

The Greek response to the migration challenge: 2015-2017

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- The SYRIZA-led coalition government attempted to perform a 180-degree turn from the rather restrictive migration and asylum policies of the previous governments.
- Very few of the SYRIZA/ANEL coalition government's pledges actually materialised. The long-promised policy shift was rather designed to fail as it was largely symbolic and paid no consideration to the broader context and changing policy dynamics.
- The closure of the 'Western Balkan route' and the activation of the EU-Turkey Statement in March 2016 interrupted the government's attempted U-turn.
- In order to make the EU-Turkey Statement operable in the country, the government introduced laws that tightened Greece's asylum, detention, deportation, and external border controls policies anew.
- These very laws also brought to the fore the issue of refugee integration into the Greek society. Designing and delivering measures for the integration of international protection beneficiaries and applicants appears to be particularly challenging in the current state of play.
- Three pressing issues will have to be addressed sooner or later in 2017 by the Greek State: improvement of first reception and accommodation conditions; acceleration of the examination of the international protection, relocation, and family reunification applications; integration of international protection beneficiaries and applicants in the labour market.
- The extent to which these issues will be effectively addressed depends on the ability of the Greek government and the EU to surpass certain well-known structural obstacles.

1. Migration and asylum policies before 2015

In order to fully comprehend the SYRIZA-led coalition government's response to the migration challenge we must first put it in a broader context, which traces the evolution of Greek migration and asylum policies back in time.

The Greek state's response to the migration challenge in the 1990s and 2000s was characterised by unpreparedness, inconsistencies and short-termism. Migration to Greece was reflexively understood and governed in security terms (Karyotis 2012). This response quickly created a stock of irregular migrants, who were, however, largely absorbed in the informal labour market. In the absence of an effective integration policy with a long-term view, the Greek state opted for a series of regularisation programmes that ran from 1998 to 2007/2008, and granted amnesty to thousands of long-term migrants. Overall, Greek migration policy in the 1990s and 2000s was predominantly reactive rather than proactive (Triandafyllidou 2014). A positive step was taken in March 2010 when the Greek Parliament adopted Law 3838/2010 on citizenship and naturalisation. Although hampered by bureaucratic insufficiency and complexity, the new law demonstrated a vision for migrant integration and was deemed progressive. Another positive step was taken in January 2011, when the Greek Parliament adopted Law 3907/2011. The new law was an attempt to revamp the asylum procedure in the country by establishing separate Asylum and First Reception Services, independent from the police.

These few hesitant positive steps were interrupted by the rise of the far-right in the country in 2012. Amid growing anti-immigrant attitudes in the Greek society, the New Democracy-led coalition government introduced a bill which returned the citizenship law to its previous conservative state.¹ Moreover, it introduced Operations Aspida (Shield) and Xenios Zeus at the Greek-Turkish land border and in mainland Greece respectively in an orchestrated attempt to combat both irregular entry and stay of third-country nationals. Additionally, in October 2012, the government extended the detention period of migrants and asylum seekers by up to twelve months (i.e. 18 months in total). Finally, in December 2012, the construction of a 12.5km-long barbed wire fence was completed at the Greek-Turkish land border.

It is within this context of reviving restrictive migration and asylum policies and rising far-right and anti-immigrant attitudes, that the SYRIZA-led coalition government came to respond to the 2015-2016 migration challenge.

2. The response to the 2015-2016 migration challenge

The SYRIZA-led coalition government that was formed after the January 2015 elections attempted to make a U-turn on the migration and asylum policies of the previous government, amid an unprecedented increase in migration flows at the Greek-Turkish sea border and an unfolding humanitarian emergency on the islands (see Crawley et al 2016). The opening of the 'Western Balkan route' in September 2015 relieved

1. Eventually, in November 2012 Law 3838/2010 was found unconstitutional by the State Council.

some of the tensions on the Greek islands and bought the government some time to complete its policy shift. However, the shift was eventually interrupted by the closure of the 'Western Balkan route' and the activation of the EU-Turkey Statement, which aimed to contain the flows. In this regard, the EU-Turkey Statement of 18 March 2016 constitutes a clear cut in the SYRIZA/ANEL coalition government's attempted U-turn.

