

**“Assessing the Cost-effectiveness  
of Irregular Migration Control Policies  
in Greece”**

MIDAS Project

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## INTRODUCTION

In September 2014, the Greek office of Amnesty International, issued a press release regarding the continuous deaths in the Mediterranean. Highlighting the plight of refugees and migrants attempting to reach European shores, it noted that in the Aegean Sea alone, from August 2012 and until May of 2014 a total of 208 persons were estimated to have drowned or disappeared. In 2011, which was the deadliest year for the Mediterranean crossing, 1,500 migrants died: 1 in every 50 migrants who crossed. For 2014 however, IOM's records of loss of life at sea are already exceedingly high; 3,000 migrants have died attempting to make the voyage to Europe, seeking entry via Italy, Greece, Malta and Spain.

From the early 1990s until the outbreak of the Arab Spring, the Southern Member States of the European Union—due to their geographical location and function as the external borders of the Union—have been on the receiving end of irregular arrivals. Resembling four interconnected vessels, Spain first, Italy second, Greece third and Malta last have seen their border controls tested with irregular arrivals from the Maghreb, sub-Saharan Africa, and the Sahel and as far away as Asia. The complexity of the arrivals cannot be underestimated. Irregular migration from the Mediterranean does not necessarily originate from the region or from the departure points. Pakistanis, Bangladeshis and Afghanis cross the borders from Iran and enter Greece via Turkey. Libya was one of the main destination countries for labour migrants from sub-Saharan Africa, who following the Arab Spring and the fall of the Gadhafi regime fled to safety towards the European Union, from economic migrants becoming asylum seekers. Mauritania and Senegal have been since the late 2000's transit points for entry to the Canary Islands for sub-Saharan Africans. West Africa remains one of the most important areas of emigration; however the majority of those who reach the EU have spent a significant time in transit or even worked for a period of time in countries like Tunisia, Egypt and Libya. Countries have acted at one time or another as destination areas and/or transit destinations. Those who also have external borders to the Mediterranean Sea are, by virtue of their geographical position, a logical destination to reach, since they act as the pathway to the other side of the Mediterranean<sup>1</sup>.

Yet, migration challenges have reached an unprecedented level of complexity and scale in the last two years, raising once more the question of managing irregular migration at the external borders. The EU has consistently, since 1999, attempted to form policies and measures that in one way or another manage and effectively govern mobility towards and within the European Union. To this effort, the frontline states have played a critical role and adopted measures and policies throughout the years, attempting to curb arrivals and ensure return of the 'undesirable' population in the countries of origin. Greece is one of the frontline states experiencing for the past twenty years a continuous shift in its 'migration landscape', from a country of origin to a

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<sup>1</sup> □ Charef, M. (2004). *Geographical situation as a facilitator of irregular migration in transit countries. Migrants in the transit countries: sharing responsibilities in management and protection*, Istanbul, Council of Europe Conference: 41-57.

country of destination and transit<sup>2</sup>. The country has attempted to strike a balance between its European and International legal and humanitarian obligations and its desire to manage its land and sea borders. Additionally, like all member states at the external borders of the Union, Greece has to contend with the Dublin III Regulation (recast June 2013) that allocates responsibility to the member state where the applicant first arrived (and/or was apprehended), following a set of objective criteria. The aim behind the Dublin Convention was to limit the movement of asylum seekers in transit in Europe and inhibit them from lodging their application in their country of preference. Having to overcome obstacles and restrictive policies, the migrant is stigmatized already as “illegal” and asylum becomes a game of chance depending on the member state the person has arrived in<sup>3</sup>.

## Irregular migration to Greece

**Geography** has been a critical factor in shaping Greece’s immigration features. Situated at the ‘soft underbelly’ of the EU, at the crossroads of Mediterranean migration routes from the South to the North, Greece has been a critical pathway of entry for migrants with two main entry points: the Greek-Albanian border to the North and the Greek-Turkish border to the East with migrants originating from Asia and Africa. Albanians constitute by far the largest migrant community, with migratory movements of Albanians to Greece throughout the 1990s being temporary, predominantly irregular and involving semi-skilled, low-skilled, or unskilled migrants<sup>4</sup>. However, gradually through the 2000s Albanian immigration to Greece became legal (mainly through repeated regularization programmes in 1998, 2001, 2005 and 2007) and people settled in the country<sup>5</sup>.

Since the mid-2000s irregular migration and asylum seeking pressures shifted east, to the Greek Turkish sea and land borders, accompanied by a shift in nationalities but also type of immigrants. **Mixed migrant flows, encompassing irregular economic migrants, forced migrants and refugees, unaccompanied minors and victims of trafficking, began arriving from Iraq, Afghanistan, Pakistan, Bangladesh and sub-Saharan Africa.** This placed a critical burden in a country already ill-equipped in dealing with unauthorized arrivals.

**The sea border was the main point of entry until 2010.** Standard practice of interception both at the maritime and land borders included disembarkation, first aid and health checks, transfer to police station for identity checks (for those without documents) and detention, usually

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<sup>2</sup> □ Dimitriadi, A. (2013) “Transit migration to Greece: the case of Afghan, Pakistani and Bangladeshi migrants”, Nissos Publishing (in Greek).

<sup>3</sup> □ Triandafyllidou, A & Dimitriadi, A. & (2013) “Migration management at the Outposts of the EU: the case of Italy and Greece’s Borders”, Griffith Law Review, 22:3 Symposium Issue.

<sup>4</sup> □ Gemi, E. (2013), “Albanian Migration to Greece: a new typology of crisis”. Background Report, IRMA Project, Athens: ELIAMEP.

<sup>5</sup> □ Triandafyllidou, A. and Maroukis, T.(2010) (eds) ‘Immigration in Greece in the 21st century’, Kritiki, (in Greek).

followed by release and an administrative expulsion order requesting the migrant leaves voluntarily the country within 30 days. Migrants would usually move to Athens and from there disperse to urban and rural centres in search of jobs, or the harbors of Patra and Igoumenitsa in the hope of hiding in one of the ferries and cargo ships, heading to Italy. The volume of arrivals (see Table 1) was unmatched in terms of police and coastguard resources.

**Table 1: Apprehensions (all areas)**

Total apprehensions	2008	2009	2010
	146.337	126.145	132.524

Greece attempted to deal with the maritime arrivals through fencing and gate-keeping<sup>6</sup>. The country requested European assistance as early as 2006, when the first Joint Operation (JO) by Frontex<sup>7</sup>-code named *Poseidon*- took place. JO Poseidon has since become permanent and in 2011 extended to include also Crete as well as the waters between Italy and Greece. Frontex’s presence in Greece solidified through the establishment of the Operational Office in Piraeus.

On the diplomatic front, Greece signed in 2002 the Readmission Protocol with Turkey, the main transit country for irregular arrivals from Africa and Asia. Turkey, in practice, places geographical limitations to the Protocol, willing to accept only nationals of countries with direct borders to Turkey<sup>8</sup>. This automatically limited significantly the number of potential returnees, as is evident from the readmission requests and their acceptance rate by Turkey (see Table 2 below).

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<sup>6</sup> □ Triandafyllidou A and Ambrosini M. (2011) “Irregular Immigration Control in Italy and Greece: Strong Fencing and Weak Gate-keeping serving the Labour Market”, *European Journal of Migration and Law*, 13 (3).

<sup>7</sup> □ European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, hereafter Frontex.

<sup>8</sup> □ Turkey in 2012 refused also to accept readmission requests for Syrian nationals, and despite a readmission protocol with Pakistan it also refuses to accept readmission requests for Pakistani nationals.

**Table 2: Readmission requests Greece – Turkey 2010-2013**

Year	Readmission Requests*	Corresponding persons	Accepted persons	Executed Returns
2010	295	10,198	1,457	501
2011	276	18,758	1,552	730
2012	292	20,464	823	113
2013	24	436	78	8
<b>Total</b>	<b>5,686</b>	<b>122,437</b>	<b>12,326</b>	<b>3,805</b>

\* Each request refers to several persons.

Turkey’s overall reluctance to enforce the Protocol was part of a broader lack of cooperation in terms of border management between the two countries, which changed only recently. Limited implementation of the Readmission Protocol also meant that a significant portion of those who would be eligible for return to Turkey, had to be expelled directly to their countries of origin—thus, necessitating the incorporation of migration management in the foreign policy domain, bilateral agreements and appropriate funding for the realisation of return flights (See section on Returns below).

By 2010, the turning point in Greece’s migration management policy, **the country was accounting for the majority of apprehensions at the external borders of the Union**. Due to a variety of factors, from systematic patrols to Frontex operations but primarily due to the de-mining of Evros, arrivals shifted to the Greek Turkish land border along the river Evros at the northeast corner of Greece. The shift was accompanied by a significant influx in arrivals that once more caught the Greek state unprepared. The majority were arrested and detained with little screening or access to asylum. On September 21, 2010, the United Nations High Commissioner for Refugees (UNHCR) declared the asylum situation in Greece a **“humanitarian crisis”** and stressed that Greece’s lack of a functioning asylum system had “important implications for the wider EU.”<sup>9</sup> In a way, UNHCR’s outcry proved prophetic. The situation had grown unmanageable, to the detriment of migrants and especially asylum seekers. It also began to impact the European partners, who grew concerned with those migrants who succeeded in transiting to their territory from Greece. Furthermore the decision by the ECtHR on *M.S.S. v. Belgium and Greece*<sup>10</sup>, led member states to suspend transfers under the Dublin II mechanism.

<sup>9</sup> □ See UNHCR, “UNHCR Says Asylum Situation in Greece ‘A Humanitarian Crisis,’” UNHCR Briefing Notes, 21 September 2010, available at <http://www.unhcr.org/4c98a0ac9.html>.

<sup>10</sup> □ European Court of Human Rights (ECtHR), Judgment of the Grand Chamber on the case of *M.S.S. v. Belgium and Greece* (Application No. 30696/09), 21 January 2011, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-103050>. The Court found that the dysfunctions of the Greek asylum system and the inhuman and degrading conditions of

Greece submitted on October 24<sup>th</sup> 2010 an official request to the European Union for further assistance, resulting in the deployment of RABIT teams<sup>11</sup> for the first time on European soil and eventually replaced by an extended JO Poseidon land operation throughout 2011 that included the Greek-Bulgarian border. Greece had to bear the brunt of arrivals, largely a result of Turkey's visa liberalization regime, which made initial access to Turkey easier for transit populations, geopolitical tensions in the broader region and a successful-albeit temporary at the time-fencing of the Italian and Spanish borders.

## A 'holistic' management approach?

The year 2010 was a milestone in the construction of a new approach to managing irregular migration and asylum. Greece, under pressure from member states but also international organizations and NGO's, instituted a series of changes in its reception, screening and asylum processes. Added to this, **a combination of deterrence measures, detention and expulsions** meant that for the first time in almost 20 years the country made a conscious effort to institute a holistic approach in managing mixed irregular arrivals.

The National Action Plan of 2010 drew from other EU Member States as well as Greece's European and International obligations and proposed the creation of a new Asylum Service, an Appeals Committee (for rejected asylum applications) and a First Reception Service. The Asylum Service and the Appeals Committee would be autonomous and impartial, while the First Reception Service would be responsible for the 'management' of new arrivals, bringing together a team of 'first contact points' in the maritime and land borders. This was a radical and much needed change in the system. In the years up to June 2013, asylum was under the sole purview of the Hellenic Police and there was no reception service to accommodate and care for new arrivals. This meant that it was impossible to separate and identify people in need and/or protection at entry points. As regards access to asylum, migrants were asked to travel to Athens to the Asylum service headquarters (also known as "Petrou Ralli") to submit their asylum claim. The endless queues and waiting conditions discouraged many. The First Instance degree (of asylum) was the responsibility of the Police and the majority of claims were rejected irrespective of country of origin and individual circumstances. This, in turn, transferred the burden on the appeal process, which suffered from similar systemic weaknesses.

The end result was that when the new asylum service came into being, 45,000 pending applications were due examination. This dysfunctional system produced a contrast; on the one hand asylum became a way for many to temporarily legalize their stay in the country (as they were issued the pink card – a six month stay permit while awaiting for their case to be processed), and on the other hand, it discouraged those in need to access it effectively (because

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detention in the country violated articles 3 and 13 of the European Convention for Human Rights and deprived the asylum seeker of his right to an effective remedy, thereby challenging the per se assumption of safety.

<sup>11</sup> □ Rapid Border Intervention Teams, i.e. rapidly deployable border guards.



of too few asylum offices and insufficient resources dedicated to the service). In an effort to allow the new Asylum Service to operate properly, it was decided that the backlogged cases would remain under the Police purview and their respective appeals committees. Some applicants – at the time- had been waiting for over 5 years for a decision.

The legislative changes were accompanied with measures targeting the border areas and the irregular population already in the country. It can be argued that Greece proceeded to implement more than ever before a migration management routed in the security approach. It tightened border controls through the Operation 'Shield' (*Aspida*) with the transfer of 1,800 border guards along the Greek Turkish land border, and it concluded the building of a border fence across the 12.5 km land stretch used as the main entry point in the region of Evros. Furthermore it increased passport controls and upgraded technologically the harbours of Patra and Igoumenitsa (in western Greece) targeting transit migrants seeking to leave for Italy by ferry boat. In parallel, it pursued an aggressive internal policy of apprehension and detention; daily police patrols (operation 'Xenios Zeus') attempted to identify irregular migrants that were then detained pending expulsion.

