazette of the Hellenic Republic, Issue no 91 Series A, 19/6/1997.
- Law 3386/2005 Codification of Legislation on the Entry, Residence and Social Integration of Third Country Nationals on Greek Territory. Government Gazette of the Hellenic Republic, Issue no 212 Series A, 23/8/2005.
- Law 3536/2007 Special arrangements for immigration policy and other matters falling within the competence of the Ministry of the Interior, Public Administration and Decentralisation. Government Gazette of the Hellenic Republic, Issue no 42 Series A, 23.2.2007.
- Law 3613/2007 Arrangements of issues of Independent Authorities, General Inspector of Public Administration, Inspectors of Public Administration Auditors, and other issues within the Ministry of the Interior. Government Gazette of the Hellenic Republic, Issue no 263 Series A, 23.11.2007.
- Law 3902/2010 Ratification of Headquarters Agreement between the Hellenic Republic and FRONTEX (European Agency for the Management of Operational Cooperation at the

External Borders of the Member States of the European Union), for the hosting of the FRONTEX Business Office in Greece. Government Gazette of the Hellenic Republic, Issue no 216 Series A, 23.12.2010.

- Law 3907/2011 Establishment of an Asylum Service and a First Reception Service, adaptation of the Greek legislation to the provisions of Directive 2008/115/EC “with regard to the common rules and procedures in Member States for the return of illegally staying third-country nationals” and other provisions. Government Gazette of the Hellenic Republic, Issue no 7 Series A, 26.01.2011.
- Law 4052/2012 Law falling within the competence of the Ministry of Health and Social Solidarity and the Ministry of Labour and Social Security regarding the implementation of the Law on the Approval of the Draft Financial Assistance Facility Agreements between the European Financial Stability Facility (EFSF), the Hellenic Republic and the Bank of Greece, approval of the Draft Memorandum of Understanding between the European Commission, the Hellenic Republic and the Bank of Greece and other urgent provisions for the reduction of the public debt and the rescue of the national economy, and other provisions. Government Gazette of the Hellenic Republic, Issue no 41 Series A, 01.03.2012.
- Law 4249/2014 Reorganization of the Hellenic Police, the Fire Brigade and the General Secretariat for Civil Protection, the upgrading of the Ministry of Public Order and Protection Citizen and regulation of other issues within the competence of the Ministry of Public Order and Citizen Protection and other provisions. Government Gazette of the Hellenic Republic, Issue no 73 Series A, 24.03.2014.
- Law No 4251/2014 Immigration and Social Integration Code and other provisions. Government Gazette of the Hellenic Republic, Issue no 80 Series A, 01.04.2014.
- Law 4332/2015 Amendment of the provisions of the Greek Nationality Code – Amendment of Law 4521/2014 to transpose to Greek law Directive 2011/98/EU of the European Parliament and of the Council “on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State” and Directive 2014/36/EU “on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers” and other provisions. Government Gazette of the Hellenic Republic, Issue no 76 Series A, 09.07.2015.
- Law 4375/2016 On the organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EC “on common procedures for granting and withdrawing the status of international protection (recast) (L 180/29.6.2013), provisions on the employment of beneficiaries of international protection and other provisions. Government Gazette of the Hellenic Republic, Issue no 51 Series A, 03.04.2016.
- Law 4375/2016, Official Gazette 51/A/3-4-2016. [pdf] Available at: [http://www.asylumineurope.org/sites/default/files/resources/nomos\\_4375-2016.pdf](http://www.asylumineurope.org/sites/default/files/resources/nomos_4375-2016.pdf)
- Law 4579/2018 Obligations of air carriers concerning the passenger records - adaptation of legislation in Directive (EU) 2016/681 and other provisions. Government Gazette of the Hellenic Republic, Issue no 201 Series A, 03.12.2018.