2.1. Migration and asylum policies before the EU-Turkey Statement

During its election campaign in the end of 2014 and early 2015, SYRIZA pledged to expedite the asylum application process; stop the use of systematic and indiscriminate detention; close down the detention centres and replace them with open hospitality centres; stop push-backs at the borders; encourage family reunification; abolish EU restrictions on the travel of migrants; remove the fence from the Greek-Turkish land border; grant citizenship to second-generation migrants; and strengthen the protection of human rights in general (Katsiafikas 2015). In addition, it also pledged to pursue the revision of Dublin Regulation in order to secure a more equal distribution of asylum seekers and refugees across EU member-states.

Of course, very few of these pledges actually materialised. In fact, the long-promised policy shift was designed to fail as it was largely symbolic and paid no consideration to the rapidly increasing flows, the unfolding humanitarian emergency on the Greek islands, and the increasing pressures and tensions in other EU member-states.

The newly-elected coalition government tried to leave its mark in the migrant detention and deportation policy quite early. In February 2015, the government proclaimed

the closure of migrant detention centres and their conversion into open hospitality centres. In the following four weeks, thousands of asylum seekers, mainly vulnerable groups who had been detained for more than six months, were gradually released. They were transported by coaches from detention centres to downtown Athens, and were given the addresses for various NGOs and volunteer groups in order to fend for themselves (Skleparis and Armakolas 2016). Yet, it was only several months later, in August 2015, when the first open hospitality centre in Elaionas, Athens, welcomed its first guests. In the same manner, in March 2015, the SYRIZA/ANEL coalition government reactivated Law 3709/11, according to which all refugees would be hosted in open hospitality centres, while migrants and rejected asylum seekers would be given 30 days, without being detained, to voluntarily return to their home countries. Only after the expiry of the 30-day deadline, migrants and rejected asylum seekers would be deported to their countries of origin. However, in cases where deportation was not possible over that period (i.e. the vast majority of cases), migrants and rejected asylum seekers would be given a 6-month temporary residence permit with no right to work and no social welfare provisions.

The government also attempted to change Greece's internal and external border controls policies. In February 2015, the then Alternate Minister for Migration Policy stated that Operation Xenios Zeus belonged to the past. Similarly, Operation Aspida was also discontinued, allegedly, due to lack of funds and the significantly reduced migration flows at the Greek-Turkish land border (Bolani, Gemi and Skleparis 2016). Along the same lines, the fence in the same area, which suffered major damage from floods during the winter of 2014-2015, was left

unrepaired, allegedly, due to lack of funds. Additionally, in early July 2015, the former Alternate Minister for Migration Policy added a last-minute modification to the proposed Citizenship Bill, which had been submitted for ratification to the Greek Parliament. The modification provided for the abolishment of anti-smuggling penalties in cases of transportation of third-country nationals in need of international protection or within the context of a sea rescue. This modification legalised smuggling, under the coverage of a so-called transportation for humanitarian purposes within Greece.

Finally, the SYRIZA/ANEL coalition government managed to stick to its commitment to put forward the issue of naturalisation of second-generation migrants born and raised in Greece. Law 4332/2015, which was ratified by the Greek parliament on 9 July 2015, amended the Greek Citizenship Code (Law 4521/2014), and enabled migrant children born and raised in Greece to get the Greek citizenship.

In sum, the SYRIZA/ANEL coalition government did little to actually address the rapidly increasing flows of migrants and refugees. Instead, it embarked on a long-promised migration and asylum policy U-turn, which was designed to fail as it was largely symbolic and paid no consideration to the broader context and changing policy dynamics.

2.2. Migration and asylum policies after the EU-Turkey Statement

The closure of the 'Western Balkan route' and the activation of the EU-Turkey Statement in March 2016 had a twofold effect on the policies of the SYRIZA/ANEL coalition government. On the one hand, they triggered the tightening of asylum, detention, deportation, and external border controls policies. On the other hand, they set in mo-

tion policies that brought to the fore the issue of refugee integration into the Greek society.