This 'criminalisation' of irregular migrants was reinforced through an extensive detention policy. Greece imposes by law the maximum time for detention, which is 18 months (prescribed in the Return Directive, under exceptional circumstances only) for both irregular migrants and asylum seekers. The policy of detention was originally conceived as an effective way to curb irregular migrants from indiscriminately lodging asylum claims as means of legalising their stay<sup>12</sup>. However, recent findings<sup>13</sup> show that Afghan migrants are discouraged from applying for asylum, since they are informed that detention time starts once more from zero once they apply for asylum and until a final decision is reached on their application. If a detainee applies for asylum, he/she remains in the facility while the claim is processed. If the claim is rejected at 1<sup>st</sup> Instance and the applicant lodges an appeal, he/she remains in detention until a final decision is made. And if appeal is also negative, the applicant remains in detention until he/she is either forcefully expelled or 'voluntarily' requests to return to the country of origin.

Detention however is not merely a way of criminalizing, punishing or deterring 'bogus' asylum claims. Rather it is perceived as the linchpin for the successful implementation of the main policy, which is return; voluntary, assisted voluntary or forced (expulsion). Return is increasingly becoming-along with deterrence (from the point of origin and/or transit)-a key EU policy in partnership with the International Organisation for Migration (IOM). Europe currently posits

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<sup>12</sup> □ See A. Triandafyllidou, D. Angeli, A. Dimitriadi (2014) *Detention as Punishment: Can indefinite detention be Greece's main policy tool to manage its irregular migrant population?*. MIDAS Policy Brief, [www.eliamep.gr/en/migration/midas-policy-brief-detention-as-punishment-can-indefinite-detention-be-greeces-main-policy-tool-to-manage-its-irregular-migrant-population/](http://www.eliamep.gr/en/migration/midas-policy-brief-detention-as-punishment-can-indefinite-detention-be-greeces-main-policy-tool-to-manage-its-irregular-migrant-population/)

<sup>13</sup> □ Interviews were conducted with Afghan migrants in detention, including recent arrivals from the maritime border, throughout October-December 2013 and March-July 2014, in the framework of the IRMA project (<http://irma.eliamep.gr/>).

returns (forced or voluntary) as a priority in the management of irregular migration and increasingly a link is highlighted between ‘voluntary and forced return and conceived of both as essential and legitimate tools of migration management’ (IOM/MPR, 2010: 31). The Parliamentary Assembly of the Council of Europe has reiterated the importance of returns of irregular migrants, and ‘recognizes that many of these people will have to leave Europe and have a responsibility to do so. Some, however, may not be able to meet this obligation on their own and may need assistance’<sup>14</sup>. AVR(R) is thus depicted as responding to a pre-existing need.

Until recently Greece had a poor record in returns, partly due to insufficient embassy collaborations and ‘bogus’ asylum claims that perpetuated one’s stay in the country (return cannot take place while an asylum claim is pending). In the past two years, there is instead a noticeable increase in expulsions and a strong promotion of voluntary return programs often in collaboration with IOM or operated by the Hellenic Police. According to a Frontex official, who requested anonymity, **Greece went from having infrequent return flights to countries of origin and/or transit, to performing twice-a-month returns**<sup>15</sup>. Simultaneously, the IOM voluntary return program was strengthened and within a period of two years (2010-2012) a total of 4,978 had been returned to their country of origin with the support of the European Return Fund. Additional funding and support has come from various sources, including the European Return Fund, the EAA Grants and the United Kingdom Border Agency.

It should, however, be noted that ‘voluntary’ return from the pre-departure detention facilities (currently five around the country), which was where one of the main recruitment for repatriation takes place, raises questions of sustainability. For those who opt to return home, rather than spend the 18-month maximum time in detention, repatriation is “voluntary” in the sense that it is the least worst of two bad options. We have, however, little data as of now to show how successful this type of return is; in relation to retaining the returnees in the country of origin.

Apprehension, detention and return formed for the first time a **rounded approach** in tackling irregular migrant flows. As the Council of Europe Parliamentary Assembly Resolution of 2013<sup>16</sup> recognised, Greece enhanced border controls and adopted a policy of systematic detention of irregular migrants and asylum seekers in order to stem the flow. While these policies reduced the arrivals from the Evros border, they transferred arrivals back to the Greek Turkish sea borders, along the Aegean islands. The islands of Lesbos, Samos and the Dodecanese are once again on the receiving end of irregular migrants, though with less dramatic numbers

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<sup>14</sup> □ Parliamentary Assembly Resolution 1742 (2010). “Voluntary Return Programmes: an effective, humane and cost-effective mechanism for returning irregular migrants”. Parliamentary Assembly of the Council of Europe.

<sup>15</sup> □ The interviewee refers to Return Flights operated by Greek police with funding from the European Return Fund. Interviewee requested anonymity. (Interview with Frontex official, recorded in Athens on January 2013).

<sup>16</sup> □ Parliamentary Assembly (2013), ‘Migration and Asylum: mounting tensions in the Eastern Mediterranean’, Resolution 1918/2013, <http://assembly.coe.int>, 18/2/2013.

(approximately 3,000 apprehensions in 2012) but more ill-equipped initially than before to house and care for arrivals.

## Current Outlook

The continuation of the Syrian crisis, the military conscription in Eritrea, the withdrawal of US troops from Afghanistan are some of the factors triggering a significant flow of irregular arrivals, this time via the much more perilous sea passage. Migrant arrivals by sea doubled in the first six months of 2014 to more than 25,000, according to Greek Coastguard, though this number only covers those apprehended at the border. Syrians rank first, followed by Afghans and sub-Saharan Africans. The flows are now much more mixed in terms of composition; women with children, unaccompanied minors, families and elderly members mean that the need for reception, care, proper screening and identification of vulnerabilities are even more urgent than before. Rough seas are frequent, especially in the summer time, carried by strong northerly winds, which means that many boats capsize.

In contrast to the Italian authorities, the Greek Coastguard does not actively search for migrant vessels to offer assistance unless they capsize or issue a distress signal. Twelve people died in January of 2014 when a boat carrying 28 migrants overturned while being towed at high speed by a coastguard vessel. Furthermore, the UNHCR has repeatedly voiced concerns over 'pushbacks'-a practice whereby migrant boats are towed back into Turkish territorial waters.

The management of irregular arrivals is combined with the particularly heavy burden of the financial crisis. As a result, Greece has had to rely extensively on EU funds, in order to implement its immigration control policy.

Yet, between the reality on the ground and the policies designed a question of efficiency emerges; **how efficient are the policies in place and at what cost, financial, in terms of human resources and in terms of long term impact.** The MIDAS project seeks to answer some of these issues, by empirically assessing the effectiveness and efficiency of current irregular migration control policies in Greece. Assessment, thus, takes place by 'contrasting' the expected outcomes with the overall costs of migration control policies.

## The MIDAS Inquiry

Discussions on Greece's migration and asylum policies have in recent years primarily taken place from a human rights perspective. Illegal pushbacks along the Greek-Turkish coastline, overnight refoulements across the Evros river, grimy detention centres and violence that went unpunished<sup>17</sup> dominated the discourse on Greece's practices towards irregular migrants. A

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<sup>17</sup> Among the many reports see: Proasyl and the Group of Lawyers for the Rights of Migrants and Refugees (Athens), "The truth may be bitter, but it must be told", 2007; Human Rights Watch, "No Refuge: Migrants in Greece", 2009; *Medecins sans Frontieres*, "The invisible suffering of Migrants detained in Greece", 2014

public statement by the Committee on the Prevention of Torture and a series of convicting judgments by the European Court of Human Rights<sup>18</sup> provided fertile ground for the development of a discourse that focused on the inhuman side of Greece's migration policy. Through this humanitarian lens, effective migration management means effective protection of human rights.

There is little doubt that Greece has in recent years struggled to adequately respond to an admittedly large influx of irregular arrivals. Yet while ample has been written on Greece's apparent difficulty in treating third country nationals with respect, less attention has been paid to the financial considerations steering Greece's practices. **Little is known for instance on national expenditures and available budget.**

The authorities have at times provided figures, such as the recent announcement by the Ministry of Mercantile Marine that sea patrols in the Aegean are expected to cost 76 million euros in 2014.<sup>19</sup> Yet in the absence of the wider context, these figures are of little use to the current discourse. Even less is known on the exact distribution of the available resources takes place. On the one hand, Greece seems **unable to financially sustain an effective asylum system.** Already in its first year of operation, 2013-2014, the new Asylum Service has had to also rely on voluntary work and assistance by UNHCR to cover its needs for **interpreters.**<sup>20</sup> The country also has trouble providing **adequate shelters for unaccompanied minors**, as a result of which many are left to survive in destitution and homelessness.<sup>21</sup>

On the other hand, millions of euros were set aside to erect the 12-km fence along the Greek-Turkish border. Resources were also found to cover the running costs of Amygdaleza pre-removal centre, an 'exemplary' detention facility which costs 10,5 million per year.<sup>22</sup> In many respects,

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<sup>18</sup>      □ See *S.D. v. Greece*, Appl. No 53541/07, Judgment of 11 September 2009; *A.A. v. Greece*, Appl. no. 12186/08, Judgment of 22 July 2010; *Tabesh v. Greece*, Appl. no. 8256/07, Judgment of 26 November 2009; *Rahimi v. Greece*, Appl. No. 8687/08, Judgment of 5 April 2011; *R. U. v. Greece*, Appl. no. 2237/08, Judgment of 7 June 2011

<sup>19</sup>      □ Data provided by the Ministry of Mercantile Marine during Press Conference, 04 September 2014; see also R. Maltezou and D. Kyvrikosaios, "Greece says in 'danger zone' from influx of Syrian, Iraqi Refugees", 4 September 2014, available at <http://www.reuters.com/article/2014/09/04/greece-immigration-idUSL5NOR516420140904> ; see also the rather evasive answer concerning the costs of running Amygdaleza Pre-removal centre, Minister of Citizen Protection, Parliamentary Reply of 3 February 2014, available at <http://www.hellenicparliament.gr/UserFiles/67715b2c-ec81-4f0c-ad6a-476a34d732bd/8341922.pdf>; see also statement by Minister of Citizen Protection, Parliamentary Discussion of 22 October 2012, p.2934, available at <http://www.hellenicparliament.gr/UserFiles/a08fc2dd-61a9-4a83-b09a-09f4c564609d/es20121022.pdf>

<sup>20</sup>      □ See G. Palaiologos, "Assistance in a Language Migrants can understand", Kathimerini newspaper, 27 July 2013, [http://www.ekathimerini.com/4dcgi/w\\_articles\\_wsite6\\_1\\_13/08/2013\\_513995](http://www.ekathimerini.com/4dcgi/w_articles_wsite6_1_13/08/2013_513995)

<sup>21</sup>      □ See S. Troller, "Left to Survive: Systematic Failure to Protect Unaccompanied Minor Children in Greece", Human Rights Watch, 2008, available at <http://www.hrw.org/reports/2008/12/22/left-survive>

<sup>22</sup>      □ See A. Triandafyllidou and D. Angeli, "Is the indiscriminate detention of irregular migrants a cost-effective policy tool? The case-study of Amygdaleza Pre-Removal Centre", Midas Policy Brief, May 2014, available at [http://www.eliamep.gr/wp-content/uploads/2014/05/Policy-brief\\_the-case-study-of-Amygdaleza-1.pdf](http://www.eliamep.gr/wp-content/uploads/2014/05/Policy-brief_the-case-study-of-Amygdaleza-1.pdf)

the outcomes of Greece's investments are unsettling and nourish further the human rights discourse with which they are intertwined.

Within this wider debate, the MIDAS project seeks to contribute to the existing discussions by **evaluating for the first the time the Greek policies through the lens of their cost-effectiveness**. By measuring the human and material resources invested in the management of irregular migration within the time frame of 2008-2013, the MIDAS project discusses three crucial questions:

1. How much do irregular migration control policies in Greece actually **cost**?
2. Are current policies **cost-effective**, when compared against their outputs and outcomes?
3. Are there any **alternative policy recommendations** that could be more cost-effective?

The MIDAS project aspires to further discussions on irregular migration policies at both the national and wider EU- level by sharing new knowledge and expanding the debate. The project **constitutes the first major effort to bring together the diverse operational measures undertaken by Greece to manage irregular migration within the period 2008-2013**; it is the first major initiative to **calculate the actual cost of these policies**, feeding new data to the present debate. Finally, it opens the floor for a broader discussion by providing its own review of Greece's migration policy through a new lens, that of cost-effectiveness.

## Methodology

MIDAS is a 10-month project carried out by the ELIAMEP Migration Team between January-October 2014. Research-wise it focuses on the period from 2008 to 2013, when a significant number of policy changes took place.

In the absence of previous studies on the cost-effectiveness of Greece' migration policy, much time and energy was spent to gather information that were fragmented or simply unavailable. Once all main funding schemes of Greece's migration policy had been identified, we contacted all of Greece's main sponsors to gather the necessary data and at a second level, discuss the outcomes with key stakeholders. We worked primarily on the basis of written requests for information (and follow up interviews), in order to secure the accuracy of the figures provided. These were normally divided as follows: (a) cataloguing (list of operations/measures undertaken in the period 2008-2013), (b) costs (human and material resources deployed, expenditures), (c) direct outputs and outcomes (statistics on detainees, asylum claims, returns, apprehensions) and (d) evaluation (questions addressing effectiveness of measures against costs and in the overall Greek context).