Law 4540/2018 Amendments of the Greek legislation in accordance with the provisions of Directive 2013/33/EU of the European Parliament and of the Council of Europe of June 26 2013, on the standards required for the reception of applicants for international protection (recast, L 180/96/29.6.2013) and other provisions – Amendment of Law 4251/2014 (A 80) to transpose to Greek Law Directive 2014/66/EU of May 15 2014 of the European Parliament and of the Council concerning conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer – Amendment of asylum procedures and other provisions. Government Gazette of the Hellenic Republic, Issue no 91 Series A, 22.05.2018. Ministry of Citizen Protection (2011) Press Release. Presentation to the Council of Ministers (6/9) by the Minister of Citizen Protection, Mr. Christos Papoutsis, of the Integrated Border Management Program for Combating Illegal Immigration, 07/09/2011.

Makris, A., 2012. *Evros anti-immigrant fence "ready in weeks"*. <https://greece.greekreporter.com/2012/10/15/evros-anti-immigrant-fence-ready-in-weeks/>

Massey, D., 1994. *Space, Place and Gender*, Minneapolis: University of Minnesota Press

Migration and Home Affairs, *European Border Surveillance System (EUROSUR)*. [online] Available at: [https://ec.europa.eu/home-affairs/content/european-border-surveillance-system-eurosur-0\\_en](https://ec.europa.eu/home-affairs/content/european-border-surveillance-system-eurosur-0_en)

Migration and Home Affairs, *Hotspot Approach*. [online] Available at: [https://ec.europa.eu/home-affairs/content/hotspot-approach\\_en](https://ec.europa.eu/home-affairs/content/hotspot-approach_en)

Ministry of Citizen Protection, 2011. *Presentation at the Ministry Council, by Minister Christos Papoutsis, of the Integrated Border Management Program for Combating Illegal Immigration*. [online] Available at: <http://www.hcg.gr/node/1260>

Ministry of Citizen Protection (2012) *Press Release. The Minister of Citizen Protection, Chr. Papoutsis and the Deputy Minister, Mr. Othon, inaugurated the Operational Border Surveillance Center and declared the start of the construction of a dissuasive artificial barrier in Evros.*

Ministry of Citizen Protection, 2017. *Press Release. Speech by Deputy Minister of Citizen Protection N. Toskas entitled "The management of Migration Flows and the security and Solidarity Challenges for the EU" during the conference: "Europe's Limits: Security, Immigration, Human Rights"*, co-organized by the Institute of Democracy, Konstantinos Karamanlis, the Hanns-Seidel Foundation and Südosteuropa-Gesellschaft, 22/05/2017.

Ministry of Foreign Affairs, 2019. *VISA Obligation – Exemptions applied by Greece in accordance with Council Regulation (EC) No 539/2001, as amended by REGULATION (EC) No 2414/2001, REGULATION (EC) No 453/2003, REGULATION (EC) No 1932/2006, REGULATION (EC) No 1244/2009, REGULATION (EU) No 1091/2010 AND REGULATION (EU) No 1211/2010, and REGULATION (EU) No 509/2014* <https://www.mfa.gr/en/visas/visas-for-foreigners-traveling-to-greece/countries-requiring-or-not-requiring-visa.html>

Ministry of Public Order and Citizen Protection, 2013. *Press Release. Reply of the Ministry of Public Order and Citizen Protection, Mr. Nicos Dendias to the question of Maria*

*Giannakaki, deputy of DHMAR, concerning migration issue during the Greek Presidency of the EU, 15/11/2013.*

Ministry for Migration Policy. [online] Available at:  
[http://www.immigration.gov.gr/en\\_US/web/guest/elleniki-metanasteutiki-politiki](http://www.immigration.gov.gr/en_US/web/guest/elleniki-metanasteutiki-politiki)

Ministry of Migration Policy, Asylum Service. [online] Available at:  
[http://asylo.gov.gr/en/?page\\_id=39](http://asylo.gov.gr/en/?page_id=39)

Ministry of Migration Policy, Appeals Authority. [online] Available at:  
[http://asylo.gov.gr/en/?page\\_id=52](http://asylo.gov.gr/en/?page_id=52)

Ministry of Migration Policy, 2018. *Press Conference of Minister of Migration Policy, D. Vitsas and the Deputy Minister of Migration Policy I. Balafas, 18/07/2018*

Ong, A., 2007, Neoliberalism as a mobile technology, *Transactions –Institute of British Geographers*, 32:1, 3-8

Papakonstantis, M., 2012. *Operation Xenios Zeus and illegal immigrants. Immigration's Topics EMMEDIA 2(4), 3-4 (in Greek).*

Presidential Decree 54/2007 Assistance in transit in case of removal of third-country nationals by air.

