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Is the indiscriminate detention of irregular migrants a cost-effective policy tool? A case-study of the Amygdaleza Pre-Removal Center*

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The Opening of Amygdaleza Pre-Removal Centre

On 28 April 2012 the pre-removal center of Amygdaleza ('Amygdaleza') opened its doors as Greece's first purpose-built camp for the detention of irregular migrants. Located at the foot of Parnitha mountain in a green landscape of around 30,000m², surrounded by a wired fence and equipped with 250 containers – the same ones that had been used to accommodate earthquake survivors in the past – Amygdaleza promises to its 2,000 detainees "exemplary" facilities and "living conditions fully consistent with human value".¹ With daily cleaning services, food catering of high quality, access to an open yard, stand-by counseling and medical staff Amygdaleza sets – at least on paper – uncommonly high standards for a country that has been publicly condemned by the CPT for its detention facilities.²

The Greek Government has explained that reasons of broader public interest dictated the immediate commencement of the operation of such a facility. "*The significantly low return rate, due to difficulties and delays in the issuance of the necessary travel documents*" had hampered Greece's effort to implement an effective asylum and migration policy and successfully safeguard the EU external borders. There was thus a compelling need for "*increased capacity in pre-removal centres*".³ In the future, similar centres are going to be established elsewhere in the country, depending on migration flows. Their establishment forms part of the National Action plan on

* Special thanks go to Dr. Angeliki Dimitriadi for her critical comments on an earlier version of this policy paper and for her contribution to the final editing.

- 1 See Communication from Greece concerning the case of *M.S.S. against Belgium and Greece* (Application No. 30696/09), Memorandum DH-DD(2012)1157, available at <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2204818&SecMode=1&DocId=1964830&Usage=2> .
- 2 See European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, "Public Statement concerning Greece", 15 March 2011, available at <http://www.cpt.coe.int/documents/grc/2011-10-inf-eng.htm> .
- 3 See Ministry of Public Order and Citizen Protection, "Greek Action Plan on Asylum and Migration Management, Executive Summary Progress Report January- May 2013", available at http://www.europarl.europa.eu/meetdocs/2009_2014/documents/libe/dv/p4_progressreport/p4_progressreport_en.pdf ; see also Statement of Minister of Public Order and Citizen Protection of Greece, 101st Session of the IOM Council, Geneva, 27 November 2012, "Greek Policies on Migration and Asylum and the strategic cooperation with the International Organisation for Migration" available at <http://www.iom.int/files/live/sites/iom/files/About-IOM/governing-bodies/en/council/101/Nikolaos-Dendias-Greek-Minister-of-Public-Order-and-Citizen-Protection.pdf> .

Migration and Asylum Management which has been approved by the European Commission.⁴ “Our aim is that every illegal migrant, unless the competent authorities decide that he is entitled to international protection, will be detained until he is returned to his home country”.⁵

The new detention policy

Greece has adopted since 2010 a new policy to manage its irregular migrant population and reinforce the EU external borders, which relies heavily on the use of detention.⁶ Under this new action plan all migrants detected for irregular entry or residence in Greece, including asylum seekers, are systematically placed in detention – a direct consequence of their irregular status. Combined with wide-scale police operations this practice has led to the widespread detention of undocumented migrants throughout the country. In support of this new policy, a recent advisory opinion of the Greek Legal Council gave the green light to the authorities to prolong detention even beyond the maximum 18-month time-limit set by the EU Returns Directive; until the detainee has “consented” to be returned.⁷

Since the number of arrestees exceeds the number of places available to implement this new policy, Greece has engaged in the past three years in a large-scale investment in detention establishments. There are at present five (5) pre-removal centres operating in Amygdaleza, Corinth, Komotini, Paranesti and Xanthi, with a total capacity of 5,000 places. Four (4) additional facilities are currently under construction will increase the total capacity to 10.000 places by the end of 2014.⁸

At the same time, Greece has heavily invested in improving the conditions inside old and new establishments. Some of the worst old facilities have closed down, others are being refurbished, while new establishments are being created – like Amygdaleza – “of high standards”⁹. An “Internal Regulation of Operation of the Security Services of Immigration Detention Facilities” that was recently prepared, seeks to establish for the first time a common framework of operation of these centers as well as set rules with regard to the behaviour of the staff and the rights and duties of the

4 See Communication from Greece concerning the case of *M.S.S. against Belgium and Greece* (Application No. 30696/09), Memorandum DH-DD(2012)1157, available at <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2204818&SecMode=1&DocId=1964830&Usage=2> .

