

MiReKoc Working Papers

The Greek
response to the
refugee crisis
in Eastern
Mediterranean
(the period of
2015-2016):
An overview

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MiReKoc

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01

Introduction

The Mediterranean has become the world's most deadly crossing point for migrants. In 2015, there were 856,732 recorded arrivals in Greece as well as an estimated total of more than 6,600 missing persons or deaths in the Central and Eastern Mediterranean routes in 2015 and first half of 2016.¹ The aim of this briefing paper is to assess how Greece responded to this influx, and identify lessons for addressing situations of large scale refugee movement at a European and global level.

Based on research and fieldwork in Greece, mainly in Athens and Lesbos, this paper focuses on the critical period October 2015-May 2016 which saw high flows of asylum seekers into Greece and which predates the EU-Turkey deal agreed in March 2016. The paper focuses on the ways in which the Greek government and EU struggled to address the crisis during that period, outlining the challenges of implementing sustainable solutions and efficient policies given obstacles at national and European level. In particular, it focuses on the island of Lesbos, the main entry point of refugees from Turkey to Greece particularly on the island's reception capacity. The findings highlight the need for a more effective common asylum system in the EU that includes adequate support and assistance to frontline states, and makes some suggestions for preventing future crises in situations of large-scale arrivals.

1. Mediterranean Situation Operational Portal Refugee Situations, <http://data2.unhcr.org/en/situations/mediterranean>

02

The Situation in Greece

According to UNHCR, 1,015,078 refugees and migrants crossed the Eastern Mediterranean in 2015 and 362,753 had arrived (2016) as of 31 December 2016.² 74% of arrivals came from the world's top 10 refugee-producing countries.³ As of November 2017, the official number of persons of concern (UNHCR term: asylum seekers and eligible for relocation) in Greece was 62,000 and was spread across the mainland and islands (over half of them are women and children).⁴ In 2016, 3,771 people died or went missing attempting to reach Greece.⁵ Following the decision for the construction of the Evros River fence on the Greek-Turkish border in 2011 and its construction end of 2012,⁶ the 'mixed flows'⁷ of people shifted from the north mainland to the Eastern Aegean islands. Putting this into a global context, in 2015 the UNHCR reported 65.3 million people—that is, one person in every 113 people worldwide--were displaced by conflict and persecution,⁸ with a record 1.2 million first-time asylum seekers globally (predominantly Syrians, Afghans and Iraqis). Out of these, 21.3 million were refugees (16.1 million under UNHCR's mandate and 5.2 million Palestinian refugees registered by UNRWA), 40.8 million internally displaced and 3.2 million asylum seekers.

2. Ibid, Footnote 1; Kawakibi Salam, (2013), Migration Policy Center co-financed by the European Union, The Syrian crisis and its repercussions: internally displaced persons and refugees <http://www.migrationpolicycentre.eu/docs/MPC-RR-2013-03.pdf> (accessed 20 June 2016); European University Institute and Robert Schuman Institute, Syrian refugees a snapshot of the crisis in the Middle East and Europe, <http://syrianrefugees.eu> (accessed 20 June 2016).

3. UNHCR Refugees/Migrants Emergency Response – Mediterranean regional overview, (2016) <http://data.unhcr.org/mediterranean/regional.php> (accessed 20 June 2016). These countries were Syria, Afghanistan, Iraq, Pakistan, Eritrea, Nigeria, Iran, Guinea, Côte d'Ivoire and Gambia.

4. International Rescue Committee, Refugees in limbo: Greece, Country Facts <https://www.rescue.org/country/greece>

5. Ibid, Footnote 1.

6. Eliamep, Midas report Migration and Detention Assessment, (October 2014) <http://www.eliamep.gr/wp-content/uploads/2014/11/MIDAS-REPORT-GR-1.pdf> (accessed 20 June 2016).

7. The UNHCR-IOM defines 'mixed flows' in the following way: "The principal characteristics of mixed migration flows include the irregular nature of and the multiplicity of factors driving such movements, and the differentiated needs and profiles of the persons involved. Mixed flows have been defined as 'complex population movements including refugees, asylum seekers, economic migrants and other migrants. Unaccompanied minors, environmental migrants, smuggled persons, victims of trafficking and stranded migrants, among others, may also form part of a mixed flow.'" <http://www.unhcr.org/mixed-migration.html> (accessed 20 June 2016).

8. UNHCR Global Trends forced displacement (2015) <https://s3.amazonaws.com/unhcrsharedmedia/2016/2016-06-20-global-trends/2016-06-14-Global-Trends-2015.pdf> (accessed 20 June 2016).

In Europe, the number of people displaced is the highest registered number since 2008.⁹ The unprecedented flows and arrivals in the Eastern Aegean islands since September 2015 highlighted structural shortcomings in the national asylum system. Large-scale arrivals led to the mobilization of state institutions and resources in response. According to data provided by the Asylum Service in Greece, the success rate for Syrian asylum seekers was 98.3% with an average 291 asylum cases per month and 8,624 pending cases for Syrians only in 2016.¹⁰ In total, the recognition rate on first instance cases was 25.7% (2016). The Greek Asylum Service received 14,523 asylum applications from Syrians out of 25,364 until end of August 2016. Other applications were from Pakistan, Iraq, Afghanistan, Albania, Iran, Bangladesh, Palestinian territories, Georgia and Morocco.¹¹ There was an increase in the asylum claims compared to 2015 where the claims from Syrians corresponded to 3,495 out of 13,197.¹² On January 31st, 2017 the backlog of cases at reached 31,122¹³ pending cases.

As an EU member state and a party to the 1951 Convention relating to the Status of Refugees,¹⁴ Greece must abide by its international and European obligations to prevent *refoulement* of refugees,¹⁵ including access to fair and efficient asylum procedures, and to ensure that reception arrangements are humane with detention as an exception and last resort measure.¹⁶ In addition, Greek state ships and private vessels are obliged by treaties of law¹⁷ and international customary law to proceed to sea and intercept vessels in distress. In such situations, all states are obliged to assist vessels to reach the closest place of safety.¹⁸

Following two regional court decisions in 2011 - *MSS at European Court of Human Rights and NS at European Court of Justice*,¹⁹ both of which required Greece to improve its asylum system and make conditions in existing reception centers decent and humane,²⁰ Greece took steps towards the establishment of an asylum system, despite the gaps and practical administrative deficiencies. Prior to this

development, the Hellenic Police was in charge of assessing asylum claims, which was highly criticized due to the low refugee recognition rate and expertise on asylum policies. Humanitarian and legal actors interviewed for this research²¹ reflect that the Asylum Service seems not to be influenced by extreme right polarized voices, demonstrated by the high success

9. Eurostat, News Release Record number of over 1.2 million first time asylum seekers registered in 2015 Syrians, Afghans and Iraqis: top citizenships (4 March 2016) <http://ec.europa.eu/eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf> (accessed 20 June 2016);

European Asylum Support Office (EASO), Latest asylum trends – 2015 overview <https://www.easo.europa.eu/sites/default/files/public/LatestAsylumTrends20151.pdf> (accessed 20 June 2016)

10. Ministry of Interior, Asylum Service Statistical Data (August 2016) http://asylo.gov.gr/wp-content/uploads/2016/09/Greek-Asylum-Service-statistical-data-August-2016_gr.pdf (accessed 20 August 2016).

11. The order represents the number of claims for international protection in terms of nationality, UNHCR figures (2016) <http://data.unhcr.org/mediterranean/regional.php> (accessed 20 June 2016).

12. Ministry of Interior, Asylum Service Greece, Statistical Data (2015) http://asylo.gov.gr/wp-content/uploads/2016/01/Greek-Asylum-Service-statistical-data-2015_gr.pdf (accessed 20 June 2016).

13. http://asylo.gov.gr/wp-content/uploads/2017/02/Greek_Asylum_Service_Statistical_Data_GR.pdf

14. 1951 Convention relating to the Status of Refugees (Refugee Convention). Read the text here: <http://www.unhcr.org/1951-refugee-convention.html> (accessed 20 June 2016).

15. And more specifically the legal basis of non-*refoulement* "No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." <http://www.unhcr.org/excom/scip/3ae68ccd10/note-non-refoulement-submitted-high-commissioner.html> (paras. 2-3).