In terms of our sources, stakeholders at both a national and European level were contacted, with the understanding that **Greece's migration management of the period 2008-2013 was not only the outcome of national policy-making but also in line with the EU approach towards irregular migration**. At a national level the primary contact reference was the Police Headquarters of the Ministry of Citizens Protection and in particular the Aliens Directorate, Department of Migration

and Administrative Measures. We are particularly grateful for their assistance, which they readily offered and their excellent collaboration throughout the course of this project. We are also particularly grateful to UNHCR Athens for their time and overall contribution. IOM Athens, Medecins sans Frontieres and the Director of NGO Praxis also readily offered their assistance for which we are grateful. Correspondence was also undertaken with the Ministry of Labour and Social Welfare, the new Asylum Service, the First Reception Service the Frontex Office in Piraeus, the Head of Amygdaleza Pre-Removal Centre, the Head of Elliniko Special Holding Facility and the Head of the Central Special Holding Facility (Petrou Ralli). We are thankful for the assistance and information they offered us. At an international level, contact was assumed with the Norwegian Directorate of Immigration (UDI) in relation to the EEA Grants in Greece which promptly provided us with the requested information, the Warsaw Frontex Headquarters and the DG Home Affairs of the European Commission.

In the context of our fieldwork we also visited three of Greece's largest detention centres: Amygdaleza Pre-Removal Centre, Elliniko Special Holding Aliens Facility, Central (Petrou Ralli) Special Holding Facility. In addition to fieldwork, an extended overview of primary sources was undertaken: Parliamentary questions, Greece's annual reports before the European Refugee Fund, the European Return Fund and the External Borders Fund, Frontex' financial reports, the EEA Grants Memorandum and other EU documents.

The MIDAS project gathered and brought together a wide range of data and sought to provide a comprehensive picture of the overall expenditures entailed in managing irregular migration in Greece. In terms of analysis, its ambition is rather modest. We do not go as far as challenging Greece's, and consequently the EU's policy objectives on irregular migration management; rather, the aim has been from the beginning **to take as a granted the current policy objectives and review the manner in which the authorities seek to achieve them**. Thus, the MIDAS project solely explores the financial dimension of the Greek migration policy and seeks to put forward policy recommendations in line with international human rights law that will benefit both migrants and the host society. Methodologically, this entails cataloguing the existing measures/operations/establishments, calculating their cost (where possible) and analysing their effectiveness by focusing on direct costs against long-term and short-term outputs and outcomes. Direct costs include the budget of each operational intervention and salaries of police officers, among others.

One of our main objectives was to open a new strand of discussion and offer new information and analysis to 'feed' the debate on the management of irregular migration, and its cost. We hope this will prove a useful starting point and basis for future research in this field.

## Contents of the Report

The **first chapter** outlines Greece's main strategy to tackle irregular migration during the period 2008-2013 as well as the main sources, from which Greece has been financing its policies. The

information gathered framed the discussion and at the same time confirmed that the financial support of Member States has been instrumental in shaping Greece's irregular migration policy.

The **second chapter** turns to border control and apprehension policies. In the course of 2008-2013 the Greek authorities applied an Integrated Border Management policy, by reinforcing Greece's external borders through human and material resources aiming to send a strong and symbolic message that the country does not have an open-doors policy. At the same time, extensive round-up operations in the interior have sought to act as the counterpart to border operations, by "clearing up" the interior from the irregular migrant population. While in absolute numbers this policing system appears effective, in relative numbers the outputs have been rather mediocre.

The **third chapter** is dedicated to the second pillar of Greece's policy framework, namely that of detention. The latter is becoming the flagship of Greece's current migration management, strongly linked with return. Over the period 2008-2013, Greece was the biggest beneficiary of the Return Fund, receiving around EUR 125 M plus almost EUR 5 M in emergency funding. 50% of this allocation was earmarked for the implementation of actual returns and approximately 32 % for costs related to detention facility in order to improve their conditions<sup>23</sup>. Detention, in fact, has proven to be a particularly costly enterprise.

Examining this linkage, the **fourth chapter** turns to return, voluntary and forced, as the main means of reducing Greece's irregular migrant population. Voluntary return seems to hold the key to an effective migration management.

Drawing from the above, the **final chapter** concludes with a review and summary of the policy recommendations with a view to better distributing resources and enhancing effectiveness.

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<sup>23</sup> □ Commission Staff Working Document on the Assessment of the implementation of the Greek Action Plan on Asylum and Migration Management, 7 October 2014, SWD (2014) 316, p.14

## CHAPTER 1: GREECE'S POLICY AND ITS MAIN SPONSORS IN THE CONTEXT OF IRREGULAR MIGRATION CONTROL

There are several steps in assessing the cost-effectiveness of a policy. The first, most crucial, is to define who the target population is, since the cost-effectiveness of an intervention may vary according to the individuals it focuses on. In the context of irregular migration management, this is a challenge in itself, since the term 'irregular migrant' is ambiguous and often eludes statistical measurements.<sup>24</sup>

In the context of the Greek policy framework, an irregular migrant is a third country national that enters, stays or resides within the Greek territory without the necessary legal requirements;<sup>25</sup> the irregular migrant is thereby distinguished from an asylum-seeker who is entitled to cross the Greek borders. In the framework of the present study, the target population comprises of third country nationals that entered Greece without the necessary legal permission from 2008-2013, as well as those who stayed in the country without a valid residence permit. Asylum-seekers are at times indirectly addressed, but in reality they are an exception to the rule.<sup>26</sup> As regards the size of the target population, according to a recent estimate provided by the UN Special Rapporteur on Migration in 2013, there are at least 470,000 irregular migrants currently present in Greece.<sup>27</sup> As this figure has not been challenged by the Greek authorities, it will be used as a reference in this study.

The second step within a cost-effectiveness analysis is to identify the objectives of the policy. These may be short- and long-term. Once they have been defined, it is then possible to determine the measures adopted to implement them and assess their effectiveness against their

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<sup>24</sup> For a brief discussion see B. Vallmar, "Irregular Migration in the UK: Definition, Pathways and Scale", *Migration Observatory Briefing*, COMPAS, University of Oxford, July 2011, available at [http://www.migrationobservatory.ox.ac.uk/sites/files/migobs/Briefing%20-%20Irregular%20Migration\\_0.pdf](http://www.migrationobservatory.ox.ac.uk/sites/files/migobs/Briefing%20-%20Irregular%20Migration_0.pdf) ; for a comparative compilation on the definition of an irregular migrant used by different EU Member States see European Migration Network, "Ad-Hoc Query on national definitions of irregular migrants and available data" requested by GHK-COWI on 1st March 2011 and produced on 21st November 2011, available at [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/ad-hoc-queries/298.emn\\_ad-hoc\\_query\\_irregular\\_migration\\_updated\\_wider\\_dissemination\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/ad-hoc-queries/298.emn_ad-hoc_query_irregular_migration_updated_wider_dissemination_en.pdf)

<sup>25</sup> See in particular Article 5, Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) available at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32006R0562&from=EN> ; See Law 3386/2005 in force until 4 June 2014, when Greece's new Migration Code entered into force; see also the New Migration Code, in particular Articles 2 - 6

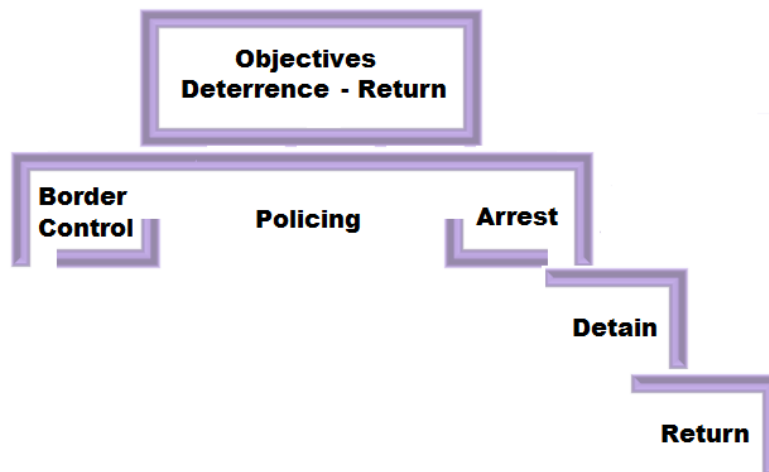
<sup>26</sup> Contrary to irregular migrants, asylum seekers are entitled to enter and stay in the country. In practice, however, access to the asylum system is limited. As a result an asylum-seeker may remain on an illegal status for many years and be treated as an irregular migrant by the authorities. See UNHCR – Office in Greece, "Contribution to the Dialogue on Migration and Asylum", 2012, available at [https://www.unhcr.gr/fileadmin/Greece/News/2012/positions/2012\\_Migration\\_Asymlum\\_EN.pdf](https://www.unhcr.gr/fileadmin/Greece/News/2012/positions/2012_Migration_Asymlum_EN.pdf)

<sup>27</sup> See UN Special Rapporteur on the Human Rights of Migrants, "Report: Mission to Greece", 18 April 2013, p. 5, par. 9, available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/23/46/Add.4](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/46/Add.4)



costs. In terms of irregular migration management, during the period 2008-2013, both practice and political promulgations agree that the ultimate goal was to reduce the size of the irregular migrant population. On this basis, the Greek authorities designed their policies along two main intertwined objectives: deterrence and return. To achieve this objective, Greece designed a three-pillar policy, outlined below:

Figure 1. Greece's irregular migration strategy



In 2010 Greece designed a National Action plan, which was revised in 2013. The Plan foresaw a series of reception and integration policies in the context of asylum and migration management. Nonetheless, not all of the policies were prioritised in the period 2008-2013. Both in terms of resource distribution and implementation pace, most of these measures are still in the making or in search for funding. In terms of short- and long-term aims, Greece's policy approach sought to achieve both objectives of deterrence and return in an integrated manner. In the short term, **border management aimed primarily at stopping migrants from entering the country. Apprehensions at the borders and the interior aimed at detecting 'trespassers' with a view to immediately return them. Detention** was seen as a tool to facilitate returns, in turn made possible through apprehension. **In the long run, the aim appears to be to deter migrants from entering Greece altogether.**

As aforementioned, the focus here will be on **the direct costs of each policy measure** and in particular on the national resources consumed and external funding mechanisms that were deployed in order to pay Greece's irregular migration policy.

## The cost and Greece's main sponsors

In the period 2008-2013, Greece's asylum and migration control policy entailed expenditures of **at least half a billion euros**.<sup>28</sup> To cover the costs, the country relied not only on its national resources, but primarily on four external sponsors that co-funded Greece's policies at a 75%-100% rate. These were the following:

- **European Commission (SOLID Framework)**
- **Frontex**
- **Norway, Liechtenstein, Iceland in agreement with the European Commission (EEA Grants Framework)**
- **United Kingdom Border Agency**<sup>29</sup>

This external contribution is of significance, in both political and financial terms. At a financial level, it allowed Greece to pursue its national action plan on migration and asylum. At a political level, the implications were two fold; On the one hand, a more concrete national policy on migration and asylum was formed. On the other hand, Greece's practices, though at times controversial, were largely in line with EU aims and objectives as they were approved both by European Council and Commission.

### *EU Commission: "SOLID" Framework Program, 2008-2013*

In the period 2008-2013, the main sponsor of Greece's asylum and migration policy was the European Commission, through the "SOLID" Framework Programme (funding period 2007-2013). Greece effectively started making use of all financial possibilities of the program from 2008 onwards. With a generous support of **EUR 386 million** the Commission covered approximately two thirds of the overall irregular migration control and asylum management expenditure of Greece (estimated at half a billion for the 5-year period as we explain below in detail).

The idea behind the SOLID Framework Program was to provide financial assistance to those EU Member States that were disproportionately burdened with implementing the EU's common asylum and migration policy. The EU Council acknowledged that policies required adequate resources. The equal application of the EU's common standards needed, therefore, to take place

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<sup>28</sup> □ See 'Conclusions' section p.22.

<sup>29</sup> □ The financial contribution of UKBA is not known. However during 2012-2014 it provided funding to IOM to operate 682 voluntary returns, i.e. 3% of its overall work. Data provided during IOM meeting on 2 June 2014

in the context of solidarity and fair sharing of responsibilities among EU Member States; in particular when interventions by one State benefitted the Community as a whole.<sup>30</sup>

To this purpose, four financial solidarity mechanisms (Funds) were established:<sup>31</sup>

- The External Borders Fund, which supported actions of border control and surveillance. It acted in complementarity with the FRONTEX Agency;
- The European Returns Fund, which aimed at returning and reintegrating irregular migrants to their home countries;
- The European Refugee Fund, which focuses on the reception of refugees as well as access to fair and effective asylum procedures;
- The European Fund for the Integration of third-country nationals, for the social, civic and cultural integration of third country nationals residing legally in European societies.

The overall amount set aside for 2007-2013 was 4 billion euros, less than 1% of Europe's Multi-annual Financial Framework.<sup>32</sup> During this period, almost all Member States utilized all four funds,<sup>33</sup> with funding was at a maximum 75% rate.