5 See Press Office Reply of Minister of Interior and Citizen Protection concerning the events at Amygdaleza, 11 August 2013, available at http://www.yptp.gr/index.php?option=ozo_content&lang=GR&perform=view&id=4736&Itemid=579 (Translation by the author of Greek original: “Στόχος μας είναι κάθε παράνομος μετανάστης, εφόσον τα αρμόδια όργανα κρίνουν ότι δεν δικαιούται διεθνούς προστασίας, να κρατείται μέχρι να επιστρέψει στην πατρίδα του.”) .

6 See Report by Council of Europe Committee on Migration, Refugees and Displaced Persons, “Migration and asylum: mounting tensions in the Eastern Mediterranean”, 23 January 2013, available at <http://assembly.coe.int/ASP/Doc/XrefViewPDF.asp?FileID=19349&Language=en> .

7 For more see A. Triandafyllidou, A. Dimitriadi and D. Angeli, “Detention as Punishment: Can indefinite detention be Greece’s main policy tool to manage its irregular migrant population?”, *MIDAS Policy Brief*, April 2014, available at <http://www.eliamep.gr/wp-content/uploads/2014/04/Polic-brief-Detention-in-Greece-1.pdf> .

8 See Ministry of Public Order and Citizen Protection, “Greek Action Plan on Asylum and Migration Management, Executive Summary Progress Report January- May 2013”, available at http://www.europarl.europa.eu/meetdocs/2009_2014/documents/libe/dv/p4_progressreport/p4_progressreport_en.pdf .

9 Ibid.

detainees.¹⁰

The purpose of this new policy is straightforward: to secure that all irregular migrants – unless granted international protection – will be returned to their home countries. Faced with the deprivation of their liberty and without the hope of a timely release, the Greek authorities believe that migrants will be forced to co-operate and accept a so called “voluntary” [assisted] return or indeed a forced return to their country of origin. Greece will thus succeed in reducing the overall size of its irregular migrant population. At the same, this new policy is expected to act as a deterrent since it will “send a strong signal to third-country nationals willing to illegally enter Greece,” and “warn all immigrants who do not fall under the status of international protection that they will be arrested, detained and returned to the countries of origin”.¹¹

Greece's decision to manage irregular migration by using indiscriminate and lengthy detention as the predominant policy tool is not pioneering; past similar efforts however have shown that mass and lengthy detention is a very costly enterprise and does not guarantee better results than its less costly alternatives.¹² Unsurprisingly, in the last three years crisis-stricken Greece has repeatedly appealed to the other Member States for solidarity and financial support. The EU has so far agreed to co-fund this latest policy experiment without challenging Greece's position, which is under pressure to deal with a sharply decreasing but still noticeable volume of irregular arrivals (as counted by the related apprehensions at the country's sea and land borders with Turkey).

Table 1: Greek-Turkish border apprehensions: 2008-2013

Border areas	2008	2009	2010	2011	2012	2013*
Land Border	14,461	8,787	47,088	54,974	30,433	585
Sea Border	30,149	27,685	6,204	1,030	3,651	5,579
Total Apprehensions	44,610	36,472	52,269	56,004	34,084	6,834

*Source: Ministry of Public Order & Citizen Protection, (2012). * Data for Jan-Aug 2013.*

It goes beyond the scope of this paper to discuss the overall policies of Greece in combating irregular migration (see for instance Triandafyllidou and Ambrosini 2011) for a critical perspective¹³. We would like however to cast light here to an aspect of Greece's irregular migration policy that has been under-researched; notably the costs and effectiveness of detention, thus contributing to assessing the

10 See National Gazette, Issue No 1851 of 29 July 2013, available at [file:///C:/Documents%20and%20Settings/b4/My%20Documents/Downloads/document%20\(2\).pdf](file:///C:/Documents%20and%20Settings/b4/My%20Documents/Downloads/document%20(2).pdf) .