16. The Reception Conditions Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers. See text here: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:I33150> (accessed 20 June 2016).

17. 1982 UN Convention on Law of the Sea (UNCLOS), Article 98 (1) ships' obligations to rescue persons in distress at sea, 1974 Convention on the Safety of Life at Sea (SOLAS Convention), 1979 Search and Rescue Convention (SAR Convention) and the 1989 International Convention on Salvage.

18. NATO intervention and FRONTEX operation deployed in the Eastern Mediterranean raise questions of responsibility in situations of vessels in distress and effective interception at sea; Refugee Law Working Paper No. 10, Pastavidis Efthymios, The 'Left-to-Die Boat' incident of March 2011: Questions of International Responsibility arising from the Failure to Save Refugees at Sea, http://sas-space.sas.ac.uk/4957/1/RLI_Working_Paper_No.10.pdf

19. *MSS v Belgium and Greece* ((Application no. 30696/09), European Court of Human Rights Judgement, Strasbourg 21 January 2011 <http://www.asylumlawdatabase.eu/en/content/ecthr-mss-v-belgium-and-greece-gc-application-no-3069609> (accessed 20 June 2016); *NS v Secretary of State for the Home Department C*, European Court of Justice, 2011 <http://curia.europa.eu/juris/document/document.jsf?text=&docid=117187&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=381931> (accessed 20 June 2016).

20. Baldaccini Anneliese, (2005), *Asylum support a practitioner's guide to the EU Reception Directive*, London: Justice Publication.

21. Author interviews under Chatham House Rule, Lesbos-Athens, January 2016.

rate in refugee status determination procedures to previous years. In Lesbos, the local community was tolerant to the newcomers in comparison to other islands (such as Kos island where the Mayor and the local community opposed the arrival of refugees and migrants, as a result of the xenophobic and extreme right rhetoric implemented by the island's mayor). With the exception of Kos, the far-right party Golden Dawn has found it difficult to gain support for their xenophobic and populist rhetoric, largely due to the Government's open policy toward arrivals and the support of local communities.²²

International actors widely criticized Greece for its insufficient and ineffective response to the mass arrivals of asylum seekers, highlighting the inadequate and inhumane reception conditions, the poor prospects of being granted international protection, and inadequate legal aid, representation and information on their rights.²³ However the majority of interviewees on the ground in Athens and Lesbos, including local and international NGO and humanitarian workers, local community, journalists, researchers, legal experts felt that the Greek government made efforts to deliver reasonable, effective and equitable results in difficult circumstances. Following the EU-Turkey deal, the response was also shaped by EU policies primarily focused on preventing or discouraging people from attempting to reach EU territory in the first place and EU's efforts to 'externalize' its borders. The Greek government's response was shaped primarily by the wider policies of fiscal austerity which have reduced public expenditure, created restrictions to recruit permanent staff and led to financial shortfalls in the public sector.²⁴

To support the Greek authorities as well as international organisations and NGOs operating in Greece, the European Commission has awarded over €352,8 million²⁵ in emergency assistance since the beginning of 2015 (€125,8 million under the Asylum, Migration and Integration Fund (AMIF) emergency assistance directly awarded to Greek authorities, €52,3 million under the Internal Security Fund

(ISF-Borders) and Police emergency assistance to Greek authorities and €174,7 million for emergency assistance awarded directly to international organisations and agencies, IOM, UNHCR, EASO).²⁶ The emergency funding comes on top of the €509,5 million allocated to Greece under the national programmes for 2014-2020 (€294,6 million to AMIF, €194,3 million to ISF-Borders and €20,5 million to Police).²⁷ However, the Commission has disbursed €341,1 million as of January 2017 (out of which €198 million is the total amount of emergency support instrument allocated so far) adding to the limited capacity of the Greek state to absorb the funding due to lack of expertise and capacity in absorbing EU funding.

The situation on the ground was shaped by external factors, in particular the Western Balkans route closure²⁸ by neighboring countries. The Greek Government's open policy, in line with the official position of Germany,²⁹ managed to identify available reception places (albeit with considerable delays due to lack of reception infrastructure and financial and human resources). On an optimistic note, the Minister of Migration at the end of summer 2016 announced

22. Author interview under Chatham House rule, Lesbos, January 2016.

23. Amnesty International, Trapped in Greece an avoidable refugee crisis, (2016) <https://www.amnesty.org/en/documents/eur25/3778/2016/en/> (accessed 20 June 2016)

24. Author interview under Chatham House Rule, Lesbos, January 2016; Author interview under Chatham House rule, London May 2016.

25. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/20160412/factsheet_managing_refugee_crisis_eu_financial_support_greece_-_lat_est_update_en.pdf; <http://donors.unhcr.gr/echo/en/home/>

26. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/20160412/factsheet_managing_refugee_crisis_eu_financial_support_greece_-_lat_est_update_en.pdf; <http://donors.unhcr.gr/echo/en/home/>

27. European Commission, Managing the refugee crisis, EU Financial support to Greece, (26 January 2017), https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/20170126_factsheet_managing_refugee_crisis_eu_financial_support_greece_-_update_en.pdf (accessed 02 March 2017)

28. The Guardian, (2016), Balkan countries shut borders as attention turns to new refugee routes <https://www.theguardian.com/world/2016/mar/09/balkans-refugee-route-closed-say-european-leaders> (accessed 09 March 2016); Aljazeera (2016), Refugee crisis: Balkan route 'permanently' shut <http://www.aljazeera.com/news/2016/03/refugee-crisis-balkan-route-permanently-shut-160310084606203.html> (accessed 10 March 2016)

29. Author interview under Chatham House Rule, London, March 2016.

its plan to replace all tent camps and reception facilities with open reception centers,³⁰ based on the Eleonas reception center, by October-November 2016.³¹ The current Greek Government's agenda moves it away from the restrictive policies of the previous New Democracy government, which were widely criticized by local civil society for the securitization of the asylum policy by emphasizing returns to Turkey.³²

a. Reception and relocation

The establishment of so-called 'hotspots'³³ in autumn 2015 was an attempt to manage the large-scale movements of people into Europe. The hotspot approach,³⁴ which was adopted to coordinate the response on the ground, is a provisional measure, adopted by the European Council in June 2015 in order to provide temporary solutions to the emergency situation created by the refugee crisis for frontline members, Greece and Italy.³⁵ This would be done with the active support of Member States' experts of EASO, Frontex³⁶ and Europol to ensure the swift identification, registration and fingerprinting of migrants and would determine those who need international protection and those who do not.

With the beginning of the crisis, the Greek Government created twelve initial hotspots in the mainland and islands. The first hotspot opened in October 2015³⁷ on Lesbos under significant financial and technical constraints, including limited national funding, inability of the Greek Government to absorb EU funding due to austerity policies and afterwards slow arrival of EU funding in combination with inability and lack of strategic planning of Greek Government to absorb the funding. As of August 2016, there were 41 reception facilities in total,³⁸ mostly located in Attica (10) and Central Macedonia (18). For this reason, the Ministry of Migration Policy decided to create a coordination body³⁹ under the authority of four different ministries in order to coordinate different policies in the reception centers.

Some interviewees have argued that the hotspot solution deepened the refugee crisis⁴⁰ by creating long queues, inhumane conditions, and transforming temporary accommodation facilities into permanent detention centers for asylum seekers where restriction of freedom of movement is officially implemented (especially after the implementation of the EU-Turkey deal where a policy of containment

30. Greek Reporter, (2016), Majority of Makeshift Migrant Centres in Greece to be Replaced By Facilities with Running Water and Electricity <http://greece.greekreporter.com/2016/07/18/majority-of-makeshift-migrant-centers-in-greece-to-be-replaced-by-facilities-with-running-water-and-electricity/> (accessed 18 July 2016)

31. UNHCR, Athens accommodation site opens for new arrivals in Greece, (accessed 20 August 2015) <http://www.unhcr.org/news/latest/2015/8/55d5dc5f6/athens-accommodation-site-opens-new-arrivals-greece.html> (accessed 20 June 2016); European Commission, Eleonas 'first hospitality centre' temporary refugee accommodation centre in Athens <http://ec.europa.eu/avservices/photo/photoByMediaGroup.cfm?sitelang=en&mgid=871> (accessed 20 August 2015).