Greek asylum law was amended in April 2016 to make the EU-Turkey Statement operable in the country. The new law (4375/2016) established an exceptional asylum regime on the Greek islands and other border areas. Displaced people in the country currently adhere to one of two different international protection procedures depending on whether they arrived before or after the activation of the EU-Turkey Statement. Those who arrived in Greece before 20 March 2016 fall under the 'normal' international protection procedure, and were transferred from the islands to various accommodation facilities across the Greek mainland with other displaced people when the Statement came into effect.

On the other hand, those who arrived in Greece after the activation of the statement fall under the exceptional fast-track procedures of the new asylum law. Only vulnerable groups are exempt from these procedures. According to the new law, all international protection applications are deemed 'admissible' or 'inadmissible' based on the applicants' interviews with European Asylum Support Office (EASO) and Greek Asylum Service personnel. The Greek authorities' decision determines whether Turkey can be considered a safe country for the applicants on a case-by-case basis. Those applicants deemed admissible have to stay on the islands until their application procedure is completed in Athens. Those deemed inadmissible are given the right to appeal. If the appeal is rejected they are deported to Turkey. However, the same law (4375/2016) also reintroduced the issue of refugee integration into the Greek society. All international protection beneficiaries and applicants were given access to wage employment or

self-employment on the same terms and conditions with Greek nationals, provided that they have a valid residence permit. Another new law (4368/2016) entitled international protection beneficiaries and applicants to free access to pharmaceuticals and healthcare in medical centres and hospitals, and to social security and welfare services. All international protection beneficiaries and applicants are now eligible for various social benefits, such as unemployment allowances etc., provided that they have at least one year of work experience with social security which is only very rarely the case. Finally, yet another new law (4415/2016) allowed for the organisation of reception classes for refugee children in Greek public schools. Children aged between 6 and 15 years old are now able to enrol in afternoon classes from 14:00 to 18:00 in local public schools. All refugee children have the right to access school education provided that they are vaccinated. It should be noted, however, that all these provisions exclude those who remain on the islands.

3. The current state of play

Yet, the view from the ground is different from that at the policy level. The new asylum law has created new international protection implications and concerns, and has divided international protection beneficiaries and applicants that entered Greece from 2015 onwards in two sub-populations depending on their date of arrival in the country. Each of these sub-populations faces a different reality and different needs. Only in 2016, the Greek Asylum Service

registered 51,000 international protection applications (Asylum Service 2017). This has overstretched its capacity to process international protection applications, which in combination with its understaffing and several other ongoing deficiencies hinder access to international protection both for those who arrived before and after the activation of the EU-Turkey Statement (Actionaid et al. 2016). The assessment of international protection applications by the Greek authorities based on nationality rather than arrival date and vulnerability constitutes another major issue of concern. In practice this means that applications by certain nationalities, like the Syrians, are given priority as they are deemed 'easier' to deal with (see Triandafyllidou 2017). Moreover, the family reunification process can take up to one year to be completed and it is quite complicated.² Consequently, a large number of refugees in Greece have significant family members in other countries of the EU, which they are not able to reach (Actionaid et al. 2016). In addition, the relocation process is painfully slow, while some EU member-states are reluctant to participate in the mechanism.³ More than 1.5 years after the proposal of the measure only 15% (9,610) of the total number of 63,302 relocation places from Greece have been filled, leaving thousands in limbo in the country (European Commission 2017).

Greece currently hosts approximately 63,000 international protection beneficiaries and applicants that entered the country from 2015 onwards (UNHCR 2017). Approximately 49,000 of them are hosted in the mainland, either in official and informal

2. Family reunification is available to people who are already granted refugee status in Greece and have a core member of their family in another EU member-state.