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<sup>30</sup> □ See Commission of the European Communities, "Communication from the Commission to the Council and the European Parliament of 10 May 2005 – The Hague Programme: ten priorities for the next five years. The Partnership for European renewal in the field of Freedom, Security and Justice", [COM(2005) 184 final – *Official Journal C 236*, 24 September 2005, available at

[http://europa.eu/legislation\\_summaries/human\\_rights/fundamental\\_rights\\_within\\_european\\_union/116002\\_en.htm](http://europa.eu/legislation_summaries/human_rights/fundamental_rights_within_european_union/116002_en.htm)

<sup>31</sup> □ See Commission of the European Communities, "Communication from the Commission to the Council and the European Parliament establishing a framework programme on Solidarity and the Management of Migration Flows for the period 2007-2013", {SEC(2005) 435} /\* COM/2005/0123 final, Brussels, 6 April 2005, available at

<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52005DC0123&rid=1>

<sup>32</sup> □ See European Parliamentary Research Service, "EU Funds for asylum, migration and borders", 11 February 2014, p. 4, available at

[http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2014/130663/LDM\\_BRI\(2014\)130663\\_REV1\\_EN.pdf](http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2014/130663/LDM_BRI(2014)130663_REV1_EN.pdf)

<sup>33</sup> See European Commission DG Home Affairs, "Asylum, Migration, Integration", available at

□ [http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/index_en.htm); only Denmark has used solely the External Borders Fund, see European Commission DG Home Affairs, "Asylum, Migration, Integration: Fund Map" available at [http://ec.europa.eu/dgs/home-affairs/financing/fundings/mapping-funds/countries/denmark/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/financing/fundings/mapping-funds/countries/denmark/index_en.htm)

**Table 3. SOLID Framework Program Period 2007-2013**

External Borders Fund	Return Fund	Refugee Fund	Integration Fund
1,820 million	676 million	630 million	825 million

Allocation was decided on the basis of primarily quantitative criteria (i.e. flow of migrants, size of target population, baseline situation, and development). Implementation of the funds took place on the basis of **national annual programs** as well as **emergency assistance**.

*The financial and political significance of the SOLID Framework in Greece's migration policy-making*

From 2008-2013 Greece was allocated approximately **EUR 200 million** under the **External Borders**, **EUR 130 million** from the **Return Fund** and a total of **EUR 56 million** from the **Refugee Fund**. The financial assistance was offered via **annual programs** and **emergency funding**.

According to European statistics, Greece was the 3<sup>rd</sup> top recipient of the External Borders Fund, (after Germany and Spain), the 1<sup>st</sup> top recipient of the Returns Fund, (followed by the United Kingdom and France) and the 8<sup>th</sup> top recipient of the European Refugee Fund.<sup>34</sup>

**Table 4a. Annual Funding allocated to Greece, SOLID Framework 2008-2013**

Year	External Borders Fund	European Return Fund	European Refugee Fund
2008	13,743,088.85	5,379,392.57	1,571,280.36
2009	23,459,507.84	7,497,847.41	3,313,487.88
2010	27,448,280.54	14,389,434.00	4,832,783.63
2011	40,919,759.87	24,975,339.68	5,042,269.27
2012	44,745,804.00	37,357,613.00	4,015,377.00
2013	44,033,646.00	35,544,340.00	3,163,323.00
<b>TOTAL</b>	<b>€194,350,087.1</b>	<b>€125,143,966.66</b>	<b>€21,938,521.14</b>

Source: SOLID Framework, Funding map available at [http://ec.europa.eu/dgs/home-affairs/financing/fundings/mapping-funds/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/financing/fundings/mapping-funds/index_en.htm)

<sup>34</sup> See European Commission DG Home Affairs, "Asylum, Migration, Integration", available at [http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/index_en.htm); see also Commission Staff Working Document, 2014, fn 23

**Table 4b. Emergency Funding – SOLID Framework, 2008-2013**

External Borders Fund	Return Fund	European Refugee Fund
5 million	5 million	34 million

*\*Source: Commission Staff Working Document on the Assessment of the Implementation of the Greek Action Plan on Asylum and Migration Management, 2014*

In terms of the absorption of the Funds, Greece’s rate had some serious fluctuations (at its lowest 43%)<sup>35</sup>, but since 2011 it has been relatively high, with an average rate of over 85%.<sup>36</sup>

In order to draw funding from each instrument, Greece had to prepare a **multi-annual national program**, setting out the strategy to achieve the objectives of the EU's common policy, accompanied by a draft financial plan. This was then sent to the Commission for approval. **Greece was largely free to select its projects and the way they would be carried out, as long as they were intrinsically linked to the common standards, or sought to bring collective benefits at an EU level.**<sup>37</sup> Once approved, funding was released on an annual basis. Additional funding could be provided in emergency situations.

The cooperation between Greece and the Commission has largely been fruitful. The most well-known disagreement was the Commission's refusal to participate, through the External Borders Fund, in the erection of the fence along the Greek-Turkish Border; an undertaking it publicly renounced as “pointless”.<sup>38</sup> In response, the Greek authorities accused the Commission of hypocrisy.<sup>39</sup> What is important to note, however, is that from a financial and political perspective, **Greece's irregular migration control practices are in many respects the direct product of the EU's common policy approach.**

<sup>35</sup> □ See Commission Staff Working Document, 2014, p. 18, fn 23

<sup>36</sup> □ See Ministry of Citizen Protection, Statement , 9 March 2011, [http://www.minocp.gov.gr/index.php?option=ozo\\_content&lang=&perform=view&id=3542&Itemid=497](http://www.minocp.gov.gr/index.php?option=ozo_content&lang=&perform=view&id=3542&Itemid=497) ; see also Commission Staff Working Document on the Assessment of the implementation of the Greek Action Plan on Asylum and Migration management, 2014, fn 23 which noted that until 2010 only 43% of the EBF allocation was actually absorbed, p. 18

<sup>37</sup> □ See Commission of the European Communities, “Communication from the Commission to the Council and the European Parliament establishing a framework programme on Solidarity and the Management of Migration Flows for the period 2007-2013”, COM/2005/0123 final , 6 April 2005, available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52005DC0123>

<sup>38</sup> □ See “Minister in EU row over fence”, 7 February 2012, available at [http://www.ekathimerini.com/4dcgi/\\_w\\_articles\\_wsite1\\_1\\_07/02/2012\\_426615](http://www.ekathimerini.com/4dcgi/_w_articles_wsite1_1_07/02/2012_426615)

<sup>39</sup> □ Ibid.

## Frontex

The second major sponsor of Greece's irregular migration control policies in the period 2008-2013, was Frontex. Established in 2004 by the European Council<sup>40</sup>, Frontex was destined to act as a specialized expert body that would co-ordinate Member States in the field of external border management. While the primary responsibility for control and surveillance at the external borders would continue to lie with each Member State, Frontex would facilitate co-operation. Through this role, Frontex was mandated to undertake a wide range of activities and co-finance certain operations and projects.<sup>41</sup>

The financial contribution provided by Frontex is not known. During the period 2008-2013, Greece appears to have been awarded a **total of EUR 26,585,074** in Frontex **grants**<sup>42</sup>, with the biggest share allocated for the protection of the sea border. However, compared to the support of the Commission, Frontex's financial assistance has been significantly more modest. For instance, in 2013, Frontex' direct contribution covered according to the Ministry of Mercantile Marine only 4,7% of Greece's annual expenditures to manage its external sea borders.<sup>43</sup>

Additionally to these direct grants, Frontex has provided indirect financial contribution to Greece, by means of operational assistance and capacity building. In terms of size and cost, the most expensive undertaking has been the **Poseidon Project**; reportedly, Frontex' biggest operational activity thus far<sup>44</sup>. Poseidon is a joint operation program, which has been running continuously since 2008, extended today to cover both Greek land and sea borders. If we take into account the grants awarded to all EU Member States in the context of this operation, then the Poseidon Land and Poseidon Sea appear to have cost about EUR **83,873,060** from **2008 to 2013**. However, this is a speculative sum since the precise cost is not known.<sup>45</sup>

<sup>40</sup>      □ See Council of the European Union, "Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Co-Operation at the External Borders of the Member States of the European Union", 25 November 2004, available at [http://frontex.europa.eu/assets/About\\_Frontex/frontex\\_regulation\\_en.pdf](http://frontex.europa.eu/assets/About_Frontex/frontex_regulation_en.pdf)

<sup>41</sup>      □ Its main duties include (a) co-ordination of operational cooperation among Member States;(b) training activities for national border guards;(c) risk analyses in the field of border management;(d) development of scientific research on border surveillance;(e) technical and operational assistance at external borders when required;(f) assistance in the organization of joint return operations, see Council Regulation No 2007/2004

<sup>42</sup>      □ Based on our own calculations from the 2008-2013 Tables on Awarded Grants available at the Frontex website: <http://frontex.europa.eu/about-frontex/governance-documents/>

<sup>43</sup>      □ Data provided by Ministry of Mercantile Marine, 4 September 2014

<sup>44</sup>      □ See Ministry of Exterior website, "Frontex: Common European Operations", last updated 1 April 2011, available at <http://www.mfa.gr/exoteriki-politiki/i-ellada-stin-ee/europaikos-horos-dikaosinis-eleutherias-kai-asfaleias.html?page=5>

<sup>45</sup>      □ The precise cost is not known since Frontex's Headquarters were unable to answer all our queries. The sum is based on our own calculations, by adding up the sums from the 2008-2013 Tables on Awarded Grants, which were then juxtaposed to the Archive of Operations available at <http://frontex.europa.eu/operations/archive-of-operations/>. The Poseidon Program was hosted by both Greece and Bulgaria. The available data do not allow us however to distinguish which country spent what sums.

With an average annual budget of EUR 40,000,000 in Frontex' overall operational budget, a rough 25%, appears to have been set aside for the implementation of Greece's 2008-2013 Poseidon Program.<sup>46</sup>

The most important, however, operation was the launch of **Operation RABIT**, an emergency operation under the auspices of FRONTEX, aiming at halting the influx of irregular migrants through the Greek-Turkish land border. The significance of the project lies, among others, in its symbolic value; it was the first time that an EU Member State invoked a situation of emergency and asked for assistance to guard its borders. It also meant that Greece acknowledged its limited ability to guard its external land borders from incoming flows. The RABIT operation lasted between 2 November 2010 and 2 March 2011 and cost EUR **4,4 million**. In total 576 officers working around 19,000 man-days and specialized in different areas of border management (e.g. false-document detection, detection, dog handling, stolen vehicle checks, de-briefing) were deployed. By the end of February 2011, the average number of migrants apprehended in the region, had dropped from 250 per day to 58. In terms of size and speed, it was considered the fastest and most successful response to an emergency call by an EU Member State.<sup>47</sup>

The overall financial support, thus, provided by Frontex, between 2008-2013 was EUR **26,5 million**, if we calculate it on the basis of **grants** awarded to Greece, and **minimum of EUR 87 million**, if we calculate it on the basis of the overall budget aside in the context of operational assistance and capacity building.

**Table 5. Frontex Financial Contribution to Greece between 2008-2013**

	Financial Contribution		Indicative Indirect Financial Contribution	
2008-2013	Grants awarded to Greece	<b>26 million</b>	Poseidon Program RABIT Operation	83 million 4.4 million
TOTAL		26 million		>87.4 million

### *EEA Grants*

A third major source of financial support has been the EEA Grants. Established in 1994, it is an inter-governmental funding scheme that aims at alleviating social and economic disparities among Member States. The funding does not solely focus on migration and asylum but covers a wider spectrum of socio-economic issues. Since 1998, the donor States of the EEA Grants

<sup>46</sup> <sup>□</sup>Based on our own calculations from Frontex' annual work programs, available at <http://frontex.europa.eu/about-frontex/governance-documents/>

<sup>47</sup> <sup>□</sup>For more on Operation Rabit see Frontex, "RABIT Operation 2010 Evaluation Report", August 2011, Warsaw, available at [http://frontex.europa.eu/assets/Attachments\\_News/fer\\_rabit\\_2010\\_screen\\_v6.pdf](http://frontex.europa.eu/assets/Attachments_News/fer_rabit_2010_screen_v6.pdf)

Framework have been Iceland, Norway and Liechtenstein. **During the period 2009-2014, €993 million were set aside, with Norway sponsoring 94% of the fund.**

**Once more the EU Commission plays an instrumental role, as the size of the funding allocated to each Member State is negotiated between the sponsor countries and the European Commission.** This then serves as a framework for negotiation with each individual country to agree on the funded programs. Once an agreement has been reached, a “Memorandum of Understanding” is signed between the EEA Grant Scheme and the beneficiary country.

During the period 2009-2014, **EUR 63 million were allocated to Greece.** Of those, **EUR 21 million were invested in Greece’s asylum policy and assisted voluntary returns.** In fact, Greece's asylum and migration policy absorbed 2.1% of the whole 2009-2014 EEA Grant Budget.