32. Euronews, Greece's illegal push-backs of asylum boats puts lives at risk, says Amnesty International, (25 August 2015) <http://www.euronews.com/2015/08/25/greece-routinely-pushes-back-immigrant-boats-out-to-sea-says-amnesty> (accessed 20 June 2016).

33. UNHCR, Site locations in Greece – capacity, <http://rse-smi.maps.arcgis.com/apps/MapSeries/index.html?appid=d5f377f7f6f2418b8ebadaae638df2e1> (accessed 20 June 2016). One location of sites in Greece UNHCR, Site locations in Greece – capacity, <http://rse-smi.maps.arcgis.com/apps/MapSeries/index.html?appid=d5f377f7f6f2418b8ebadaae638df2e1> (accessed 20 June 2016).

34. European Parliament, DG for Internal Policies (2016), Study on the frontline: the hotspot approach to managing migration, (2016) [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556942/IPOL_STU\(2016\)556942_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/556942/IPOL_STU(2016)556942_EN.pdf) (accessed 20 June 2016).

35. European Council, Conclusions 25-26 June 2015, <http://www.consilium.europa.eu/en/press/press-releases/2015/06/26-euco-conclusions/> (accessed 20 June 2016); European Commission, Communication: Managing the refugees crisis: immediate operational, budgetary and legal measures under the European Agenda on Migration, (29 September 2015) http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/communication_on_managing_the_refugee_crisis_annex_2_en.pdf (accessed 20 June 2016)

36. Frontex-European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union: Frontex plans, coordinates, implements and evaluates joint operations conducted using Member States' staff and equipment at the external borders (sea, land and air). Frontex helps border authorities from different EU countries work together. The agency was set up in 2004 to reinforce and streamline cooperation between national border authorities <http://frontex.europa.eu/> (accessed 20 June 2016)

37. Kathimerini (10 October 2015), Greece's first hotspot to open on Lesbos this week <http://www.ekathimerini.com/202395/article/ekathimerini/news/greeces-first-hotspot-to-open-on-lesvos-this-week> (accessed 20 June 2016).

38. UNHCR Data Portal Greece (2016), Greece sites <http://rse-smi.maps.arcgis.com/apps/MapSeries/index.html?appid=d5f377f7f6f2418b8ebadaae638df2e1> (accessed 20 June 2016).

39. AMNA News, Government sets up centre to coordinate refugee management (03 March 2016) <http://www.amna.gr/english/article/13074/Government-sets-up-center-to-coordinate-refugee-management> (accessed 20 June 2016)

40. Author interviews under Chatham House rule, Lesbos January 2016, May 2016.

implemented in the Eastern Aegean islands began preventing asylum seekers to move from the islands to the mainland of Greece).⁴¹

Subsequent to the introduction of hotspots, an amended Greek legal framework on first reception⁴² was adopted on 3 April 2016. This amended the previous law 3907/2011 on first reception and constituted a positive step towards Greece meeting its international obligations. However, response capacities remain weak and lack of sufficient personnel. Following the procedure of initial arrival, identification, fingerprinting and registration of large numbers, a high number of cases and asylum requests are still pending in the Greek asylum system. After the EU-Turkey deal,⁴³ Greece is no longer a transit country. As a result, the Greek Government needs to ensure appropriate reception facilities for refugees in Greece as they await the outcome of their asylum application and durable solutions for recognized refugees. Establishing suitable facilities for vulnerable groups (open centers), including disabled, elderly and unaccompanied minors,⁴⁴ staffed with qualified personnel, is another challenge for the Greek asylum system. Humanitarian workers have stressed the importance of expanding the capacity of reception facilities and investing more funding in appropriate, functional state structures as basic prerequisites to improve refugee reception.⁴⁵ In addition, they have criticized hotspots as they believe they have led to a large-scale detention policies rather than serving a supportive mechanism to the Greek asylum system⁴⁶ and contributed to a containment policy implemented in Greece.⁴⁷

EU targets have not been met regarding relocation mechanisms.^{48,49} By September 18th 2016, only 3,793⁵⁰ out of the 120,000 asylum seekers who had entered the relocation plan (Greece and Italy) have been relocated from Greece. The scheme was not large enough for Greece considering the 60,000 who are hosted in the country and the lack of unanimity when adopted showed lack of solidarity to front line member states.⁵¹ The selection of beneficiaries to enter the scheme is problematic as well, as relocation

applies only to nationalities with an EU-average recognition rate for international protection of 75% or more. Further, information regarding EU-average recognition rates is based on Eurostat data and lacks consent from asylum seekers.

Although the European Commission allocated €35.1 million for the implementation of the

41. COMPAS, Franck Düvell, Unravelling the Mediterranean Migration Crisis – field work notes, (27 November 2015) <https://www.compas.ox.ac.uk/2015/unravelling-the-mediterranean-migration-crisis/> (accessed 20 June 2016); Human Rights Watch, Greece Chaos, Insecurity in registration centre (12 October 2015) <https://www.hrw.org/news/2015/10/12/greece-chaos-insecurity-registration-center> (accessed 20 June 2016)

42. Greek Law 4375/2016 on functioning of the Asylum Service in line with the Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection. It amended previous law 3907/2011. See full text here: http://www.asylumineurope.org/sites/default/files/resources/nomos_4375-2016.pdf; Asylum Information Database (AIDA) Greece: asylum reform in the wake of the EU-Turkey deal (04 April 2016) <http://www.asylumineurope.org/news/04-04-2016/greece-asylum-reform-wake-eu-turkey-deal> (accessed 20 June 2016); European Council on Refugees and Exiles (ECRE), Greece amends its asylum law after multiple Appeals Board decisions overturn the presumption of Turkey as a 'safe third country' (24 June 2016) <http://www.ecre.org/greece-amends-its-asylum-law-after-multiple-appeals-board-decisions-overturn-the-presumption-of-turkey-as-a-safe-third-country/> (accessed 20 June 2016)

43. EU-Turkey deal foresees the EU to give €3bn to Turkey for Syrian refugees easing of visa restrictions for Turks, renewed talks on Turkish accession to the EU, combating smuggling.

44. Author interview with humanitarian workers, Lesbos, May 2016.

45. Author interview under Chatham House rule, Lesbos January 2016.

46. Amnesty International Annual Report 2016-2017, <https://www.amnesty.org/en/countries/europe-and-central-asia/greece/report-greece/>; GCR Reception Conditions of asylum seekers in Greece, <http://www.asylumlawdatabase.eu/sites/www.asylumlawdatabase.eu/files/aldfiles/Drakopoulou%20Reception%20Conditions%20of%20Asylum%20Seekers%20in%20Greece.pdf>; AIDA Report November 2015, <http://www.asylumineurope.org/reports/country/greece>; Costello Cathryn, (2015), *The Human Rights of Migrants and Refugees in European Law*, Oxford: Oxford Studies in European Law.

47. Author interview under Chatham House Rule, Lesbos, May 2016.

48. Relocation is the transfer of refugees from one EU Member State to another. It is an intra-EU process, in which member states support others hosting a relatively large refugee population by agreeing to receive a proportion of them. Relocation is an expression of internal EU solidarity, particularly with those countries at the borders of Europe that receive a high number of refugees.

49. European Resettlement Network, (2016) <http://www.resettlement.eu/page/resettlement-relocation-or-humanitarian-admission-we-explain-terminology> (accessed 20 June 2016).

50. Asylum Service Greece, Statistical Data in relocation procedure (18 September 2016) http://asylo.gov.gr/en/wp-content/uploads/2016/09/Relocation-procedure-s-up-to-18.9.16_en.pdf (accessed 18 September 2016).

51. Communication from the Commission to the European Parliament, the European Council and the Council, Fifth report on relocation and resettlement, (13 July 2016) http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160713/fifth-report_on_relocation_and_resettlement_en.pdf (accessed 20 July 2016)

relocation and resettlement mechanisms, only €13.5 million was paid as pre-financing in February 2016 (Greece is supposed to receive €500 for the transport costs of every relocated person). The eligible countries as of 17th December 2016 are Burundi, Eritrea, Maldives, Oman, Qatar, Syria and Yemen or a stateless person previously residing in one of these countries entered into the scheme initially. Initially, Iraqis met the criteria but now are excluded as they do not meet the 75% international protection recognition rate.