3. In May 2015, in response to the increasing numbers of asylum seekers arriving in the EU, the European Commission proposed the establishment of an emergency relocation scheme, whereby people in need of international protection and already in the EU could be distributed between EU member-states in a fair and balanced way.

camps run by the state, NGOs and volunteers, or in apartments and hotels run by municipal authorities and NGOs. Those living in camps are currently in need of health care, education, services for survivors of gender-based violence, and mental health and psychosocial support services (Actionaid et al. 2016). Some access to the aforementioned services is available, but the quality varies greatly across camps. Food security and accommodation conditions also need to be improved for many of those living in the camps.

Such concerns are heightened particularly for those living on the Greek islands. Approximately 14,000 people are hosted in reception and identification centres (formerly known as 'hotspots') on the islands (UNHCR 2017). The nominal capacity of these facilities ranges around 9,000 places, which entails that they currently operate way beyond their maximum capacity. This has resulted in overcrowded and substandard conditions for hosted populations. Poor food and accommodation quality pushes international protection applicants to resort to harmful survival mechanisms and fuel existing frustration and tension in the camps, or between host and refugee communities (Actionaid et al. 2016). Safety and protection in the camps are also issues of increasing concern. Several incidents of violence and suicide attempts have been recorded in camps across the islands (Al Jazeera 2017). Harsh living conditions, combined with discriminatory policies and the fear of potential return to Turkey, have led to various instances of violent protests and riots (Euronews 2016). In turn, such incidents fuel frustration among host communities and feed far-right movements providing a justification of the use of violence against third-country nationals (Al Jazeera 2016).

Those who live on the islands are excluded from labour market and social welfare provi-

sions. On the other hand, due to high unemployment, international protection beneficiaries and applicants residing in the mainland face very limited access to labour market and social welfare services, despite the fact that they are included in such provisions. Subsequently, they rely on food, non-food item and financial assistance distributions to meet their basic needs. In the last seven years, with the onset of the financial crisis and austerity measures, the construction, agriculture and retail sectors, which traditionally absorbed third-country nationals, began to contract (European Commission 2016). Employment opportunities and income have shrunk for both natives and third-country nationals, resulting in lower wages and precarious terms of employment. Henceforth, employment prospects for newcomers are rather bleak, as the Greek economy keeps shrinking and unemployment rates rise. At the same time, cuts in the health sector and subsequent deterioration of the quality of provided health services have led various NGOs, volunteers and some municipal authorities to provide basic health, social security and welfare services to international protection beneficiaries and applicants. In addition, state funding for language and vocational training courses, intercultural schools and immigrant civil society organisations has shrunk since the onset of the crisis (European Commission 2016). This gap has been only partly filled by civil society actors and organisations. These shortcomings diminish social integration prospects for international protection beneficiaries and applicants in the mainland.

4. The road ahead

Greece has come to terms with the fact that few thousand refugees and migrants will remain in the country. There are three

pressing issues that the Greek state will have to address sooner or later in 2017: first, the improvement of first reception and accommodation conditions for international protection beneficiaries and applicants on the islands and in the mainland. The second priority refers to the need to accelerate the examination of the international protection, relocation, and family reunification applications of those who live in the mainland, and the international protection applications of those who reside on the islands. The third priority relates to the need to help international protection beneficiaries and applicants who live in the mainland to gradually move away from humanitarian aid-dependence to self-reliance, or else, to integrate them in the labour market.

However, the extent to which these issues will be effectively addressed depends on the ability of the Greek government and the EU to surpass certain well-known structural ob-

stacles: Greece's public budget constraints, bureaucratic deficiencies, understaffing of key public services, and the contracting economy, as well as the reluctance of other EU member-states to share the responsibility of receiving and accommodating international protection beneficiaries and applicants. Considering the gravity of these obstacles, there is a high risk that these pressing issues will not be efficiently addressed, which will have a detrimental impact on the lives of those in need of protection. What is more, it is possible that the resulting deteriorating situation will be operationalised by the Greek government to deter future arrivals on the Greek islands and the reinstatement of returns to Greece under the Dublin regulation. If these worst-case scenarios came true, they would certainly increase suffering among the most vulnerable and would constitute serious breaches of the country's obligations.

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