**Table 6. EEA Grants allocated to Greece (2009-2014)**

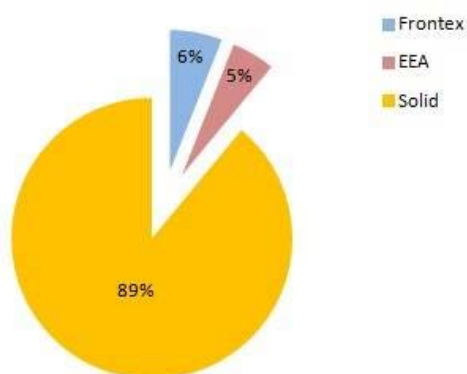
Program 1		Program 2	
Cost	Item	Cost	Item
1,115,000	IOM Assisted Voluntary Return	4,000,000	Interpretation at Asylum Service
2,234,248	UNHCR Capacity-Building for asylum reform	9,000,000	First Reception Service- 240 persons capacity
4,874,760	272 places in open reception facilities (2013-2016)	1,000,000	Temporary shelter for unaccompanied minors
125,359	Seminars	734,176	Program management
<b>TOTAL COST: EUR 8,349,367</b> <b>(EEA Grant 100%: EUR 8,349,367 )</b>		<b>TOTAL COST: EUR 14,734,176</b> <b>(EEA Grant 85% : EUR 12,524,050)</b>	

## Concluding Remarks

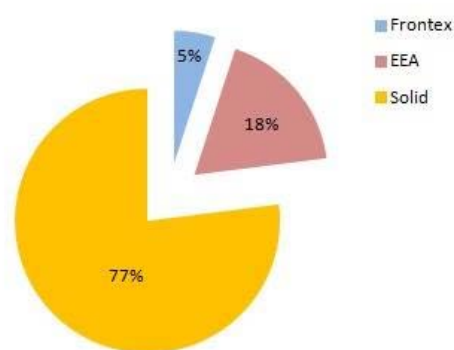
Taking into account the aforementioned figures, during the period 2008-2013 Greece received in terms of **direct grants** around **EUR 432 million**. Depending on whether we take into account also indirect contributions, Greece’s main sponsorship could be schematically presented as follows.



**Figure 2a. Direct External Financial Contribution to Greece 2008-2013**



**Figure 2b. Indirect External Financial Contribution to Greece 2008-2013**



The **overall cost** to manage the irregular migrant population within these funding schemes was estimated at a **minimum of half a billion Euros**, out of which **around 15% was allocated to the asylum system, 30% in return policies and 55% in external border management**.

The emphasis is placed on ‘minimum’, since additional sums allocated from the national budget are not always known nor are easy to calculate. For instance, the Ministry of Marine and Mercantile announced recently that it spent in 2013 approximately **EUR 62 million**, in order to control the Greek Turkish sea border in the East Aegean Sea. In the case of the Greek Police, however, an analogous estimate would be more difficult, if not impossible, as tasks related to the management of irregular migration have in recent years been integrated into the regular duties of police officers. Likewise, private financial contributions, donations and voluntary work in particular by NGOs are not reflected in the above-described figures, as it would be difficult to estimate in monetary terms.

For the purposes of this study, two conclusions are drawn thus far: first, that **within the period 2008-2013, Greece's irregular migration control policy has cost Greece and the EU a minimum of half a billion euros**. Second, Greece's policy priorities in the area of border control and asylum have been heavily influenced (to put it lightly) by the related EU policy priorities and decisions, as this last was the biggest sponsor of irregular migration control and asylum measures.

## CHAPTER 2. BORDER CONTROL AND APPREHENSION

Greece's revised National Action Plan Greece foresaw that an effective migration policy should ensure “access to international protection for *all* illegal migrants entering its territory”. In practice, however, the primary focus was on the deterrence and apprehension of irregular arrivals.<sup>48</sup> Most funding was absorbed in this area, but Greece delved also deep into its national resources, in order to speedily implement the proposed policies.

Greece's policy developed along the lines of a prevalent EU framework that views irregular migrants as ‘illegal migrants;’ a terminology that places the emphasis on policing, security and criminality and leaves little space for rights-based approaches.<sup>49</sup> **Under the Greek law, an irregular migrant is a criminal offender.** Entering, staying or exiting the country, without the necessary legal formalities, is punishable with at least three-month imprisonment and a minimum fine of €1,500.<sup>50</sup> In practice, public prosecutors most often refrain from initiating criminal proceedings against irregular migrants, who in turn become subjects of administrative proceedings and return procedures.<sup>51</sup>

From 2012 onwards, efforts focused on two major courses of actions: firstly, the reinforcement of the Greek-Turkish land border, which was at the time the main entry point of irregular migrants into the Greek territory;<sup>52</sup> secondly, the identification (and removal ideally) of all illegally residing migrants in the country. The former was achieved through the erection of a fence along the Greek-Turkish border and launch of Operation Shield in the region; the latter was realized through Operation Xenios Zeus, which was a ‘stop and search’ policy targeting irregular migrants. Both measures were pioneering for national standards.

### The Fence at Evros

The idea to construct a physical barrier along the 206-kilometer land border with Turkey, analogous to the fence between the US-Mexico borders, was first announced by the Ministry of Citizen Protection in January 2011. While Greece and Turkey are naturally separated by river, there is a 10km land strip through which migrants cross the border on foot, making it in turn an increasingly common entry point. Erecting a fence would not only offer a solution to the

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<sup>48</sup> □ See Commission Staff Working Document on the Assessment of the implementation of the Greek Action Plan on Asylum and Migration management, fn 23

<sup>49</sup> □ See Report of the Special Rapporteur on the Human Rights of Migrants, Mission to Greece, 17 April 2013, p. 15

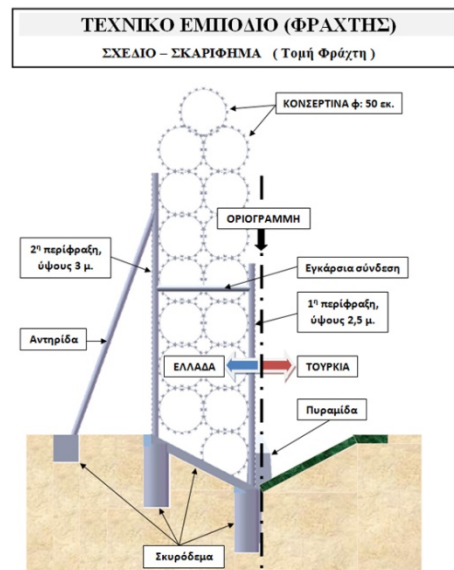
<sup>50</sup> □ See the New Migration Code, entering force on 4 June 2014; see also Law 3386/2005, in particular Articles 76,77,78,80,81,82,83 & 89 paras 1-3 that are still in force

<sup>51</sup> □ If the expulsion does not take place within three months, the public prosecutor who may revoke the decision on refraining from criminal proceedings provided that no more than a year has lapsed from the date of illegal entry of the third-country national in the country, Law 3386/2005

<sup>52</sup> □ Interview with Major General Tsouknadis, who estimated the number of irregular arrivals through the Greek-Turkish land border at 300-400 per day, N. Vafeiadis, “Ο Έβρος δεν είναι για “ξέφραγο αμπέλι”, Kathimerini newspaper, 04. August 2014, available at <http://www.kathimerini.com.cy/index.php?pageaction=kat&modid=1&artid=179753>

continuous influx of irregular migrants through the region, but also have a fundamentally 'symbolic' value since it would send the message that Greece was taking its border management seriously.<sup>53</sup>

**Figure 3: Graphical Representation of the Fence's Structure**



The construction of the fence started on October 2011 and was completed on December 2012. The initial proposal foresaw the construction of a 12,5 km fence at an estimated cost of EUR 4.8 million,<sup>54</sup> later raised to EUR 5.5 million. An early attempt to draw funding from the External Borders Fund was rejected by the European Commission as “pointless”, since “ [...]Fences and walls are short term measures that do not solve migration management issues in a structural way”.<sup>55</sup> In the Commission's view, technical equipment, such as thermal cameras, X-rays, and specially equipped vehicles, was preferable in terms of effectiveness.

**The final construction is 10,365 km long and runs along the north-eastern side of the Greek-Turkish borders, between the villages of Kastanies and Nea Vyssa. It consists of two cement**

<sup>53</sup> See Minister of Citizen Protection, Statements to Media, 6 August 2012, available at [http://www.minocp.gov.gr/index.php?option=ozo\\_content&lang=&perform=view&id=4076&Itemid=529](http://www.minocp.gov.gr/index.php?option=ozo_content&lang=&perform=view&id=4076&Itemid=529)

<sup>54</sup> See Minister of Citizen Protection, Parliamentary Reply, 4 August 2011, available at: <http://www.hellenicparliament.gr/UserFiles/67715b2c-ec81-4f0c-ad6a-476a34d732bd/7459324.pdf>

<sup>55</sup> See “Minister in EU rove over fence”, Kathimerini newspaper, 7 February 2012, available at [http://www.ekathimerini.com/4dcgi/\\_w\\_articles\\_wsite1\\_1\\_07/02/2012\\_426615](http://www.ekathimerini.com/4dcgi/_w_articles_wsite1_1_07/02/2012_426615)

walls with barbed wire in-between and has an average height of 3 metres.<sup>56</sup> It runs exclusively on Greek soil and is alleged to be at its closest only one meter away from the Turkish border.

In terms of cost, a private company undertook the erection of the fence at a price of EUR **3.16 million**, paid exclusively by national resources. In order to make such an expensive undertaking possible, Greece had to amend its national law, as the Hellenic Police was at the time allowed to implement projects with a lower ceiling. The final price included the building alone as the design and building study had been done by the Greek authorities. According to the media the overall actual cost was as high as EUR 7,5 million.

## Operation Shield (*Aspida*)

Three months before the completion of the Evros fence, Operation Shield (*Aspida*) was launched. Its main purpose was to control and deter irregular arrivals by strengthening the physical presence of patrol officers at the Greek-Turkish land border.<sup>57</sup>

Operation Shield was launched on 2 August 2012 and its first phase lasted until 2 February 2013<sup>58</sup>, during which 1,881 **police officers were deployed**.<sup>59</sup> Contrary to the Evros fence that covered only a 5% of the **overall land border between Greece and Turkey**, Operation Shield spread all along the 206 km riverline. While **most officers were assigned border management duties, part of the staff were assigned reception and screening duties, including asylum management and informing irregular immigrants about their rights**.<sup>60</sup> Upon completion of the first phase, Operation Shield was extended until June 2013 and **has since continued**.

The initial phase, lasting 6 months, cost a total of EUR 16 million. Its 5-month extension until June 2013 cost a further EUR 8 million, raising thus the total cost to EUR **24 million**.<sup>61</sup> As the number of irregular migrants entering through the specific land strip decreased, the number of

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<sup>56</sup> □ See Police Headquarters, Ministry of Citizen Protection, Announcement of Public Consultation for the Technical Descriptions and Technical Features of a Barrier on the Greek-Turkish Land border in the Evros region, August 2011, available at [http://s.enet.gr/resources/article-files/04-08-11\\_texnhto\\_empodio.pdf](http://s.enet.gr/resources/article-files/04-08-11_texnhto_empodio.pdf) ; See "Ολοκληρώθηκε ο Φράχτης στον Έβρο", Kathimerini newspaper, 16 December 2012, available at <http://www.kathimerini.gr/22730/article/epikairothta/ellada/oloklhrw8hke-o-fraxths-ston-evro>

<sup>57</sup> □ See Minister of Citizen Protection, Parliamentary Reply of 23 August 2012, available at <http://www.hellenicparliament.gr/UserFiles/67715b2c-ec81-4f0c-ad6a-476a34d732bd/7696899.pdf>

<sup>58</sup> □ The Operation was first announced on 30 July 2012. It was initially aimed to last only two months, but has continued ever since. See Frontex, Fran Quarterly, Issue 3, July-September 2012, available at [http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/Fran\\_Q3\\_2012.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/Fran_Q3_2012.pdf)

<sup>59</sup> □ 783 Border Guards were posited under the Alexandroupolis Police Directorate and 745 to the Orestiada Police Directorate. 140 border guards were sent to the Police Directorate of Xanthi and a further 213 to Rodopi.

<sup>60</sup> □ On the selection process of the personnel, see Minister of Citizen Protection, Parliamentary Reply of 23 August 2012, available at <http://www.hellenicparliament.gr/UserFiles/67715b2c-ec81-4f0c-ad6a-476a34d732bd/7696899.pdf>

<sup>61</sup> □ See Ministry of Citizen Protection, Revised National Action Plan on Greek Asylum and Migration Management, 2013, p. 96

police officers was subsequently also reduced to half.<sup>62</sup> To cover the costs, Greece drew funding (75%) from the External Borders fund as well as its own national resources. While the salaries of the police officers were borne by the Greek State, functional expenditures (tanker truck vehicles, etc) were co-financed by the Commission.

## Operation Xenios Zeus

Operation Xenios Zeus was launched almost simultaneously with Operation Shield and was purported to act as its 'internal' counterpart, aspiring to exercise an analogous kind of control- this time to the interior of Greece. On 16 July 2014, it was incorporated into the standard police procedures and patrols and renamed as 'Operation Theseus'. The previous operation, 'Xenios Zeus',<sup>63</sup> named after the patron god of travelers in ancient Greece, had met with little public support.