Overall, the EU budget for the relocation scheme was €780 million with Greece receiving a sufficient amount of €500 for the transport costs of every relocated asylum seeker. Interviewees for this research have argued that the lack of a requirement to obtain consent from asylum seekers regarding the country of relocation was problematic; we agree that this lack of consent is discriminatory and does not give any legal means to the asylum seekers to appeal against this decision.

Academics, human rights activists and NGOs have raised further concerns about how compatible the relocation scheme is with solidarity and responsibility sharing principles. The nationality based criterion, they argue, is discriminatory as is the lack of possibility for the asylum seekers to appeal the negative decision. An interviewee stated that relocation does not create obligations for EU member states to open pledged places within specific time frame, which can lead to delays of transfers and frustration from asylum seekers.⁵² Another interviewee stated that relocation mechanisms are frequently inefficiently implemented, as the criteria for selecting beneficiaries was largely based on discriminatory policies in favor of certain nationalities or set recognition rates for certain nationalities, and not on their protection needs or individual circumstances.⁵³ Further, lack of individual redress from the beneficiaries and a lack of appeal against the rejected decision also frequently cause problems for asylum seekers.

b. Actors on the ground in Lesbos

Charities, grassroots organizations, local and international volunteers (food assistance, service delivery at shore, and rescue at sea operations)⁵⁴ play an important role on the ground in Lesbos. Volunteers and grassroots organizations were particularly important in filling in the gaps in support left by the government and NGO programs. Most of the volunteers arrived at the island in October/November 2016. Members of the local community have alleged negative behaviour among international volunteers, including having an arrogant attitude towards the host community and in particular towards those locals who do not speak English (including those in local authorities).⁵⁵

Only when the situation in Lesbos became more acute in September 2016 did international and local NGOs (Praxis, Save the Children, Doctors of the World, MSF, IRC, Oxfam) under the coordination of UNHCR became more proactive in their responses. The fact that the UNHCR and major international aid organizations – often unprepared to deal with the circumstances – intervened only after many drownings in the Mediterranean prompting dissatisfaction among local communities. Some interviewees (local authorities, Greek lawyers and humanitarian workers) rejected the concept that the UNHCR does not have the mandate to intervene and believe that the organization could have pushed European governments for a more viable political solution by urging them to take more Syrians and to adopt open border rhetoric.⁵⁶

It was only after December 2015 that local authorities decided to map the work of NGOs and put in place

52. Author interview under Chatham House rule, Brussels, February 2016.

53. Author interview under Chatham House rule, London, March 2016.

54. Volunteer organisations and needs in Lesbos (2016) <http://www.greekislandvolunteers.com/lesvos-1.html> (accessed 20 June 2016); Volunteering in Greece (2016) <http://www.greecevol.info/> (accessed 20 June 2016); ERCI-Emergency Response Centre International <http://www.ercintl.org/operation-lesvos/> (accessed 20 June 2016)

55. Author interview under Chatham House Rule, London, July 2016.

56. Author interviews under Chatham House Rule, Lesbos, January 2016. Author interview under Chatham House Rule, London, June 2016.

coordination mechanisms under the authority of the Mayor of Lesbos. Yet another challenge is that a considerable number of non-state actors on the ground (international and local ones) act without being subject to any regulation framework regarding their interventions and expenses. This lack of regulation could pose a problem, in that it could lead to abusive behavior going unchallenged or/and non-liability to norms of practice in refugee assistance.⁵⁷ Regarding the NGOs operating in Lesbos, thought should be given to the implementing partner model, whereby large international NGOs could subcontract out time consuming or costly tasks to smaller NGOs.⁵⁸ Further, recruitment procedures often take time when it is simpler to employ directly local staff, given that the human capital exists in Greece and unemployment rates are high.⁵⁹ Alternative means of funding beyond the ECHO funding for humanitarian purposes, which is channelled through NGOs, could reduce administrative costs and leave the response in the hands of the government.⁶⁰ This model could be more appropriate in a European country context with a functioning administration. The government is thus weakened in its humanitarian response (though the Ministry of Migration Policy). Another challenge is to increase funding from the EU and donors on programs relating to the mental health of refugees, frontline workers and local populations. Minister of Migration Yannis Mouzalas had underlined the need for more support and trainings on mental health to the Greek Coast Guard due to the trauma they faced after rescuing migrants from ungovernable or waterlogged boats.

Legal aid, although mandatory by law, is not universally available. Due to austerity policies and lack of EU funding towards this sector, the Greek state cannot recruit sufficient numbers of lawyers to meet the substantial need.⁶¹ There has been limited funding awarded towards this sector. State-sponsored legal services have been replaced by volunteer lawyers (both Greeks and foreigners) or Greek legal experts on refugee law partnering with Greek NGOs and implementing EU projects (Greek Refugee Council) responsible for informing asylum seekers on their rights.⁶²

c. Greece-Turkey cooperation

Although Greece-Turkey cooperation is not directly within this paper's scope, the March 2016 EU-Turkey deal⁶³ was a significant development effecting Greece's reception policy. The EU-Turkey creates obligations for both parties and implies that people who do not have a right to international protection will be immediately returned to Turkey, while also accelerating the visa liberalisation roadmap for Turkey, at the latest June 2016 (though this has yet to happen). The legal framework for these returns hinges on the bilateral readmission agreement between Greece and Turkey that is part of the EU-Turkey Readmission Agreement, following the entry into force of the provisions on readmission of third country nationals of this agreement. One of its provisions is the 'one-to-one policy',⁶⁴ which creates a voluntary humanitarian admission scheme once flows decrease, fast-track assessment of asylum cases and obligation on the part of the Greek government to speed up deportations to Turkey for failed asylum seekers.⁶⁵

57. Author interview under Chatham House Rule, Lesbos, January 2016.

58. Author interview under Chatham House rule, Lesbos, May 2016.

59. Eurostat, Unemployment and main findings, (October 2016): Among the Member States, the lowest unemployment rates in August 2016 were recorded in the Czech Republic (3.9 %) and Germany (4.2 %). The highest rates were observed in Greece (23.4 % in June 2016) and Spain (19.5 %). In Greece for the period 2007-2015, there was an increase from 5.3 to 21.8 (male) and from 12.9 to 28.9 (female). In August 2016, 4,199 million young persons (under 25) were unemployed in the EU-28, of whom 2,927 million were in the euro area. In August 2016, the lowest rate was observed in Germany (6.9 %) and the highest in Greece (47.7 % in June 2016) http://ec.europa.eu/eurostat/statistics-explained/index.php/File:Table_3_unemployment_rates_by_age_and_gender_new.PNG (accessed 02 October 2016).

60. Author interview under Chatham House Rule, Lesbos, May 2016.

61. Author interview under Chatham House rule, Athens, January 2016.

62. Greek Refugee Council (GCR) providing legal aid, counselling and support to persons in need of international protection in Attiki and Lesbos, (2016) <http://www.gcr.gr/index.php/en/> (accessed 20 June 2016).

63. European Commission Fact Sheet, EU-Turkey statement: Questions and Answers, March 2016 http://europa.eu/rapid/press-release_MEMO-16-963_el.htm (accessed 20 June 2016).

64. One to one policy (EU-Turkey deal): For every Syrian being returned to Turkey from the Greek islands, another Syrian will be resettled from Turkey to the EU. European Commission, EU-Turkey deal Fact Sheet, (19 March 2016) http://europa.eu/rapid/press-release_MEMO-16-963_el.html (accessed 20 June 2016).

65. Brookings, Kemal Kirişçi and Elizabeth Ferris, Not likely to go home: Syrian refugees and the Challenges to Turkey and the International Community, (September 2015) <https://www.brookings.edu/wp-content/uploads/2016/06/Turkey-Policy-Paper-web.pdf> (accessed 20 October 2016).