Presidential Decree 220/2007 Adaptation of Greek Legislation to the provisions of Directive 2003/9/EC on minimum standards for the reception of asylum seekers.

Presidential Decree 53/2008 Adaptation of Greek legislation to the provisions of Directive 2004/82/EC of the Council of the European Union of 29 April 2004 (EEL261 / 24 of 6.8.2004) on the obligation of air carriers to communicate passenger data.

Presidential Decree 96/2008 Transposition of Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.

Presidential Decree 114/2010 On the establishment of a single procedure for granting the status of refugee or of beneficiary of subsidiary protection to aliens or to stateless persons in conformity with Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status (L326/13.12.2005).

Presidential Decree 141/2013 Adaptation of Greek legislation to the Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.

Prime Minister Press office, 2014. *Speech of Prime Minister Mr. Antonis Samaras on "Reporting the Greek Presidency to the Council of the European Union", 51st Conference of European Affairs Committees of Parliaments of EU Member States, 16/06/2014.*

PROASYL, 2014. *Systematic human rights violations against refugees in the Aegean Sea and at the Greek-Turkish land border*. [pdf] Available at: [https://www.proasyl.de/wp-content/uploads/2014/02/proasyl\\_pushed\\_back\\_24.01.14\\_a4.pdf](https://www.proasyl.de/wp-content/uploads/2014/02/proasyl_pushed_back_24.01.14_a4.pdf)

Reception and Identification service. [online] Available at: <https://www.firstreception.gov.gr/content.php?lang=en&id=9>

Relief Web, 2015. *Frontex and Greece agree on operational plan for Poseidon Rapid Intervention*. [online] Available at: <https://reliefweb.int/report/greece/frontex-and-greece-agree-operational-plan-poseidon-rapid-intervention>

SYRIZA, 2016. *Decision of the Central Committee of SYRIZA regarding the refugees 06/03/2016* <https://www.syriza.gr/article/id/64437/Apofash-ths-Kentrikhs-Epitrophs-gia-to-Prosfygiko.html>

Sohn, Chr., 2015. *On borders' multiplicity: A perspective from assemblage theory*, EUBORDERSCAPES, Working Paper 10 .

Tazzioli, M., 2017. *Containment through mobility: migrants' spatial disobediences and the reshaping of control through the hotspot system*. *Journal of ethnic and migration studies*, DOI: 10.1080/1369183X.2017.1401514.

Topak Ö.E., 2014. *The bio political border in practice: surveillance and death at the Greece–Turkey border zones*. *Environment and Planning D: Society and Space* 32(5): 815 – 833.

## Appendices

### 1. List of the speeches analyzed

Reference provided in the text	Title	Available at
Ministry of Citizen Protection, 2011	Presentation at the Ministry Council, by Minister Christos Papoutsis, of the Integrated	<a href="http://www.hcg.gr/node/1260">http://www.hcg.gr/node/1260</a>