11 See Report of the Special Rapporteur on the human rights of migrants, Mission to Greece, 18 April 2013, p. 11, available at <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/AnnualReports.aspx> .

12 See International Detention Coalition and La Trobe Refugee Research Centre Report “There are alternatives: a handbook for preventing unnecessary immigration detention”, 2011, available at <http://www.ohchr.org/Documents/Issues/Migration/Events/IDC.pdf> ; See Report by Council of Europe Committee on Migration, Refugees and Displaced Persons, “Migration and asylum: mounting tensions in the Eastern Mediterranean”, 23 January 2013, available at <http://assembly.coe.int/ASP/Doc/XrefViewPDF.asp?FileID=19349&Language=en> ; see UNHCR Guidelines on the applicable criteria and standards relating to the detention of asylum-seekers and alternatives to detention, 2012, available at <http://www.unhcr.org/505b10ee9.html> .

13 See A, Triandafyllidou and M. Ambrosini, “Irregular Migration Control in Italy and Greece: stong fencing and weak gate-keeping serving the labour market”, *European Journal of Migration and Law* (2011), Vol. 13, pp. 251- 273.

effectiveness of this migration control measure. It is our contention that investing heavily in a policy with no proven effectiveness, a huge financial cost and an equally high human rights cost is, at best, an ill-advised decision. Alternatives that are less costly and more effective do exist and Greece must explore them, before plunging further into this venture. This is, after all, prescribed by the Returns Directive, that requires States to inscribe alternatives to detention in their national legislation. Counting already two years of operation, the pre-removal center Amygdaleza – a direct product of this new practice – offers an appropriate first basis to demonstrate the financial non-sustainability of this policy and evaluate its cost-effectiveness.

The 'high' standards of Amygdaleza.

Highly publicised before it had even opened, Amygdaleza pre-removal centre has become by now Greece's largest detention facility. With a record capacity of 2,000 places, it is a massive facility that hosts primarily adult men, both irregular migrants and asylum seekers. The average detention time is 4-5 months, since it is primarily used as a transit center among the different detention facilities. Impressively large and with a very different layout than the rest of Greece's detention establishments, it is less of a center and more of a camp. The actual living conditions however inside the facility, admittedly better than the average Greek detention center, can hardly be characterised as 'high standards'; in fact Amygdaleza is quality-wise a rather modest facility that has faced some serious operational problems during its first two years of functioning.

The camp comprises of 300 prefabricated containers spread around a field of 30,000m2 and divided along three sections (Section A', B' and C'). The 250 containers are being used for accommodation purposes. In the table below we outline the structure of the facility:

Table 2.: Layout of Amygdaleza

Accommodation		Communal Areas
Size	25-32m2 ¹⁴	
Capacity	8 detainees	
Layout	2 bedrooms 2 showers 2 toilets	

A/C
Heater
Metallic Bunk Beds
Wardrobe
Plastic Chairs and Table

Apart from security which is run by the police, all other services have been allocated to NGOs or are subcontracted private companies.

Compared to other detention establishments in Greece, Amygdaleza provides undoubtedly better facilities. Even the mere fact that detainees have unobstructed access to a private bathroom is a significant improvement. However, being “relatively better” in a country with admittedly sub-standard facilities does not render Amygdaleza either “exemplary as regards accommodation and security”¹⁵ or in compliance with international human rights standards. While the Committee for the Prevention of Torture (CPT) still needs to publish its first impressions, it is doubtful whether Greece's “exemplary” facility will spare the country from one more conviction by the European Court of Human Rights.

14 See <http://static.diavgeia.gov.gr/doc/B4121-ΓΒΠ>.

15 See Communication from Greece concerning the case of *M.S.S. against Belgium and Greece* (Application No. 30696/09), Memorandum DH-DD(2012)1157, available at <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2204818&SecMode=1&DocId=1964830&Usage=2>.