Asylum seekers who arrived prior to the implementation of the EU Turkey deal had to move to the mainland to lodge an asylum application, while those who arrived after that date remain on the islands. Once on the islands, they may only move to the mainland once they have an interview with the Asylum Service related to their asylum application, if they have serious medical conditions or another vulnerability recognised in Greek law, or in the case that their claim is found inadmissible after the EU-Turkey deal, and they are deported. Since the implementation of the deal, there has been a notable decrease of flows from Turkey to Greece.⁶⁶ The EU-Turkey deal, which has been subject to substantial criticism on its procedural and legal safeguards,⁶⁷ resulted in the implementation of large-scale temporary detention policy on Greek islands close to Turkish shore. In Lesbos, the authorities restricted the freedom of movement for those who had applied for asylum and were awaiting a decision. Failed asylum seekers under the EU-Turkey deal, whose claim was found inadmissible on the basis of the safe third country criterion and on the assumption that they would receive adequate protection in Turkey, were not returned due to insufficient funding and lack of an established joint cooperation with the Turkish side. The revised asylum claims procedure, in which EASO staff participates, provides only a non-binding recommendation to the Greek Asylum Service, adding bureaucracy to the process. It was a deeply political bargain: the EU was seeking to shift responsibility for hosting and protecting refugees to Turkey, while Turkey saw it as a tool to speed up its visa liberalization process. Humanitarian and civil society actors in Greece interviewed argued that Turkey does not fulfill the 'safe third country' criteria.⁶⁸ Further, after the attempted Turkish coup,⁶⁹ concerns about respect for rule of law and human rights have increased in Turkey.

Before the EU-Turkey deal was agreed upon, the Greek Prime Minister Alexis Tsipras announced

plans to establish a technical working group on asylum and migration with the Turkish authorities.⁷⁰ Diplomatic sources⁷¹ reflect that there is unofficial cooperation in information exchange between the two countries. More effective cooperation based on the effective exchange of information, could help combat smuggling and trafficking networks.

66. Reuters, Greek Prime Minister says migrant flows decreased after EU-Turkey deal, (accessed 20 April 2016) <http://www.reuters.com/article/us-europe-migrants-flows-idUSKCN0XH14N> (accessed 20 June 2016); To Vima, 6,600 new asylum applications registered immediately after EU-TR deal in Greece, 09 May 2016 <http://www.tovima.gr/world/article/?aid=797930> (accessed 20 April 2016).

67. Coleman Nils, (2009), *European Readmission Policy Third Country Interests and Refugee Rights*, Leiden - Boston: Martinus Nijhoff Published; Migration Policy Institute (MPI), Elizabeth Collett, *The Paradox of the EU-Turkey deal* (March 2016) <http://www.migrationpolicy.org/news/paradox-eu-turkey-refugee-deal> (accessed 20 June 2016); Almadoun Sound, (2014), *Turkey's Policy toward Syrian refugees, domestic repercussions and the need for international support for SWP* (StiftungWissenschaft und Politik-German Institute for International and Security Affairs) http://www.swp-berlin.org/en/publications/swp-comments-en/swp-aktuelle-details/article/turkeys_policy_toward_syrian_refugees.html (accessed 20 June 2016).

68. "Safe third country" or "first country of asylum": Article 27, Asylum Procedures Directive - An application for international protection may be rejected as inadmissible where the applicant avails him or herself of adequate protection from a "first country of asylum" or a "safe third country". A country is considered as a "safe third country" for a specific applicant when all the following cumulative conditions are fulfilled: (a) The applicant's life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion; (b) The country respects the principle of non-refoulement in accordance with the 1951 Refugee Convention; (c) The applicant is not at risk of suffering serious harm as described in the Qualitative Directive; (d) The prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected by this country; (e) The possibility exists to request refugee status and if found to be a refugee, to receive protection in accordance with Refugee Convention; (f) The applicant has a link with the third country concerned which would reasonably allow him/her to move to that country. The fulfillment of these criteria must be examined in each individual case and for each applicant separately. Where the third country designated as safe does not permit the applicant to enter its territory, the asylum application must be examined in substance.

69. Turkish coup, 15 July 2016: Politico, After apparent coup, a crackdown in Turkey, (15 July 2016) <http://www.politico.eu/article/turkish-military-in-attempted-coup-says-pm/> (accessed July 2016).

70. Kathimerini, Tsipras-Davutoglu agree to improve coordination on refugees (18 November 2015) <http://www.ekathimerini.com/203561/article/ekathimerini/news/tsipras-davutoglu-agree-to-improve-coordination-on-refugees> (accessed 20 June 2016); Reuters, Turkey and Greece must work together on refugees – Greek PM, (17 November 2015) <http://uk.reuters.com/article/uk-turkey-greece-idUKKCN0T61J320151117> (accessed 20 June 2016).

71. Author interview under Chatham House Rule, London, April 2016.

03

What are the key challenges and what is the likely direction of travel for Greek policy?

As long as Greece and other frontline member states such as Italy are left alone in situations of crisis without sufficient EU financial support and responsibility-sharing with other EU member states, efforts toward the protection of refugees will continue to struggle. Leaving frontline states to alone to cope with these issues has had an impact on the migratory decisions of other refugees and migrants, who have been forced to use more dangerous migratory routes, such as⁷² the Central Mediterranean route.

The securitization of asylum policies in Europe, with an emphasis on the threat posed to safety and security of European citizens by rising immigration and the implementation of wide-scale detention policies cannot prevent migration and movements of refugees and migrants. Physical barriers such as the one in Evros may temporarily keep refugees in one geographical area but it will ultimately lead to shifts in migratory routes rather than reducing the incentives for people to move.⁷³ Closing the borders raises serious moral and legal questions as well as practical ones. At the same time, driving migrants and refugees towards clandestine and completely uncontrollable routes by erecting fences is not cost-effective and does not contribute to increased security.⁷⁴

With regards to additional reception facilities for refugees and open centers for vulnerable groups in Greece, additional funding provided by the EU should be implemented by Greek partners. Some actors raised the need for a transparent and efficient monitoring mechanism of handling donor funds to the Greek Government under joint

72. Author interview under Chatham House Rule, Lesbos, May 2016; Newsweek, As routes to Europe close refugees starting to consider one of the oldest and deadliest crossings, 04 December 2016 <http://www.newsweek.com/europe-refugee-crisis-libya-italy-central-mediterranean-446528> (accessed 01 March 2017).

73. Michel Agier, 2014, *Un monde de camps*, Paris: La Découverte; Johnson Heather L., 2014, *Borders, Asylum and Global Non-Citizenship The Other Side of the Fence*, Cambridge: Cambridge University Press; Carr Matthew, 2012, *Fortress Europe Dispatches from a Gated Continent*, London: Hurst and Company.

74. Eliamep Midas report, footnote 4.

surveillance by EU donors and humanitarian actors including UNHCR. Towards the end of 2015, the Greek Asylum Service established a new administrative service on the implementation of EU programs and the absorption of funding. Nonetheless, more operational and management support from EU and local actors to the Greek civil servants is a prerequisite for the system to be effective. It is a major obstacle to a more sustainable policy on migration and refugees. Having said that, the administrative capacity of the Greek Asylum Service has been held back by limited financial resources and inflexible policies of recruitment (in addition inadequate legal aid and interpretation capacity pose a big challenge in the system). There has been a failure to establish adequate and sustainable administrative structures in the Greek Asylum Service⁷⁵ and First Reception Service⁷⁶ in the mainland and islands. Bureaucratic binding and inflexible procedures and rules impede the rapid deployment of EU funds. Some humanitarian and NGO workers think relocation is a failed policy, as measured by the low numbers in the system⁷⁷ which, they argue reflects a lack of commitment by EU member states to contribute admission places. They also think that this is part of Europe's failure to implement a collective, managed response to the challenges posed by the mass influx.

Hosting unaccompanied minors⁷⁸ and increasing open centres for them is another challenge for the Greek Government. Between 8th June 2016⁷⁹ until the end of July 2016, 1,255 new children were identified during pre-registration on the mainland, while others remained under protective police custody for lack of shelters on the islands (over two-hundred in Moria alone). A positive step is that the education of refugee children is on the top of the agenda at present.⁸⁰ The Ministry of Education is implementing a new plan to educate 8,500 refugee children who have been out of school for at least a year. Greece has secured €7 million EU funds and an additional €3 million will be provided by the International Organization of

Migration by the end of 2016 on education.