Operation Xenios Zeus comprised of **a series of regular round-up operations carried out in areas with high concentration of irregular migrants, including street and house searches**. It was an impressively large scale operation- both in terms of geographic coverage and intensity, including large urban centres. In the beginning, checks took place on an almost daily basis. The controls performed were of a sweeping nature: every migrant who happened to be in the area of the operational activity was stopped and subjected to document checks, a procedure that could last several hours and would often take place in public. Asylum seekers and regular migrants were no exception. A total of 65,000 were stopped from the beginning of the operation in August until 24 December 2012, out of whom only 4,128 were arrested for illegally staying in the country. The Operation was heavily criticised by the European Council for Refugees and Exiles (ECRE Weekly Bulletin, 7 September 2012, available at [www.ecre.org](http://www.ecre.org)) for the risks it entailed for asylum seekers.

In terms of resources, the precise number of officers deployed is not known, nor is the exact number of expenditure incurred<sup>64</sup>. In the Attica region alone, Operation Xenios Zeus was first announced to have mobilized 2,000 officers.<sup>65</sup> Since the control of irregular migrants forms part of the regular duties of a police officer, costs were absorbed through the salaries of police officers and regular operational expenses of the Greek Police.<sup>66</sup>

<sup>62</sup> See N. Vafeiadis, "Ο Έβρος δεν είναι πια 'ξέφραγο αμπέλι'", Kathimerini newspaper, 4 August 2014 available at <http://www.kathimerini.gr/778815/article/epikairothta/ellada/o-evros-den-einai-pia-3efrago-ampeli>

<sup>63</sup> See X. Pantzou, "Ο Ξένιος Ζευς αποχαιρέτισε τον τόπο που τον γέννησε", 18 November 2013, available at <http://www.unhcr.gr/1againstracism/o-ξένιος-ζευς-αποχαιρέτισε-τον-τόπο-no/>

<sup>64</sup> See M Yiannakaki, Question to the Minister of Public Order and Citizen protection, 7 August 2014, available at [http://mariayannakaki.gr/δημοκρατικη-αριστερα-μαρια-γιαννακακη-βουλη/819-επιχ\\_ξενιος\\_ζευς](http://mariayannakaki.gr/δημοκρατικη-αριστερα-μαρια-γιαννακακη-βουλη/819-επιχ_ξενιος_ζευς)

<sup>65</sup> See Greek Police, Press Release of 4 August 2012, available at [http://www.astynomia.gr/index.php?option=ozo\\_content&lang='.'&perform=view&id=18424&Itemid=950&lang=](http://www.astynomia.gr/index.php?option=ozo_content&lang='.'&perform=view&id=18424&Itemid=950&lang=)

<sup>66</sup> See Minister of Citizen Protection, Parliamentary Reply of 20 September 2013, available at <http://www.hellenicparliament.gr/UserFiles/67715b2c-ec81-4f0c-ad6a-476a34d732bd/8202865.pdf> ; See however also

## Assessing the Cost-Effectiveness

All three major undertakings, the Evros fence, Operation Shield and Operation Zeus served a wider spectrum of objectives: restore public order, protect public health, combat criminality, enhance tourism, and improve the working conditions of police officers in 'problematic' areas. Within the context of irregular migration management however, the main objectives were two:

1. to stop irregular arrivals by targeting specific entry points
2. to arrest and detect irregular migrants who nonetheless managed to cross the border, with a view to returning them to their home countries.

The main tools to achieve this were: (a) the construction of a technical barrier and physical presence on the one hand; (b) deployment of specialised officers and sweeping round-up operations on the other.

### *A. Preventing irregular arrivals through technical barriers and physical presence*

#### **A1. Direct costs and direct outputs**

In terms of direct outputs, for the period 2008-2012 arrivals and apprehensions were relatively high at the land border. However, from 2012 to 2013, and in the aftermath of the Evros fence and Operation Shield there was a dramatic 96% reduction in registered irregular arrivals at the Greek-Turkish land border. At the same time however, there was a relative 231% increase in apprehensions at the sea border, previously reduced to couple hundred arrivals per annum.

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Parliamentary Discussion of 22 October 2012, p.2934, during which, the then Minister of Citizen Protection mentioned that Operation Xenios Zeus was co-financed by the European Refugee Fund available at <http://www.hellenicparliament.gr/UserFiles/a08fc2dd-61a9-4a83-b09a-09f4c564609d/es20121022.pdf>

**Table 7. Annual apprehensions of irregular migrants at Greek-Turkish land and sea borders**

Year	Land Border	Sea Borders	TOTAL
2008	14,461	30,149	<b>44,610</b>
2009	8,787	27,685	<b>36,472</b>
2010	47,088	6,204	<b>53,292</b>
2011	54,974	1,114	<b>56,088</b>
2012	30,433	3,651	<b>34,043</b>
<b>2013</b>	1,122	11,447	<b>12,233</b>
2014 (Aug.)	1,133	22,089	<b>23,222</b>

Between 2010 and 2012, around EUR 41 million were allocated by the External Borders fund to fence the Greek-Turkish land border i.e. 36% of the available annual 2010-2012 EBF grant.<sup>67</sup> If we include in our calculations the cost of the Evros fence and the Frontex operational contribution (Rabbit, Poseidon Land 2010-2012), then between 2010 and 2012 the overall funds set aside for the Greek-Turkish land border, appear to have been around EUR **67 million**.<sup>68</sup> **These were invested in a land strip of 206 km, with the understanding that this was a passage of strategic significance.**

## **A2. Assessing the cost-effectiveness**

If we assess the effectiveness of these measures in terms of absolute numbers, then this was indeed an effective policy since it drastically reduced the number of irregular arrivals through the specific landstrip. The available data show that this decrease continued in the course of 2014, indicating that the policy has been successful thus far.

However, if we assess the effectiveness of this policy in relative numbers, then it appears less successful, since the reduction through the land-border was accompanied with a parallel steady rise in entries through the sea border. The figures of 2014, for example, suggest that the entries have so far doubled in comparison to 2013.

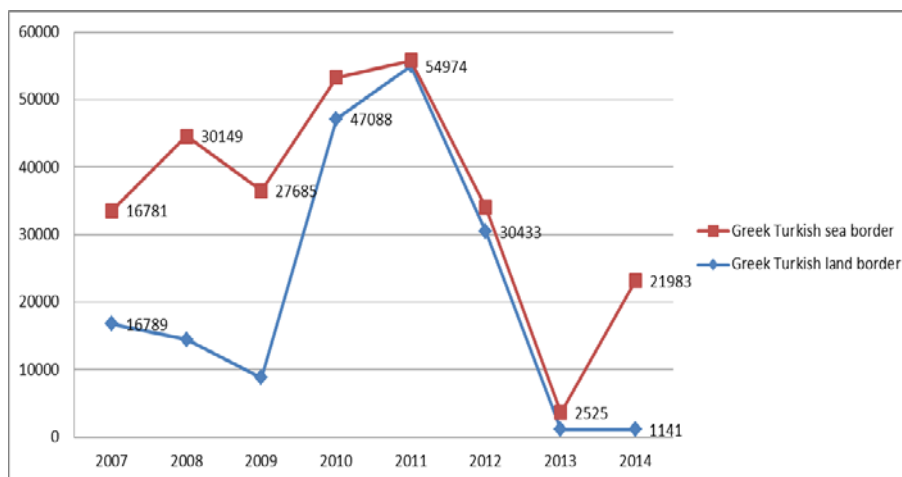
It might be useful at this point, to look at the overall number of irregular arrivals that show that **entry through land or sea border has been shifting in the overall, even in the absence of a**

<sup>67</sup> □ Calculation based on the Annual Programs submitted by the Ministry of Citizen protection to the External Borders Fund, available at [http://www.astynomia.gr/index.php?option=ozo\\_content&perform=view&id=2231&Itemid=440](http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=2231&Itemid=440)

<sup>68</sup> □ Calculation based on: (a) Operational Cost of Poseidon Land 2010, 2011, 2012; (b) Annual Programs 2010, 2011, 2012 EBF (EU funding and National Resources); (c) Construction of Evros Fence (d) Rabbit Operation.

**fence and ‘Operation Shield’.** This may indicate that the reduction of entries in 2012-2013 was not necessarily the output of the technical barrier and the presence of police officers but may also be attributable to a combination of other factors.<sup>69</sup>

**Figure 4. Apprehensions at the Greek-Turkish Land and Sea Borders**



*Note: data refer to apprehensions, not to people. Hence the same person if apprehended twice counts twice. Emphasis is added by the authors to signal peaks of apprehensions at different borders.*

Source: Greek police data, [www.astynomia.gr](http://www.astynomia.gr)

For the period 2012-2013, the rapid decrease in arrivals might have also been the result of the wide circulation that Operation Shield and the Evros fence had received, which could have acted as a deterrent. By 2014, when the wait-and-see period started fading off and conflict in the Middle East intensified, irregular entries started increasing.

**In general, erecting a wall and investing in particular entry points, can be effective in blocking the entry through that specific gate.** However if the aforementioned policies seek to reduce irregular migration throughout the country then their effectiveness is limited, since migrants appear to simply be **re-directed to other entry points.**

**An effective policy is also not necessarily a cost-effective one.** The main weakness of the aforementioned policy is that it seeks to curb irregular arrivals, only after the migrants have reached the gates of the country. As a result, authorities seek to identify or speculate on possible entry points and ‘barricade’ them. This approach is not cost-effective for two reasons: on the one hand it **invests in areas which may lose completely in significance in the course of**

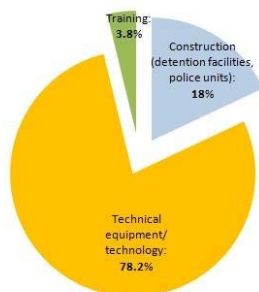
<sup>69</sup> □ It should be stressed that a technical barrier alone may not always be the sole reason for a change of route, as shifts of this kind do in general take place without the reasons being always so straightforward.



time; and second, the very high costs entailed in this kind of barrier (and its maintenance) consume the available budget very quickly.

By way of illustration, the figure below shows for the period 2008-2013 that around 78% of the available budget under the External Borders Fund was invested in the purchase of technical equipment and new technology to strengthen Greece's borders. In contrast, **training absorbed less than 4%.**

**Figure 5. Distribution of Allocated Funds under EBF 2008-2013**



The purchase of technical equipment and technology included:

Technical Equipment	Technology
Thermal cameras	Purchase of Hardware (Desktops,Laptops,Scanners)
Police Dogs	Upgrade of extant network systems
Night vision and long vision goggles	Development of 2nd Generation Schengen Information System
X-ray Vans, 4x4 vehicles, buses	Intrusion Detection and Prevention System
Patrol Boats	Radio-communication systems

We have provided below an indicative list of purchases that the Greek authorities planned under the External Borders Fund, most of which were invested in the Greek-Turkish land border.<sup>70</sup>

<sup>70</sup> See Minister of Citizen Protection, Parliamentary Reply of 11 August 2011, available at <http://www.hellenicparliament.gr/UserFiles/67715b2c-ec81-4f0c-ad6a-476a34d732bd/7464755.pdf> ; see also Ministry of Citizen Protection, External Borders Fund Annual Programs 2011-2012, available at [http://www.astynomia.gr/index.php?option=ozo\\_content&perform=view&id=2231&Itemid=440](http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=2231&Itemid=440) ;

**Table 8. Purchases under External Borders Fund Annual Programs 2011-2012**

Description	Units x Price (est.)	Total Cost
Portable thermal cameras	20 x 50,000	1,000,000
Vans equipped with X-ray system or thermal cameras and radar system	3 x 850,000	2,550,000
4x4 vehicles	150 x 30,000	4,500,000
Police dogs	44 x 3,635	160,000
Patrol Boats <sup>71</sup>	8 x 59,375	475,000

The policy is also not cost-effective given Greek geography, which makes the country vulnerable through different border areas (land and sea). Looking at the figures, then the aforementioned measures are fairly expensive and require large investments across multiple border areas to be truly effective, since every time flows shift, so must resources.

### *Policy Recommendations*

If Greece's primary policy objective is to reduce its irregular migrant population by deterring irregular arrivals, then there are **alternative tools** available such as awareness-raising campaigns.

Awareness-raising campaigning was a project that was initially announced by the authorities, but appears to have been subsequently abandoned in favor of other priorities. Officers can be appointed in Greece's diplomatic services abroad, and create special focal points or film documentaries that will inform potential travelers of the Greek and the wider EU system on migration. In many cases, third-country nationals who escape poverty, rely on the information provided by smuggling networks that promise a Europe of opportunity and a better life in northern-European countries. There is often little awareness that an irregular migrant can hardly hope to regularize his/her stay and legitimately work in Europe. Given that very often an irregular migrant has been deeply indebted to the facilitator, by the time he/she has reached the EU external borders, there is little chance that he/she will decide to turn back simply because Greece has erected a fence. In fact, entry will be achieved after repeated efforts. Cost-

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<sup>71</sup> □ refers to maritime borders

effectiveness thus requires halting the influx towards Greece from the country of origin. Such information campaigns have been pioneered by the UK and Australia among other governments privileging in recent times the use of online media. This is an avenue worth exploring not only by Greece but by the entire EU.<sup>72</sup>

*B. Apprehension: direct costs v. direct outputs*

In terms of detection and apprehension and direct outputs, between 2008 and 2013, the overall number of apprehensions in Greece did, indeed, decrease. Yet, it has increased again in the course of 2014.