The CPT standards

1. In accordance with the CPT guidelines, the minimum amount of space that must be allocated to a detainee in a shared facility is 4m².¹⁶ The current distribution of eight (8) detainees per one container of 25-32m² places Amygdaleza at the margin or below this threshold. Running a facility that is overcrowded generates by itself State liability under international human rights law.
2. The conditions in which irregular migrants are held must reflect the nature of their deprivation of liberty – which in the case of those held in Amygdaleza is not criminal.¹⁷ This entails amongst others the duty to secure that the premises create the impression of a non-carceral environment and with as few restrictions as possible:

“Obviously, such centres should provide accommodation which is adequately- furnished, clean and in a good state of repair, and which offers sufficient living space for the numbers involved. [...] As regards regime activities, they should include outdoor exercise, access to a day room and to radio/ television and newspapers/ magazines, as well as other appropriate means of recreation (e.g. board games, table tennis). The longer the period for which persons are detained, the more developed should be the activities which are offered to them”.¹⁸

The barbed wire, scarce plastic chairs and currently empty yard of Amygdaleza obviously do not live up to these standards either.

3. Other problems that have hampered the smooth functioning of Amygdaleza and raise issues under the CPT standards include¹⁹:

Condition of camp	Emergency situations	Other services with problems
Lack of warm water	Revolt by detainees	Daily cleaning
A/C malfunctioning	Outbreak of scabies	Medical supplies/ access to doctor
Insufficient Hygiene	Hunger strike	Legal aid/ access to a lawyer
Scarce clothing	Suicide attempts	

16 See United Nations Office on Drugs and Crime “Custodial and non-custodial measures: the Prison System”, 2006, available at http://www.unodc.org/documents/justice-and-prison-reform/cjat_eng/1_Prison_%20System.pdf p. 11, par. 4.2.1.

17 See European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or punishment, “CPT standards”, CPT/Inf/E (2002)1 – Rev. 2013, available at <http://www.cpt.coe.int/en/documents/eng-standards.pdf> p. 65, par. 28.

18 Ibid. par. 29.

19 See Communication from NGOs (Amnesty International, The International Commission of Jurists (ICJ) and the European Council on Refugees and Exiles (ECRE)) (18 and 22/02/13) and reply of the Greek authorities (27/02/13) in the case of *M.S.S. against Belgium and Greece* (Application No. 30696/09), Amnesty International’s Submission, pp. 8-9 and Second Joint Submission of the International Commission of Jurists (ICJ) and of the European Council on Refugees and Exiles (ECRE), p. 8, February 2013, available at <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2242120&SecMode=1&DocId=1986544&Usage=2> available at <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2242120&SecMode=1&DocId=1986544&Usage=2> ; see also Letter by “Medical Intervention”, dated 28 April 2014; See Report of the Greek Ombudsman available at <http://www.synigoros.gr/resources/diapistwseis-stp-29-05-2013--2.pdf> ; see also Prot. no. 6634/1-356717 Reply of the Aliens Directorate to the Greek Ombudsman, dated 19 July 2013, available at <http://www.synigoros.gr/resources/apanthsh-elas-19-07-13.pdf> .

To sum up, while the authorities have admittedly gone into serious efforts to set up Amygdaleza, much needs to be done before Greece can safely claim to be acting in compliance with its international obligations.

The cost of building and running Amygdaleza

To finance the construction and operation of Amygdaleza, Greece drew funding from three European Funds (75% of total cost) along with its own budget (25% of total cost). The initial plan to cover the expenditures solely by the External Borders Fund together with the national budget proved unrealistic. Following the necessary reassurances by Greece about its commitment to effectively improve its detention conditions, the Commission approved to co-finance the construction and running costs of Amygdaleza also from the EU Return Fund.²⁰ Additional services, such as counseling, medical services and legal aid, normally financed by the European Refugee Fund, were also covered at by the European Return Fund.²¹ In practice, however, NGOs and private donors have however been helping out also with their own resources to cover the needs of the detainees.

Construction- Equipment				
Total Estimated Cost: 3,000,000 ²²				
Known costs ²³				
Item	Cost		Item	Cost
Topographic design of the camp ²⁴	€15,006		Furniture (plastic tables and chairs) ²⁵	€25,000
Construction works ²⁶	€2,288,774		Metallic beds ²⁷	€73,800
Isolation materials ²⁸	€56,575		Mattresses ²⁹	€73,800
Electrical supplies ³⁰	€51,578			

Had the construction required actual building rather than mere refurbishing and transport of pre-fabricated containers, it is likely that the costs would have been higher. As far as operational costs are concerned, Amygdaleza appears to be running on roughly €10,500,000 per year. This budget covers the most basic needs of the detainees such as cleaning, catering, bills, some scarce clothing, hygiene products, while some recreation is foreseen in the future.