The UNHCR's mandate in relation to refugees⁸¹ includes supporting the protection of refugee rights by monitoring state implementation of international obligations, as well as to facilitate assistance coordination amongst different actors on the ground. Some of the interviewees in Lesbos⁸² stated that UNHCR in Greece could have been better prepared and developed a stronger organizational and managerial plan in cooperation with the headquarters and the Greek Government. This would have allowed them to be more proactive in situations of crisis like the one in Lesbos. Some other interviewees believe that reliance on powerful donor governments and

75. Asylum Service, Athens Greece: The Greek Asylum Service was established by law n. 3907/2011 and it is the first special-sized instance in the country, competent to adjudicate on applications for international protection. The objective of the Service, according to the law, is to apply the national legislation and to abide to the country's international obligations regarding the recognition of refugee status and, more generally, granting international protection. The Asylum Service shall also contribute to the formulation of the Greek policy on international protection and shall cooperate with international organization and the European Union institutions in the areas of its remit. It is an autonomous body reporting to the Ministry of Migration. <http://asylo.gov.gr/> (accessed 20 June 2016)

76. First Reception Service: The First Reception Service was established by law n. 3907/2011. The objective of the First Reception Service is the reception of third country nationals who are arrested due to illegal entry or stay in Greece, under conditions that guarantee human dignity and their rights, in accordance with the international obligations of the country. This reception, in addition to ensuring the immediate vital needs of the third country nationals, includes certain procedures, such as identification, registration, medical screening and socio-psychological support, provision of information on their rights and obligations, and the referral of vulnerable persons such as unaccompanied minors and victims of torture. When an application for asylum or another form of international protection is made, the third country nationals will be referred to the Asylum Service which will decide upon the applications. Third country nationals who do not meet the criteria for remaining legally in the country will be referred to the Hellenic Police. It is an autonomous body reporting to the Ministry of Interior. <http://www.firstreception.gov.gr/> (accessed 20 June 2016).

77. Author interviews under Chatham House rule, Lesbos, May 2016.

78. Missing Children Europe, Operational and Policy Recommendations (2016) <http://missingchildreneurope.eu/Missingunaccompaniedmigrantchildren> (accessed 20 June 2016).

79. EASO, Joint Press Release: end of large scale pre-registration on mainland Greece (01 August 2016) <https://www.easo.europa.eu/news-events/joint-press-release-end-large-scale-pre-registration-mainland-greece> (accessed 12 August 2016).

80. Greek Reporter, Refugee children to start attending school classes September in Greece (29 August 2016), <http://greece.greekreporter.com/2016/08/29/refugee-children-to-start-attending-school-classes-september-in-greece/> (accessed 29 August 2016).

81. UNHCR Legal Protection, <http://www.unhcr.org/legal-protection.html> (accessed 20 June 2016); Refworld Country Information Greece, (2016) <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&skip=0&q=uey=&coi=GRC> (accessed 20 June 2016).

82. Author interviews under Chatham House Rule, Lesbos, January 2016.

shortcomings in protection activities were barriers to efficiently responding to the crisis. At the beginning of the crisis when the large numbers of asylum seekers entered Lesbos (July-August 2015), local authorities struggled to establish accommodations for refugees and appropriate reception facilities. Locals and local volunteers were left alone to deal with the issue. Some humanitarian actors interviewed considered that UNHCR acted in a considerable delay (UNHCR adopted slow recruitment and procurement procedures, monitored inefficiently vulnerable cases ashore, lacked a plan to identify appropriate reception facilities).

That being said, interviewees also suggested that UNHCR could have been more proactive in coordinating with the Greek Government and local authorities at the islands. It is in the UNHCR's mandate to provide governance and protection in situations where the host state may be unable or unwilling to protect civilians. Further, UNHCR as an organization carries the experience and expertise of having assisted in remedying many humanitarian emergencies related to the displacement of populations worldwide. In the case of Greece, the Greek state was found unable and unprepared to respond to this emergency situation in cooperation with local authorities.⁸³ UNHCR could have better identified its role in the crisis and could have pushed for political support and sustainable funding from the international community at an earlier stage (at the point where the first big flows started to arrive at the Greek islands).⁸⁴

The case of Lesbos was atypical, given the UNHCR's limited capacity to intervene in Greece, a developed western European country. However, given the UNHCR's extensive experience in managing emergency situations and close cooperation with the Greek Government in asylum services, it could have played a bigger role in the protection of refugees through monitoring and coordinating efforts on the ground. This could

have been achieved at an early stage by offering more political support, through joint efforts and strengthened cooperation with other EU member states, or the creation of an early preparedness mechanism with the support of the European Commission, UNHCR, central authorities, and local authorities.

83. Author interview under Chatham House rule, Lesbos, January 2016.

84. Author interview under Chatham House rule, Lesbos, May 2016.

04

What lessons can be drawn from the Greek experience?
How could the system in Greece be strengthened?

The unique circumstances facing Greece during the acute period of the refugee crisis and the response of the Greek and European authorities are instructive. A number of recommendations can be made, through in which both Greek and European-level policy makers and humanitarian actors can learn from the Greek experience. These recommendations are made with the wider context in mind. Although politically unrealistic at the moment, in the long term the EU should aim to develop legal and safe avenues for refugees. These could include policies for humanitarian visas,⁸⁵ humanitarian evacuations⁸⁶, and large-scale resettlement⁸⁷ vital in situations of large-scale movements.

a. Policy Recommendations for Greek policy makers

In times of sudden large-scale movements, setting up and managing a reception system that can simultaneously meet the demands of flexibility, quality, and efficiency would be a challenge for any EU member state. This refugee crisis came in the wake of a sustained financial crisis in Greece and amid

85. Humanitarian visas fall within the category of so-called Protected Entry Procedures, which, "[...] from the platform of diplomatic representations, [allow] a non-national to approach the potential host state outside its territory with a claim for asylum or other form of international protection, and to be granted an entry permit in case of positive response to that claim, be it preliminary or final"; European Parliament, Humanitarian visas options or obligation?, Study for the LIBE Committee (2014), [http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509986/IPOL_STU\(2014\)509986_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509986/IPOL_STU(2014)509986_EN.pdf) (accessed 20 June 2016); UNHCR welcomes Brazil announcement of humanitarian visas for Syrians (27 December 2013), <http://www.unhcr.org/news/latest/2013/9/524555689/un-refugee-agency-welcomes-brazil-announcement-humanitarian-visas-syrians.html> (accessed 20 June 2016).

86. Humanitarian evacuation: Humanitarian Transfer Programmes (HTP) and Humanitarian Evacuation Programmes (HEP) consist of assistance and protection measures undertaken by humanitarian actors and cooperating States to move people to safety, in neighbouring countries within a "region" and outside the "region", respectively.

87. Resettlement is the transfer of refugees from an asylum country to another State that has agreed to admit them and ultimately grant them permanent settlement. UNHCR is mandated by its Statute and the UN General Assembly Resolutions to undertake resettlement as one of the three durable solutions. Resettlement is unique in that it is the only durable solution that involves the relocation of refugees from an asylum country to a third country. Of the 14.4 million refugees of concern to UNHCR around the world, less than one per cent is submitted for resettlement. The United States is the world's top resettlement country, while Australia, Canada and the Nordic countries also provide a sizeable number of places annually; UNHCR, Resettlement (2016) <http://www.unhcr.org/resettlement.html> (accessed 20 June 2016); Syria Regional Refugee Response, Inter-Agency Information Sharing Portal, Europe: Resettlement and Other forms of Admission for Syrian refugees, (27 February 2015) <http://data.unhcr.org/syrianrefugees/asylum.php> (accessed 20 June 2016).

continued policies of fiscal austerity and an economic recession reducing state capacities and resources to handle large influxes of refugees.⁸⁸ For the first operational year for the Asylum Service (2013), the actual expenditure was €870,873.⁸⁹ The funding for the program was budgeted at €1.1 million for 2014, €1 million for 2015, €1.1 million for 2016 and €1.1 million foreseen for 2017 – which all proved to be insufficient for an efficient and appropriate response. While this budget is meant to be for the asylum service it mainly comes from national budget, while first reception centres are funded under EU funding (emergency support instrument). Strengthening capacity within the Ministry of Migration on absorbing of EU funds by increasing operational support to staff with expertise and pledging more funding would help address this discrepancy. Joint patrols between Greece-Turkey with the aim of combatting smuggling networks while not reinforcing border control and the externalization of border management should also be considered. If Greece and Turkey could proceed with rescue operations under bilateral coordinated efforts, this would involve fewer human and financial resources and a more efficient use of time. This could also lead to the rescue of more lives in the sea, and would avoid the intervention of NATO or FRONTEX (organizations which have a limited role to play in relief operations or humanitarian crises).