**Table 9. Apprehensions of Irregular Migrants 2008-2014**

Year	Total Number of Apprehensions
2008	146,337
2009	126,145
2010	132,524
2011	99,368
2012	76,878
2013	43,002
2014 (Aug).	41,930

In order to evaluate the effectiveness of Greece's apprehension policy, **it is not enough to merely look at the total number of apprehensions and its fluctuation**. A decrease in arrivals is, as previously mentioned, due to a number of reasons, at times unrelated to Greece's migration policy (eg financial crisis, seasonal workers' agreement with Albania). Instead, we need to examine to what extent **apprehension has served its main objective of return** and as a second step, **whether this was done in a cost-effective manner**.

This is a challenge since both costs and the necessary data against which this hypothesis may be tested, are only partially available. For instance, the rate of migrants who escape detection and

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<sup>72</sup> □ UK Home office, "Information dissemination to potential asylum seekers in countries of origin and transit", Home Office Findings 220, London: UK Home Office, 2014; Khalid Koser and Marie McAuliffe (2013) Establishing an Evidence-Base for Future Policy Development on Irregular Migration to Australia, June 2013, Occasional Paper, Department of Immigration and Citizenship, Australian Government.

the cost of Operation Zeus, are unknown. While, in terms of content, the measures appear much targeted, the lack of available figures on those who were not apprehended and end-result of apprehensions (e.g. release, asylum application, expulsion, voluntary return etc) hinder any effort to assess the cost-effectiveness of the measures.

**Table 10. Statistics Operation Zeus, 2.8.2013-31.12.2013**

<b>Period</b>	<b>Migrants Checked</b>	<b>Migrants arrested</b>
02.8.2012 – 31.12.2012	65,766	4,145
01.1.2013-31.1.2013	9,167	275
01.2.2013- 31.12.2013	N/A	1,126
<b>TOTAL</b>	<b>N/A</b>	<b>5,546</b>

Source: [www.astynomia.gr](http://www.astynomia.gr)

Specifically for Operation Xenios Zeus, the direct output made available by the Hellenic Policy is the number of migrants stopped and those who were, in the end, apprehended.

**Figure 6: Checks and Apprehensions – Operation Xenios Zeus, Aug.- Dec. 2012**

In quantitative terms, the sweeping nature of the operation produced an impressive number of stops-and-checks. In qualitative terms, however, more than 90% of the migrants that were rounded up were subsequently released. In other words, the chances that a rounded-up person would be an irregular migrant were as low as 6%. Suffice to note that in the course of 2013, the arrest rate dropped even lower.

Taking into account the thousands of police officers initially deployed and the hours spent to operate these round ups and subsequent controls, the operation does not appear to be a cost-

effective policy tool, as more than 90% of resources are wasted on checks that did not lead to the detection of undocumented migrants or rejected asylum seekers.<sup>73</sup> In addition, one should consider the indirect cost to society of so many police persons taken off their regular duties (of patrolling the streets and combatting organised crime - including armed robberies and other violent forms of crime - indeed a serious public issue in recent years in Greece)

In 2013, the apprehensions completed within the context of Operation Xenios Zeus represented only **3,2% of all apprehensions** of irregular migrants in Greece.

**Table 11. Apprehensions Xenios Zeus- Overall Apprehensions 2013**

Period	Apprehensions Zeus	Xenios	Overall apprehensions in Greece
2013	1,401		43,002

### *Policy Recommendations*

**1. More comprehensive and accurate Data collection** (to allow better evaluation of policies): If arrest is Greece's first pillar, in securing the return of irregular migrants to their countries of origins, it is important that more accurate data are kept to monitor the final outcome of its apprehension practices.

**2. Investment in identification of forged documents:** Under the current scheme, in the course of a round up operations all migrants are gathered together, transferred to the headquarters and their documents are checked there. Very often this procedure may take many hours, either because there is no bus available or simply because the number of persons rounded up is large and takes time to process. This is a time-consuming and inefficient practice for both the people checked and the migrants involved. More funds could be invested in forged documentation technology.

**3. Appropriate training of police officers involved in such operations:** The authorities should invest in screening and linguistic training so that identification becomes faster. This would cut down on the time of the operation and save resources which could be spent elsewhere (eg. regular police duties to combat criminality).

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<sup>73</sup> For a Parliamentary Discussion on Operation Xenios Zeus see <http://www.hellenicparliament.gr/UserFiles/a08fc2dd-61a9-4a83-b09a-09f4c564609d/es20120927.pdf>

### CHAPTER 3: DETENTION

The systematic use of detention is increasingly regarded as the most effective tool to secure the return of the arrested migrant to his/her country of origin. In the period 2008-2013, detention became Greece's flagship policy in the management of irregular migration.

Among the most radical changes were **the introduction of indiscriminate and indefinite detention into the Greek legal order**; at the same time, **an unprecedented financial investment in improving and expanding detention facilities was undertaken**. **The External Borders Fund and European Return Fund were Greece's main sponsors within this new policy course**, as the construction and running costs of most facilities were co-financed by the EU at a 75% rate. Nonetheless, detention has also proven to be a particularly costly enterprise.

#### Detention as Punishment

From the perspective of international human rights law, **detaining an irregular migrant in the context of removal processes is considered a particularly harsh measure**, only exceptionally allowed and under very specific requirements.<sup>74</sup> In line with this fundamental rule, Directive 2008/115/EC (Return Directive) lays down a particular restrictive framework when it comes to the use of detention on irregular migrants.

First, **the use of detention must be limited. It is a last resort measure that can only be justified if less coercive measures are not sufficient**. Second, it needs to be of the shortest time possible and can only be maintained **as long as removal arrangements are in progress**; in any case, it can never exceed 18 months. Third, the **conditions must be appropriate**; the detained irregular migrants must be kept in specialized facilities and be treated in a humane and dignified manner.<sup>75</sup>

The Greek legislative framework on detention is in line with the EU common standards. There are currently three different regimes in place that regulate the detention of irregular migrants on the basis of the following categories:

- a. irregular migrants arrested upon entry into the Greek territory
- b. irregular migrants arrested within the interior of Greece, (this includes rejected asylum-seekers)
- c. asylum seekers

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<sup>74</sup> □ See ECtHR, Saadi v. the United Kingdom, Appl. No (Grand Chamber) 13229/03, Judgment of 29 January 2008, paras. 67-74

<sup>75</sup> □ See Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals

The differences between these frameworks are rather faint and result from the transposition of different EU Directives in a non-integrated manner<sup>76</sup>:

**Table 12. Greek Legislative Framework on Detention of Irregular Migrants**

	<b>irregular entry into the country</b>	<b>irregular stay in the country</b>	<b>Asylum seekers (new claims)</b>
Law	Law 3386/2005 (as amended)	Law 3907/2011	P.D.113/2013
Grounds	(a) Risk of absconding  (b) Danger to Public Order	(a) Risk of absconding (b) Danger to National Security (c) Hampers own Removal Process	(a) Identification purposes (b) Danger to public order/national security (c) Prompt examination of asylum claim
Maximum Length	18 months	18 months	18 months
Purpose	Expulsion	Return (forced/voluntary)	
Facility	<ul style="list-style-type: none"> <li>• “Special Holding Facility”, (Art. 81, N. 3386/2005)</li> <li>• Police stations</li> </ul>	Specialised Facilities (Art. 31, N.3907/2011)	Specialised Facilities (Art. 31, 3907/2011)
Authority	Police Directorate	Police Directorate	Police Directorate. (a), (c): Prior recommendation of Asylum Office required

**There is however a significant divergence between the letter of the law and its implementation.**

Throughout the period 2008-2013, the detention of irregular migrants has been both **widespread and marked by a growing trend to circumvent the maximum allowed period of detention.**<sup>77</sup> As a result, Greece was repeatedly convicted by the European Court of Human

<sup>76</sup> For a recent study on Greece’s detention framework towards irregular migrants see M Marouda, V. Saranti, E. Koutsouraki and M. Rossidi, “The use of Detention and Alternatives to Detention in the Context of Immigration Policies”, EMM Study 2014, available at [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/12a-greece\\_detention\\_study\\_august2014\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/12a-greece_detention_study_august2014_en.pdf)

<sup>77</sup> See A. Triandafyllidou, D. Angeli and A. Dimitriadi, “Detention as Punishment”, Midas Policy brief, April 2014 available at <http://www.eliamep.gr/wp-content/uploads/2014/04/Polic-brief-Detention-in-Greece-1.pdf>

Rights, both with regards to the conditions of detention and the arbitrariness and automatic manner in which migrants were deprived of their liberty.<sup>78</sup> Nonetheless, **Greece upheld its detention policy; it carried out a series of legislative amendments, in order to ‘legalise’ its practices, in line with a toughening policy towards irregular migrants followed by other Member States.**<sup>79</sup>

Among the most noteworthy developments was the gradual expansion of the maximum allowed period of detention, from three (3) months to 18 months. In terms of the grounds of detention, a controversial amendment in 2012<sup>80</sup> specified that persons who suffer from a contagious disease, or are at increased risk of contracting them- either because of the situation in their country of origin or because they live under unhygienic conditions -are “dangerous to public order” and may also be detained.<sup>81</sup>

In 2013, the use of **systematic and indefinite detention became formally Greece's policy priority**, publicly announcing that “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”<sup>82</sup>. A few months later, the concept of indefinite detention was also formally introduced into the Greek legal order via a rather controversial advisory opinion of the Council of State.<sup>83</sup>

According to the Greek authorities, the main reason behind this new policy was that shorter detention time and release before executing an expulsion/return were deemed ineffective in securing the removal of the third country national.

Statistics in the last three years showed that an estimated 30% of all migrants apprehended at the borders or the mainland, i.e. almost 93,000, were residing irregularly in Greece, with a pending expulsion decision. These migrants did not apply for international protection nor were they under a return procedure.<sup>84</sup> If, however, detention capacity increased, this would achieve a

<sup>78</sup> □ See ECtHR, *S.D. v. Greece*, Appl. No 53541/07, Judgment of 11 September 2009; *A.A. v. Greece*, Appl. no. 12186/08, Judgment of 22 July 2010; *Tabesh v. Greece*, Appl. no. 8256/07, Judgment of 26 November 2009; *Rahimi v. Greece*, Appl. No. 8687/08, Judgment of 5 April 2011; *R. U. v. Greece*, Appl. no. 2237/08, Judgment of 7 June 2011

<sup>79</sup> □ See Claire de Senarclens, *Forced Migration Review*, fall 2013, Issue 44, page 60

<sup>80</sup> □ Law 4075/2012

<sup>81</sup> □ So far there has been reluctance to apply this provision in the context of irregular migration. Instead, the most frequently used justification, applicable in an automatic manner, is that the migrant “lacks the necessary travel documents, has no permanent residence and is likely to abscond”

<sup>82</sup> □ See Minister of Citizen Protection, Press Office Reply 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](http://www.yptp.gr/index.php?option=ozo_content&lang=GR&perform=view&id=4736&Itemid=579) (Our translation 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.”) ; (emphasis added)

<sup>83</sup> □ This measure is expected to be revoked in the coming weeks

<sup>84</sup> □ See Ministry of Citizen Protection, Revised Greek Action Plan on Asylum and Migration Management, 2013, p.



significant increase in returns. At the same time, it would send a strong deterrent signal to third-country nationals planning to enter Greece, and thus the EU territory, unauthorized.<sup>85</sup>

The aim of the indefinite and indiscriminate detention, thus, was two-fold:

- (1) to **increase the return rate**, in the short-term, in particular voluntary return among detained migrants
- (2) to **discourage irregular arrivals** in the medium and long term.

### *Detention Facilities*

In line with this policy, there are currently four types of facilities, in which an irregular migrant in Greece may in practice be held with a view to be returned to his/her home country. Many of these facilities have actually existed for years; following a recent series of renovations they re-opened with a new name and categorization.

**Table 13. Detention Facilities in Greece**

<b>Type</b>	<b>Target Group</b>	<b>Main Source of funding</b>
<b>Pre-Removal Centres</b>	Irregular migrants under return procedure	European Return Fund
<b>Special Holding Facilities</b>	Irregular migrants under return procedure	European Return Fund
<b>Border Guard Units</b>	Irregular migrants, awaiting transfer to shelters or pre-removal centres	External Borders Fund
<b>Police Stations</b>	Irregular migrants	National Resources

### *Pre-Removal Centres & Special Holding Facilities*

Pre-removal and special holding facilities are Greece's typical detention centres. Special holding facilities have existed since 2008. The first “pre-removal” centre, Amygdaleza, opened its doors in 2012. The purpose of both types of establishment is to facilitate removal process of irregular migrants. From a legal perspective, there is no difference between these two categories, as the Greek law itself does not categorize further the type of establishments in which irregular migrants should be held. In fact, in many respects, both kinds of facilities have been operating under a rather unclear legal framework for many years. **In 2013, an “Internal Regulation of**

<sup>85</sup>

□ Ibid.