- 20 See C. Malmstrom, Letter dated 12. December 2012, available at <http://ec.europa.eu/carol/?fuseaction=download&documentId=090166e58e0a005b&title=letter.pdf> .
- 21 Ibid.
- 22 An initial sum approved by the External Borders Fund for the whole construction of Amygdaleza was of €1,867,505.13, available at <http://static.diavgeia.gov.gr/doc/B4ΩΦI-EBO>.
- 23 As published in www.diavgeia.gov.gr .
- 24 See <http://static.diavgeia.gov.gr/doc/B4Γ9I-ΔB7> and <http://static.diavgeia.gov.gr/doc/B41AI-8MA> .
- 25 See <http://static.diavgeia.gov.gr/doc/B49ΣI-PNH> .
- 26 See <http://static.diavgeia.gov.gr/doc/BΛΛHI-H22>. An initial sum of €1,525,887.00 for construction works approved by the External Borders Fund was deemed insufficient. <http://static.diavgeia.gov.gr/doc/B41AI-ΨΨE>.
- 27 See <http://static.diavgeia.gov.gr/doc/B49ΣI-ΛΞ7> .
- 28 See <http://static.diavgeia.gov.gr/doc/BENNI-1ΔB> .
- 29 See <http://static.diavgeia.gov.gr/doc/B49ΣI-2ΞI> .
- 30 See <http://static.diavgeia.gov.gr/doc/BENNI-OMY> .

Regular Services		
Items	Monthly Cost (actual sums spent)	Estimated Annual Cost (at full capacity)
Food catering	> €300,000 ³¹	€4,226,400
Daily cleaning	€62,000 - 72,000 ³²	€800,000 ³³
Security	<ul style="list-style-type: none"> • 450 policemen (8h shifts) • 6 vans • 15-20 administrative staff 	N/A €4,980,000*(author's estimation)

*Calculated on the basis of the estimated annual costs in other pre-removal centres.³⁴

Food is calculated at a standard daily rate of €5,87 euros/per person. It is noteworthy that this rate has already been challenged before the European Court of Human Rights for being too little to adequately cover a detainee's daily nutrition needs.³⁵ Nonetheless, at full capacity catering in Amygdaleza alone would cost 11,740€ per day.

Known Additional costs			
Items	Cost	Items	Cost
Clothing ³⁶	€72,545	Blankets ³⁷	€146,370 ³⁸
Personal Hygiene Items ³⁹	€107,624	Disinfection	€74,250 ⁴⁰

Added altogether, including bills, repair and maintenance costs, the current annual estimated cost of