Further, tensions between asylum seekers and host communities could be avoided if Greece could identify cost-effective and humane alternatives to detention by creating more reception centers and open centers for vulnerable groups. Creating more open centers would mean that asylum seekers would not be detained and decrease frustrations and tensions with authorities and local communities. Asylum seekers should not be treated as if they are criminals, and their mobility should not be criminalized. Creating more open centers could also help the process of integration for those who may subsequently be recognized as refugees. Kara Tepe open center and Pikpa open hospitality center in Lesbos (for families and vulnerable groups mainly)⁹⁰ are run by local authorities and can be considered

successful models as they are hospitality centers implementing educational and recreational projects helping refugees to deal with trauma and lack of access to labor market.

The Greek asylum system is in need of translators, case staff, equipment, lawyers in order to process asylum claims and adequately inform asylum seekers on their rights. Taking into consideration the bail-out restrictions to proceed with recruitment of permanent staff, this can be achieved through secondments from other EU asylum services (bilateral agreements). One refugee lawyer suggested this could take the form of an independent legal body consisting of a sufficient number of experts able to provide legal aid, representation, and information on the asylum procedure.

Legal assistance is fast becoming the new niche of interest for international assistance for NGOs operating in Greece. What are needed are competent Greek qualified lawyers who know the law and can represent asylum seekers throughout their asylum process. Foreign lawyers or volunteers create an additional layer of translation and this could be unsustainable in the long term. Support is needed in the form of additional funding and trainings in refugee law and refugee status determination procedures. Legal experts believe that trainings in refugee law and refugee status determination procedures, a sustainable independent body⁹¹ with independent

88. European Commission, Economic and Financial Affairs, The Economic Adjustment Programme for Greece, (May 2010): The programme foresees a very large 'macroeconomic adjustment, especially in the public sector which would lead to fiscal reforms, government expenditure cuts and deeper recession for Greece.

http://ec.europa.eu/economy_finance/publications/occasional_paper/2010/pdf/ocp61_en.pdf (accessed 20 June 2016); Ministry of Finance Data, Greece Public Enterprises and Entities, Information on monitoring of the targets of state-owned enterprises and legal entities of private law, 1st quarter of 2016 bulletin, (2016) http://www.minfin.gr/sites/default/files/financial_files/DEKO_stoxothesia_A_3m_EN.pdf (accessed 20 August 2016).

89. Ministry of Finance, National Expenditure for Greece 2015 – Asylum Service, Expenditure Code 1614 onwards (2016), [http://www.mof.gov.cy/mof/mof.nsf/All/B3B843F8AFE4B436C2257D730026EA5A/\\$file/%CE%A0%CF%81%CE%BF%CF%8B%CF%80%CE%BF%CE%BB%CE%BF%CE%B3%CF%83%CE%BC%CF%8C%CF%82%202015.pdf](http://www.mof.gov.cy/mof/mof.nsf/All/B3B843F8AFE4B436C2257D730026EA5A/$file/%CE%A0%CF%81%CE%BF%CF%8B%CF%80%CE%BF%CE%BB%CE%BF%CE%B3%CF%83%CE%BC%CF%8C%CF%82%202015.pdf) (accessed 20 August 2016).

90. Kara Tepe and Pikpa centre are open shelters-accommodation facilities for vulnerable groups and families run by local authorities and volunteers.

91. Author interview under Chatham House Rule, London, April 2016.

Greek lawyers who will support the Asylum Service could enhance the system and inform asylum seekers appropriately of their rights. Paralegal work can be done by field staff or volunteers who speak Greek (as the transcript of the initial interview is in Greek) with the help of interpreters of the languages of the refugees. Further, family reunification procedures need to be more flexible and less bureaucratic, this would enable for smoother integration of the newcomers in the new societies.

b. Policy Recommendations for EU policy makers

EU policy makers must recognize the interconnections between the twin crises that have affected Greece since 2008. There should be an annual funding commitment from the European budget to ensure adequate reception standards to would prevent reception centers from transforming into detention centers. Overall, a more generous approach to the financial crisis in Greece would enhance an efficient long-term reception and efficient asylum procedures.⁹² Under international refugee law and human rights law, detention should be used as a last resort for asylum seekers falling within the scope of Article 5.1 (b) (d) and (e) ECHR.⁹³ The European Court of Human Rights requires authorities to carry out any detention of migrants in good faith, make a clear distinction with the detention of individuals who have or are suspected to have committed criminal offences. An effective and efficient policy on arrival and relocation in frontline countries is not realistic until there is a common European asylum system based on political leadership and vision, fair responsibility sharing in situations of large-scale arrivals and onward movements. A revised Dublin allocation mechanism⁹⁴ within the European Union which will relieve frontline states needs to be considered. The abandonment of the Dublin logic must be accompanied by a serious and robust plan of sustaining countries which undergo systemic difficulties.⁹⁵ Even if the EU decided to restart

Dublin transfers to Greece from March 2017, our view is that that there are still systemic difficulties and gaps in the Greek system which Brussels should not neglect.

Establishing responsibility sharing and more technical support to the frontline countries without considerable delays remain a priority. Institutional reforms⁹⁶ on asylum and migration policy should be considered at European level with renewed attention to the possibility of creating new institutions such as a pan-European Asylum Service,⁹⁷ a body with independent experts which would ensure mutual recognition of positive and negative decisions on asylum claims across the EU, not susceptible to political pressure and member states interests.⁹⁸ The Annual Refugee Conference⁹⁹ involving policy makers and relevant actors who have the experience working on the ground should be seen as a platform to identify joint responses to displacement suggest policy solutions in refugee protection system.

92. Manos Matsaganis, *The Greek Crisis: Social Impact and Policy Responses*, (2013), <http://library.fes.de/pdf-files/id/10314.pdf> (accessed 20 June 2016); Klaus Busch/ Christoph Hermann/ Karl Hinrichs/Thorsten Schulten, *Euro crisis, Austerity Policy and the European Social Model* (accessed 20 June 2016) del: *How Crisis Policies in Southern Europe Threaten The EU's Social Dimension*, (February 2013) <https://www.socialeurope.eu/2013/02/euro-crisis-austerity-policy-and-the-european-social-model/>

93. Yannis Ktistakis, (2013), *Protecting Migrants under the European Convention on Human Rights and the European Social Charter-A handbook for Legal practitioners*, Paris: Council of Europe Publishing.

94. European Commission, *Proposal for a regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)* (04 May 2016) http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-age-nda-migration/proposal-implementation-package/docs/20160504/dublin_reform_proposal_en.pdf (accessed 20 June 2016).

95. Marcello di Filippo, *From Dublin to Athens: A Plea for a Radical Rethinking of the Allocation of Jurisdiction In Asylum Procedures*, International Institute of Humanitarian Law Policy Brief, (January 2016), <http://statewatch.org/news/2016/feb/eu-from-dublin-to-athens-reforming-dublin-reg-1-16.pdf> (accessed 20 June 2016).

96. IRIN, *Time to reform the way we protect refugees?*, 09 May 2016 <http://www.irinnews.org/analysis/2016/05/09/time-reform-way-we-protect-refugees> (accessed 20 June 2016).

97. Press Release Council of the EU, *European Union Agency for Asylum: Council ready to start negotiations with Parliament*, 20 December 2016 <http://www.consilium.europa.eu/en/press/press-releases/2016/12/20-easo/> (accessed 01 March 2017).