Country Report - Greece

	Border Management Program for Combating Illegal Immigration	
Ministry of Citizen Protection, 2012	Press Release. The Minister of Citizen Protection, Chr. Papoutsis and the Deputy Minister, Mr. Othon, inaugurated the Operational Border Surveillance Center and declared the start of the construction of a dissuasive artificial barrier in Evros.	<a href="http://www.minocp.gov.gr/index.php?option=ozo_content&amp;lang=&amp;perform=view&amp;id=4076&amp;Itemid=529">http://www.minocp.gov.gr/index.php?option=ozo_content&amp;lang=&amp;perform=view&amp;id=4076&amp;Itemid=529</a>
Ministry of Public Order and Citizen Protection, 2013	Press Release. Reply of the Ministry of Public Order and Citizen Protection, Mr. Nicos Dendias to the question of Maria Giannakaki, deputy of DHMAR, concerning migration issue during the Greek Presidency of the EU, 15/11/2013.	<a href="http://www.mopocp.gov.gr/index.php?option=ozo_content&amp;perform=view&amp;id=4835&amp;Itemid=582&amp;lang=">http://www.mopocp.gov.gr/index.php?option=ozo_content&amp;perform=view&amp;id=4835&amp;Itemid=582&amp;lang=</a>
Hellenic Parliament, 2014	Press Release. Speech of Mr. Vangelis Meimerakis, Chairperson of the Greek Parliament in the meeting of the Chairpersons of the Conference of Parliamentary Committees for Union Affairs of the Parliaments of the European Union (Chairpersons' COSAC) at Vilnius, Lithuania.	<a href="https://www.hellenicparliament.gr/Enimerosi/Grafeio-Typou/Deltia-Typou/?press=8d33c02d-c8bc-4c77-9426-6890581cd385">https://www.hellenicparliament.gr/Enimerosi/Grafeio-Typou/Deltia-Typou/?press=8d33c02d-c8bc-4c77-9426-6890581cd385</a>
Prime Minister Press office, 2014	Speech of Prime Minister Mr. Antonis Samaras on "Reporting the Greek Presidency to the Council of the European Union", 51st Conference of European Affairs Committees of Parliaments of EU Member States, 16/06/2014.	<a href="https://primeminister.gr/2014/06/16/12851">https://primeminister.gr/2014/06/16/12851</a>
SYRIZA, 2016	Decision of the Central Committee of SYRIZA regarding the refugees 06/03/2016	<a href="https://www.syriza.gr/article/id/64437/Apofash-ths-Kentrikhs-Epitrophs-gia-to-Prosfygiko.html">https://www.syriza.gr/article/id/64437/Apofash-ths-Kentrikhs-Epitrophs-gia-to-Prosfygiko.html</a>
Ministry of Citizen Protection, 2017	Press Release. Speech by Deputy Minister of Citizen Protection N.Toskas entitled "The management of Migration Flows and the security and Solidarity Challenges for the EU" during the conference: "Europe's Limits: Security, Immigration, Human Rights", co-organized by the Institute of Democracy, Konstantinos Karamanlis, the Hans-Seidel Foundation and Südosteuropa-Gesellschaft, 22/05/2017.	<a href="http://www.mopocp.gov.gr/index.php?option=ozo_content&amp;lang=&amp;perform=view&amp;id=6128&amp;Itemid=644">http://www.mopocp.gov.gr/index.php?option=ozo_content&amp;lang=&amp;perform=view&amp;id=6128&amp;Itemid=644</a>
ANA-MPA, 2018	Tsipras: migration a European challenge that needs European solution.	<a href="https://www.amna.gr/en/article/270199/Tsipras-migration-a-European-challenge-that-needs-European-solution">https://www.amna.gr/en/article/270199/Tsipras-migration-a-European-challenge-that-needs-European-solution</a>
Ministry of Migration Policy, 2018	Press Conference of Minister of Migration Policy, D. Vitsas and the Deputy Minister of Migration Policy I. Balafas, 18/07/2018	<a href="https://government.gov.gr/sinentefxi-tipou-sto">https://government.gov.gr/sinentefxi-tipou-sto</a>

		<a href="#"><u>ipourgio-metanasteftikis-politikis/</u></a>
--	--	--

## **Abbreviations**

EASO: European Asylum Support Office

EES: Entry/Exit System

EURODAC: European Asylum Dactyloscopy Database

GAMM: Global Approach to Migration and Mobility

GCR: Greek Council of Refugees

## Country Report - Greece

IOM: International Organisation for Migration

SBC: Schengen Borders Code

S.I.RE.N.E.: Supplementary Information Request at the National Entries

SIS: Schengen Information System

TCN: Third Country Nationals

UNHCR: UN Refugee Agency

VIS: Visa Information System