- 31 For instance in April 2013 the cost was €284,753.7 <http://et.diavgeia.gov.gr/f/all/ada/BEN3I-1ΣΦ> , in May 2013 was €313,745.63 <http://static.diavgeia.gov.gr/doc/BEZKI-TOΣ> , in June 2013 was €308,773.74 <http://static.diavgeia.gov.gr/doc/BA49I-3ΓΦ> , in July 2013 was €301,072.30 <http://et.diavgeia.gov.gr/f/all/ada/BAΩEI-QNK> , in October 2013 was €336,808.86 <http://et.diavgeia.gov.gr/f/all/ada/BA19I-EO1> .
- 32 See <http://et.diavgeia.gov.gr/f/all/ada/BEΔ2I-ΦAB> ; <http://et.diavgeia.gov.gr/f/all/ada/B4ΓHI-MAX> ; <http://et.diavgeia.gov.gr/f/all/ada/B4ΓHI-Q11> ; <http://et.diavgeia.gov.gr/f/all/ada/B4ΣYI-9PT> ; <http://et.diavgeia.gov.gr/f/all/ada/BEΔ2I-A56> ; <http://static.diavgeia.gov.gr/doc/BEYΣI-OIΘ> .
- 33 See <http://static.diavgeia.gov.gr/doc/B45MI-IH0> .
- 34 The annual estimated Cost for Security in three Pre-moval Centre is: Corinth (capacity 1,000) € 5,273,520; Parenesti (600) € 4,415,040 ; Fylakio (370) € 2,422,140, available at <http://www.astynomia.gr/images/stories/2013/prokirikseis13/22112013frourhsh.pdf> . Security is currently operated by the Greek Police and its cost is absorbed by the salaries of the police officials, it is therefore not evident. There is planning however to sub-contract security to a private company like in the other pre-removal centres.
- 35 See ECtHR, *Tabesh v. Greece*, Appl. no. 8256/07, par. 24, 39, 40.
- 36 The sum paid for clothing was equivalent to two (2) shirts, two (2) pieces of underwear, one (1) tracksuit, and one (1) pair of shoes per detainee.
- 37 Of interest is the order on blankets, since two equally expensive orders were made; yet the second one bought 1,000 more blankets than the first one. (see fn. 39 immediately below)
- 38 See <http://static.diavgeia.gov.gr/doc/B49ΣI-MTI> (€73,062.00 for 3,000 blankets); <http://static.diavgeia.gov.gr/doc/B45ΣI-I7Ξ> (€73,308.00 for 2,000 blankets).
- 39 The thousand spent in hygiene and clothing have nonetheless proven insufficient to avert health risks to both staff and detainees. In August 2013 scabies broke out requiring a major cleaning operation.
- 40 See <http://static.diavgeia.gov.gr/doc/B430I-OYE> .

running Amygdaleza reaches €10,500,000 per year, i.e. roughly €14 per person per day. This is a 1/3 of what Italy pays to detain a migrant (€45 per day).⁴¹ In practice, the budget for Amygdaleza sum has proven hardly enough to cover round-the-clock the most basic needs of the 2,000 persons held on a daily basis under the exclusive control of the Greek State.

Assessing the cost-effectiveness

In accordance with Greece's National Action plan on Asylum and Migration Management, the main purpose of this recent detention policy is two-fold: first, with the exception of persons entitled to international protection, to increase the return rate of irregular migrants currently residing in Greece and second, to deter irregular arrivals in the long run.⁴²

For the purposes of the present case-study, two sets of data were used to assess the cost-effectiveness of this policy: first, the statistics that cover the whole period of Amygdaleza's operation as a pre-removal centre since its operation 28 April 2012; second, the statistics that reflect the situation in the camp on the day of the visit on 8 April 2014. These will be then evaluated against the above-described costs.

All in all, 9,677 detainees have been registered since 28 April 2012. On the day of the visit on 8 April 2014 the number of detainees was 1,715.⁴³

The overwhelming majority comes from Bangladesh, Pakistan and Afghanistan. On the day of the visit there were also a couple of Somalis, Syrians and Palestinians in detention. All three top nationalities can be deported.

Since its opening, a total of 2,700 out of the 9,677 detainees was forcibly or voluntarily returned from within the facility (27,9%) and 2,220 detainees applied for asylum in Amygdaleza (22,9%). Overall 1,195 migrants had consented to be returned to their home countries (12,3%) and 767 detainees had explicitly requested to be returned and were actually returned (7,9%).

On the day of the visit on 8 April 2014, 586 had applied for asylum (34,1%) and 145 had agreed to be returned to their home countries (8,4%).

In terms of effectiveness, the figures illustrate that in a period of two years the use of detention resulted in an average 27,9% return rate. Detention was purposeless for a 28,5% of detainees, since an application for international protection had been submitted, therefore resulting in a short-term suspension of the return procedures. Finally, detention did not achieve its purpose for 48,6%, because they were neither returned nor had their status been regularised.

As far as consent is concerned, an average of 10% had – at an unknown time – agreed to be returned and 7,9% had volunteered to be returned and were actually returned. The figures leave open to what extent the 10% “agree” rate overlaps with the 7,9% “request” rate. The overall consent rate ranges thus between 10%- 17,9%, i.e. an average of 14%. The figures also leave open the question of whether the consent was a result of detention – as this new policy aspires to achieve – or the person had already consented and was placed in prolonged detention nonetheless. Looking at the wider picture, the annual figures of returns covering the period 2011-2013 show so far a dramatic increase in IOM voluntary returns, but are rather steady when it comes to forced returns.⁴⁴ In this sense, the overall consent rate among Amygdaleza's detainees is very low.