98. Author interview under Chatham House Rule, London, February 2016.

99. Author interview under Chatham House Rule, London, February 2016.

The hotspots approach needs more sustainable and coordinated management by national and European authorities. Hotspots should not become a permanent feature, as this would lead to the normalization of detention centers and human rights violations.¹⁰⁰ Legal safeguards such as obtaining the consent of asylum seekers to enter into the scheme are also crucial in establishing effective policies going forward. In order for hotspots to be sustainable for the future, it is important that they serve the needs of vulnerable groups and remain open centers of hospitality.

Strengthening the EASO role is a prerequisite at the European level for a better asylum system. The current relocation mechanisms are defective and can be improved through relocation quotas and economic sanctions to the member states that do not comply to the rules. This mechanism needs to be implemented at a wider scale, and not only for nationals who fall under the 75% recognition rate.¹⁰¹ EU member states may benefit from cooperating with each other¹⁰² and actors such as the EASO to pool expertise and experiences. Apart from the Dublin reform which is on track after the recent Commission's proposal, a radical approach and reassessment of the current Common European Asylum System package would be welcome. This can be achieved through the abolition of the first entry criterion to determine responsible states to examine asylum application as well as a decrease of bureaucracy regarding family reunification procedures between the member states.

In terms of readmission agreements with third countries in order meet refugee costs which could lead to doubling budget costs and problematic reporting of expenditure, the EU could reconsider giving aid to countries with problematic human rights record. Before allocating resources to countries with problematic human rights records and making foreign aid conditional on human rights, EU member states should share responsibility in an equal and fair way within their borders. A critical part of the solution for stabilising the refugee

situation is fostering peace and stability along with economic growth, equal opportunities and job creation in hosting countries.¹⁰³ The EU support agencies (EASO and FRONTEX) operating inside the hotspots are at times showing little trust in Greek authorities, as they operate differently and have different procedures. Further the fact that FRONTEX staff consisting of various EU nationalities use different uniforms, weapons, and equipment, could create suspicion or confusion among the refugee population.¹⁰⁴ A mutual, open discussion towards a harmonised approach between EU and Greek authorities needs to be gradually established.¹⁰⁵

97. Press Release Council of the EU, European Union Agency for Asylum: Council ready to start negotiations with Parliament, 20 December 2016 <http://www.consilium.europa.eu/en/press/press-releases/2016/12/20-easo/> (accessed 01 March 2017).

98. Author interview under Chatham House Rule, London, February 2016.

99. Author interview under Chatham House Rule, London, February 2016.

100. Migration Policy Institute (MPI), Michael Kegels, Getting the Balance Right: Strengthening Asylum Reception Capacity at National and EU levels, February 2016 <http://www.migrationpolicy.org/research/getting-balance-right-strengthening-asylum-reception-capacity-national-and-eu-levels> (accessed 20 June 2016).

101. Reuters, EU refugee relocation scheme must be bigger, quicker UNHCR Chief, (24 August 2016) <http://www.reuters.com/article/us-europe-migrants-un-greece-idUSKCN10Z18U> (accessed 24 August 2016).

102. Bauloz Celine, Ciger Meltem-Ineli, Singer Sarah and StoyanovaVladislava, (2015), Seeking asylum in the European Union Selected protection Issues Raised by the Second Phase of the Common European Asylum System, International Refugee Law Series Vol. 4, Leiden - Boston: Brill Nijhoff.

103. IRIN, How the refugee crisis is hurting foreign aid, 18 November 2015 <http://www.irinnews.org/report/102225/how-refugee-crisis-hurting-foreign-aid>; German Development Institute, Briefing Paper: European Foreign Aid, Political Conditionality and Democracy, 2013, https://www.die-gdi.de/uploads/media/BriefingPaper_24.2013.pdf

104. Author interview under Chatham House Rule, Lesbos, May 2016.

105. Author interview under Chatham House Rule, Lesbos, May 2016.

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Conclusion

Throughout the acute period of the refugee crisis, Greece was seen as the scapegoat of Europe, accused of poorly managing its border, and even threatened with suspension from Schengen.¹⁰⁶ Despite tensions in hotspots,¹⁰⁷ Greece managed to identify spaces to host all refugees in Greece. Detention policies have been implemented all around Europe. In Greece there have been both closed detention centers as well as are open reception spaces with commendable practices.¹⁰⁸ While this was not present in European media accounts, Greece's official position from the beginning of the crisis onward was in line with Germany's position. The response was possible due to Greek generosity, empathy and resilience. Shortcomings and failures took place as a result of an overwhelmed system, inexperience and ineptitude. There must be a reform in pan-European and global systems¹⁰⁹ compatible with international protection standards, human rights and solidarity in order to adopt long-term strategies to enhance protection capacity and integration.¹¹⁰

This crisis is a crisis of numbers, not only from a humanitarian context but also from a political and operational one.¹¹¹ Europe faced similar crises in 1992 in the former Yugoslavia. Even though at that

106. BBC: Schengen zone EU gives Greece deadline on borders, (12 February 2016) <http://www.bbc.com/news/world-europe-35559159> (accessed 20 March 2016).

107. <http://www.ekathimerini.com/228167/article/ekathimerini/news/tensions-bubble-to-the-surface-again-at-lesvos-migrant-center>

108. Stories from Greece, an independent documentary in Kara Tepe and Myrsini <https://www.youtube.com/playlist?list=PLBJmN91sLf-Q1ISvIx08x1K6Hcf-XzRm6>

109. UNHCR, New York Declaration for Refugees and Migrants and Comprehensive Refugee Response (CRR) framework, September 2016 <http://www.unhcr.org/57e4f6504.pdf>; 'UNHCR has failed to develop new, creative ways of unlocking political solutions, and the response has been described as inhumane and pathetic', Alexander Bett's quotes on UN system and European refugee crisis 'The system isn't broken because the rules are wrong. It's that we're not applying them adequately to a changing world, and that's what we need to reconsider.'

110. Crawley Heaven, (2016), Managing the unmanageable Understanding Europe's response to the migration crisis, Center for Trust, Peace and Social Relations, Coventry University, Volume 9, Number 2; Moreno-Lax Violetta, (2015), Europe in Crisis, Facilitating Access to Protection, discarding offshore processing and Mapping Alternatives for the way forward for EU Red Cross Office; Gauci Jean-Pierre, Giuffrè Mariagiulia and Tsourdi Evangelia, (2015), Exploring the Boundaries of Refugee Law Current protection Challenges, International Refugee Law Series 3.

111. Elizabeth Ferris and Kemal Kirişçi, The Consequences of Chaos Syria's Humanitarian Crisis and The Failure to Protect (The Marshall Papers), 26 April 2016, Publisher: Brookings.

time there were only 12 EU member states to tackle it, the responses were more successful broadly speaking, in large part due to the refugee's European origin.¹¹² In the current crisis, European approaches were less effective and led to political crises due to xenophobia, and political positions taken by member states against the influx of refugees. Going forward, Europe's response to the current refugee crisis should be framed around the narrative that the newcomers represent new opportunities for the host countries rather than considering them as burdens.¹¹³

112. Author interview under Chatham House Rule, London, February 2016.

113. Migration Policy Institute, The integration outcomes of US refugees: Successes and Challenges, June 2015 <http://www.migrationpolicy.org/research/integration-outcomes-us-refugees-successes-and-challenges> (accessed January 2016); European Parliament Study, Labor Market: Integration of Refugees: Strategies and good practises, 2016; [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/578956/IPOL_STU\(2016\)578956_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/578956/IPOL_STU(2016)578956_EN.pdf) (accessed 01 March 2017); Klaus F. Zimmermann, Refugee and Migrant Labor Market Integration: Europe in need of a New Policy Agenda, 29 September 2016 <http://www.eui.eu/Projects/TheForum/Documents/Keynote-lecture-labour-market-integration.pdf> (accessed 01 March 2017); Foreign Affairs, Betts Alexander and Collier Paul, (20 October 2015), Help refugees help themselves: let displaced Syrians join the labor market; Richard Alba and Nancy Foner, (2011), Strangers No More: Immigration and the Challenges of Immigration in North America and Western Europe. Princeton University Press.