41 See Global Detention Project “Italy Detention Profile”, available at <http://www.globaldetentionproject.org/countries/europe/italy/introduction.html#c2423>

42 Supra fn.11.

43 Data provided by Police during fieldwork visit on 8. April 2014

44 Data provided by the Greek Police Headquarters.

As far as irregular arrivals are concerned, the sample of Amygdaleza is too small and too recent to allow an estimate on the long-term discouraging effect of detention. The police statistics show a decrease in the number of new arrivals in Greece during the period 2011-2013.⁴⁵ However, it is too early to draw conclusions on how permanent this decline is going to be and to what extent it is the direct outcome of a short-lived new policy or related to a wide range of other parameters.⁴⁶ Overall, this leaves Amygdaleza with an effectiveness rate of 27,9% in returning migrants and a rough rate of 14% with regard to consent.

There are two ways to assess the cost effectiveness of this policy. One is to look at the direct costs and compare them against the forthright results, in order to evaluate if this policy is good value for money. A second way is to take into account also the indirect costs involved in the implementation of this policy, which allows a wider contextual analysis. These are often hidden and their precise amount is not always easy to calculate.

a. Effectiveness v. Direct Costs

Amygdaleza currently runs on a budget of €10,500,000 per year, which as analysed earlier is equivalent to a minimum of €14 per detainee per day. It has a proven success rate in returns of 27,9%.

The National Action Plan foresees the creation of 10,000 by the end of 2014, which means that Greece would end up paying 14euros/day x 10,000places = 140,000 euros/day when these centers are running at full capacity.

Looking now at the wider picture, according to the United Nations Special Rapporteur on Migrants, the population of irregular migrants currently residing in Greece is estimated at 470,000.⁴⁷ If we adopt this figure, under Greece's new policy of indiscriminate detention, all 470,000 migrants would have to be detained at some point, in order to filter who stays and who leaves. The cost to carry out such a plan would be 470,000 x 14 euros = 6,580,000€ per day or 46,060,000€ per week or €197,400,000 per month until all 470,000 cases have been processed.

Not only is such a policy financially unsustainable under the current funds, but also unjustifiable with a 27,9% success rate in returns through detention and an average of 14% consent rate.

b. Effectiveness v. indirect costs

Some of the indirect costs are:

1. The additional medical costs to treat the adverse health effects of detention. It is widely accepted that detention as such – let alone under unhygienic conditions – has a negative impact on the physical and mental health of both staff and detainees. When these are transmissible, they tend to spread rapidly. The most common problems in Greek detention centers are skin diseases, respiratory infections, gastrointestinal disorders, musculoskeletal and dental problems.⁴⁸ Depression, stress and frustration leading to tensions and violence as well as suicidal thoughts are also evaluated as a direct

45 See above Table 1.

46 On parameters which can influence the measurable size of the irregular migrant population see for e.g. <http://www.oecd.org/els/mig/GREECE.pdf> .

47 Supra fn. 11, page 5, par. 9.

48 See Medecins sans Frontieres, “Invisible Suffering: Prolonged and systematic detention of migrants and asylum seekers in substandard conditions in Greece”, April 2014, available at http://www.msf.org/sites/msf.org/files/invisible_suffering.pdf .

result of prolonged detention.⁴⁹ The staff and detainees of Amygdaleza are not in any way immune to this. For instance, in April 2013, hundreds of detainees went on hunger strike and at least two suicide attempts were recorded; in August 2013 scabies broke out in the facilities; the same month 10 policemen and many more detainees were injured as a result of riots inside the center.⁵⁰ Providing medical treatment in all these incidents meant additional expenditures, all of which were a direct result of detention itself. In the long-term, the adverse health effects of detention are likely to hamper the integration of the affected persons, resulting in additional financial losses for Greece. In the case of irregular migrants in particular, it must be borne in mind that a certain percentage of them may eventually be allowed to stay in Greece – whether through the asylum system or because they cannot be deported. It appears counter-productive for Greece to first place migrants in detention and then have to provide them with long-term financial and social support once released. Given that the affected persons – both irregular migrants and personnel – are in their majority otherwise young healthy people, Greece is in essence compromising its own workforce.

2. The costs to cover the needs of families of the affected persons. When the breadwinner is in detention or in need of long-term treatment and unable to work, then the family will necessarily resort to social support to survive. This entails on the one hand additional costs for Greece because it has to assist the destitute family and on the other hand losses, because the economy loses in labour, consumption and taxes.

3. Unnecessary expenditures. It is unnecessary to detain indiscriminately the irregular migrants that the authorities come across, in order to implement an effective migration and asylum policy. Such an approach results in unnecessary expenditures. Asylum-seekers for instance, cannot be deported for as long as their claims are being examined; paying for their detention during this period is an unnecessary expenditure, in particular because their case might be eventually approved. In such cases, detention was from the beginning purposeless. Likewise, detention should be an option of last resort for persons who have declared that they wish to be deported, since they will likely return. It could be argued that it is a waste of resources to pay for detention in advance especially knowing that the policy objective may not be fulfilled or will likely be fulfilled.

4. Political and Financial Cost of Litigation. When a policy lacks in legality – as indiscriminate and prolonged detention of irregular migrants does – there is a high risk that the victim will resort to legal proceedings. Greece is well-familiar with this, having been repeatedly convicted by the European Court of Human Rights on the issue of detention. The average reimbursement in past convictions has ranged between 8,000 – 10,000€ per case. While only a handful of irregular migrants have so far sought recourse to the European Court of Human Rights, the convictions did cost to Greece primarily politically, but also financially.

The problem with detention is that every time a State deprives a person from his/her freedom, it takes on the responsibility to cater for all of that person's needs. When this practice is carried out at a wide-scale, indiscriminately and for prolonged periods it becomes very costly and no longer a good value for the money invested; no matter how well resources have been managed. Detention therefore should not be Greece' main policy tool; it can only offer a limited and last resort solution

49 Ibid.

50 See for instance <http://www.kathimerini.gr/34419/article/epikairothta/ellada/apopeira-aytoktonias-dyo-apergwn-peinas-sto-kentro-metanastwn-sthn-amygdaleza> ; <http://www.kathimerini.gr/49912/article/epikairothta/ellada/se-kanonikoys-ry8moys-epanhl8e-h-amygdaleza> see also position of Police Union http://www.poasy.gr/web/index.php?option=com_content&view=article&id=1611:paremvasi-proedrou-poasy-stin-12i-ethniki-strogglyli-trapeza-kata-twn-diakrisewn&catid=47:ola-ta-arthra&Itemid=99

when all other more cost-effective alternatives of a comprehensive strategy have been exhausted.

Recommendations

There are effective and less costly alternatives that Greece must explore before investing further in a policy with doubtful outcomes. Alternatives that have been successfully applied in other countries include: ⁵¹

- Screening and assessment of individual cases: character-based evaluation can reduce the risk of unnecessary detention; detention is also needless when deportation cannot take place in the near future or the migrant has already consented to be returned to her/his home country.
- Investment in early legal advice: irregular migrants, including asylum-seekers, often rely on false information provided by the smugglers. Early legal advice, preferably through personal contact with an assigned caseworker, can result in quicker and more durable decisions, resulting in overall savings
- Expansion of alternative surveillance schemes: Less coercive measures, such as fines and reporting to police stations have been successfully applied and are more cost-effective in cases where there is no imminent prospect of return.
- Investment in open accommodations: Asylum-seekers, families, vulnerable categories can be housed in open accommodations that are less costly, achieve higher standards and allow better integration of approved cases.
- Expansion of return counseling programs: Information about return programs should be wider disseminated. Studies show that specific categories of persons that are more likely to agree to return to their home countries. (e.g. Families with children).

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⁵¹ See International Detention Coalition and La Trobe Refugee Research Centre Report “There are alternatives: a handbook for preventing unnecessary immigration detention”, 2011, available at <http://www.ohchr.org/Documents/Issues/Migration/Events/IDC.pdf> ; see UNHCR Guidelines on the applicable criteria and standards relating to the detention of asylum-seekers and alternatives to detention, available at <http://www.unhcr.org/505b10ee9.html> .