**Operation of the Security Services of Immigration Detention Facilities”** was prepared, which sought to establish for the first time **a common framework of operation of these centres as well as set rules with regard to the behaviour of the staff and the rights and duties of the detainees.** In terms of duration, detention in pre-removal centres and special holding facilities has no specific pattern and depends on influx and capacity. The maximum allowed length of detention is 18 months, although, as mentioned earlier, in the course of 2014 there have been cases where this was exceeded.<sup>86</sup>

**Table 14: Current capacity in migrant detention centres**

Pre-Removal Centre	Current Capacity	Aliens Holding Facilities	Special Current Capacity
Amygdaleza	2,000	Central- P.Ralli	373
Corinth	1,024	Amygdaleza Minors	40
Fylakio	374	Aspropyrgos	140
Komotini	540	Amarousio	42
Parenesti	557	Elliniko- (Old facility)	63
Xanthi	490	Elliniko (New facility)	123
		Piraeus (closed since 2012)	56
<b>TOTAL</b>	<b>4,985</b>	<b>TOTAL</b>	<b>837</b>

*\*Data provided by the Greek Police, 1 April 2014, 24 June 2014*

<sup>86</sup>

□ Police Reply, 24 June 2014

**Table 15: Number of Detainees, 2008-2013**

Pre-Removal Centre	Number of Detainees 2012-2013	Aliens Special Holding Facilities	Number of Detainees 2008-2013
Amygdaleza	6,090	Central (P.Ralli)	36,803
Corinth	2,523	Amygdaleza (Minors)	3,072
Fylakio	1,340	Aspropyrgos	10,158
Komotini	997	Elliniko (Old Facility, open since 2010)	2,890
Parenesti	2627	Elliniko (New facility)	8,828
Xanthi	23,768	Peiraius (closed since 2012)	2,255
		Amarousiou	2,590
<b>TOTAL</b>	<b>37,345</b>	<b>TOTAL</b>	<b>66,956</b>

*\* Data provided by Greek Police, Reply 1. April 2014, 24 June 2014*

### Border Guard Units and Police Stations

Border guard units are stationed at Greece's border areas. Though, like with Police Stations, they are not detention facilities as such, they tend to serve as temporary holding places, until transfer to a shelter or detention centre is feasible. In practice, however, an irregular migrant may spend months enclosed in these establishments.

**Table 16. Detention Statistics Border Guard Units- Police Stations 2008-2013**

Border Guard Units		Police Stations
Capacity	Actual Number of Detainees	Capacity/ Actual Number of Detainees
Didymoteicho	15	N/A
Kyprinou	374	
Metaxadon	11	
Ferres	72	
Nea Vyssa	11	
Orestiada	15	
Soufli	32	
<b>TOTAL</b>	<b>530</b>	

*\*Data provided by Greek Police, 24 June 2014*

At an operational level, all the above-described facilities are under the responsibility of the Greek police.<sup>87</sup> Security is provided by the Police and medical services are normally provided by NGOs.<sup>88</sup> In their absence, medical aid is provided on an emergency basis by public hospitals. In the context of pre-removal centres, all main services (cleaning, food catering, and clothing) have been sub-contracted to private companies. The aim is in the future, to also sub-contract security to private companies.

### *Direct outputs*

In terms of direct outputs, in the period of 2008-2013, a minimum total of **104,351 detainees** were registered in Greece. This figure includes pre-removal centres and special holding facilities. It excludes police stations and border guard units. Despite repeated requests, the Police was unable to produce figures of detainees in these establishments.

If such data are not kept, it is an important **gap in monitoring implementation of policy measures since a significant number of migrants are actually held in these establishments.**<sup>89</sup> Absence of the precise figure, biases the results in terms of policy-making and budget distribution.

In terms of long-term outputs (deterrence), the policy is still too short-lived in order for us to be able to calculate its effect, as its implementation is less than two years old.

In terms of short term outputs (increase in returns) if we focus on the period 2012-2013 as a test case, by which time most pre-removal centres were functioning, **a total of 54,603 detainees were registered in Greece** (pre-removal/special holding facilities).

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<sup>87</sup> □ p.d. 141/1991; Order 181/2006;

<sup>88</sup> □ eg. Medical Intervention and Medecins sans Frontieres. See Ministry of Labour, Directorate of Social Solidarity, European Refugee Fund Annual Programs 2009, 2010, available at <http://www.moh.gov.gr/articles/social-solidarity/domes-kai-draseis-koinwnikhs-allhleggyhs/eyrwnpa-ko-tameio-prosfygwn-2008-2013/225-ethsia-programmata>

<sup>89</sup> □ See Council of Europe Committee on the Prevention of Torture, Reports on Detention Conditions in Greece, available at <http://www.cpt.coe.int/en/states/grc.htm>

**Table 17. Number of Detainees, 2012-2013**

Type	Capacity	Detainees Statistics
Border Guard Units	560	N/A
Special Holding Facilities	837	17,458
Pre-Removal Centres	4,985	37,345
Police Stations	N/A	N/A
<b>TOTAL</b>	<b>6,867</b>	<b>54,803</b>

*\*Data provided by the Greek Police, 28 January 2014, 24 June 2014, 1 April 2014*

In addition, from 2012-2013 there was an **overall increase in the rate of voluntary and forced returns of irregular migrants.**

**Table 18. Returns (forced-voluntary) 2012-2013**

Year	Forced Returns	Voluntary Returns	Total
2012	6,798	11,526	20,473
2013	8,780	9,962	16,490

*\*Data provided by the Greek Police, 24 June 2014 and 1 April 2014 and IOM 2 June 2014*

However, in terms of absolute numbers at least, **a link between detention and return does not appear to have been established.**

### *Assessing the Cost-Effectiveness*

**From an economic perspective, effectiveness does not require 100% enforcement. For every law, there is an “optimal amount of enforcement”** which depends on a series of variables: the cost of apprehension, the cost of carrying out the punishment (e.g. imprisonment is more costly compared to fines) and the response of the offender to the enforcement (deterrent effect of conviction). In his seminal work, Gary Becker<sup>90</sup>, a famous economist, argued 40 years ago that optimal policy equilibrium requires that the costs entailed outbalance the social damages caused by the crime (e.g. loss of society's earnings). Deterrence alone is, thus, not a sufficient reason to counterbalance all other costs; and detention as such weighs heavily within the scale,

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<sup>90</sup> □ See G. Becker, “Crime and Punishment: An Economic Approach”, *Essays in the Economics of Crime and Punishment*, G. Becker and W. L. Landes (eds), 1974, UMI publ., pp. 1-54, available at <http://www.nber.org/chapters/c3625.pdf>

because it is very costly and causes losses not only to the offender but to society as a whole. As a rule, milder punishments should therefore be preferred.

Greece's indiscriminate detention policy falls behind in terms of cost-effectiveness on several fronts.

First, **it exceeds Greece's current budget.** In particular, the average cost of detaining an irregular migrant in Greece is **16 euros/per day**,<sup>91</sup> of which 5,87 euros are invested in daily food catering. Compared to other EU Member States, the overall sum is very low<sup>92</sup> and does not suffice to secure the basic needs of the detainees.<sup>93</sup> In fact, NGOs often provide detainees with basic items out of their own resources.<sup>94</sup> Nonetheless, on the basis of the current capacity of pre-removal centres (4,985), **detention costs Greece and the EU a minimum of EUR 28,713,600 per year (excluding special holding facilities, police stations and border guard units).** Greece's plan is to create a total of 7,500 places of detention,<sup>95</sup> which would entail **a minimum annual cost of EUR 43,200,000.**

To compare, in 2013 alone, Greece's return policy (pre-removal centres and return operations) ran under a total budget of EUR 46 million (EU funding and national resources). This means that the available funds are **insufficient to carry the costs of such an expanded and expansive detention policy and practice.**

Second, **the cost of detention weighs heavily within the Return Fund scheme. Approximately 32 % of the allocation has so far been consumed to cover costs related to detention facilities, in order to improve their conditions.** Given Greece's other needs, in the end **only 50% was left to operate actual returns.**<sup>96</sup> If we add to this the planned annual running costs, EUR 43,2 million, then Greece will have to seriously cut down on its other operations incorporated in the European Return Fund to carry out its planned detention policy.

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<sup>91</sup> □ Calculated on the basis of the annual running costs of pre-removal centres divided by their capacity, as in Ministry of Citizen Protection, Revised National Action Plan on Asylum and Migration Management, Chapter 4, 2013. See also Joint Ministerial Decision No 2/30866/0022 by the Ministers of Finances and of Public Order, dated 12.7.2001; See also Minister of Citizen Protection, Parliamentary Reply of 03 February 2014 available at <http://www.hellenicparliament.gr/UserFiles/67715b2c-ec81-4f0c-ad6a-476a34d732bd/8341922.pdf>

<sup>92</sup> □ For a comparative overview of the different detention regimes among EU Member States see Global Detention Project, "Europe Profiles", available at <http://www.globaldetentionproject.org/countries/europe.html>

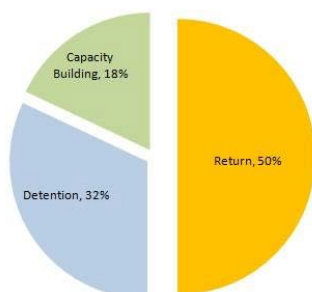
<sup>93</sup> □ See Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, "Report to the Greek Government on the visit to Greece from 4 to 16 April 2013", 16 October 2014, available at <http://www.cpt.coe.int/documents/grc/2014-26-inf-eng.pdf>

<sup>94</sup> □ Interview with Medecins sans Frontieres, 5 May 2014

<sup>95</sup> □ The original plan was to create 10,000 places of detention by the end of 2014. See Commission Staff Working Document on the Assessment of the implementation of the Greek Action Plan on Asylum and Migration management, 6 October 2014

<sup>96</sup> □ Commission Staff Working Document on the Assessment of the implementation of the Greek Action Plan on Asylum and Migration Management, 2014, p. 14

**Figure 7. Distribution of Allocated Funds under European Return Fund, 2008-2013**



Third, **Greece designed its policy under the assumption that detainees would agree to return within a relatively short period of time.**<sup>97</sup> In practice, however, its expectations were not always met. **In the course of 2013, the majority of irregular migrants refused to return; out of those, 300 migrants had been detained for more than 18 months.**<sup>98</sup> An unknown number was subsequently released by the police, because they simply refused to return even after 24 months of detention and another 150 detainees were released after the Greek courts ruled that detaining them beyond 18 months was unlawful.<sup>99</sup>,

**However, because detention is costly, even a minimal loss may translate into millions of euros.** In the case of the 150 detainees for instance, the loss in resources was EUR 1,3 million within 1,5 year; in the case of the 300 migrants, the loss was almost EUR 2,6 million in 1.5 year. If we take now the hypothetical scenario that all detention centres are operational at full capacity, should a 30% of all detainees refuse to return per year, this would translate into an annual loss of EUR 12,960,000 invested in their detention, i.e. almost 1/3 of Greece's 2013 grant under the European Return Fund.

Greece's plan was further based on the assumption that asylum claims would be processed within 2 months; in case of a negative decision, the migrants would be promptly returned. In the course of 2013-2014, the average time needed to examine an asylum claim submitted by a

<sup>97</sup> □ National Action on Asylum and Migration Management, 2013, p. 53, " all immigrants who do not fall under the status of international protection ... will be arrested, detained and returned to their countries of origin. In the case of an application for international protection, this ... will be examined in a maximum period of 2 months, and if rejected, the illegal immigrant will be returned"

<sup>98</sup> □ See Greek Legal Council, Advisory Opinion 44/2014, available at <http://www.nsk.gov.gr/webnsk/gnwmodothsh.jsp?gnid=1868995>

<sup>99</sup> □ See D. Aggelidis, "Ελεύθερος ο ένας από τους τρεις εξεγερμένους κρατούμενους του Ελληνικού", Efimerida ton Syntakton Newspaper, 3 October 2014, available at <http://www.efsyn.gr/?p=240391>

detainee was 99 days (3.3 months).<sup>100</sup> This included the examination at first and second instance, but not the judicial review of the case.

If we take into account that return is not possible as long as an asylum claim is pending, then the detention of asylum-seekers entails both a loss of resources and a financial burden additional to the one of processing the claim. In terms of cost, the loss is not insignificant. For instance, mid 2013-2014, 2,323 detainees applied for asylum and at least 1,187 claims received a first-instance decision by the new Asylum Service within 58 days.<sup>101</sup> **This means that EUR 1,101,536 was invested in detention with the aim of return, a process that could not take place either way while the asylum claim was pending.**<sup>102</sup>

**Table 17. Asylum claims submitted by migrants in detention facilities 2008-2013**<sup>103</sup>

Year	2008	2009	2010	2011	2012	2013
Asylum Claims	2,868	4,759	5,136	4,595	5,735	2,623

*\*Data provided by the Greek Police, 1. April 2014*

## Alternatives to Detention

### *First Reception Centres- Screening Centres*

The concept of Screening Centres is relatively new. The Centres were introduced together with the First Reception Centres and they were purported to gradually replace the border guard stations and other unsuitable detention facilities Greece was using to receive and screen newcomers.<sup>104</sup> **Screening Centres are, thus, not detention centres in the strict sense of the term. They aim at carrying out identifications processes and establish the needs and status of a migrant.** There are currently two screening centres on the islands of Samos and Chios. Both types of establishments opened their doors in the course of 2013.

First Reception Centres aim at providing newcomers with some first aid (food, medical aid, information); new arrivals stay for an average of 12 days and in exceptional circumstances for 25 days<sup>105</sup>. Their purpose is to identify vulnerable categories, offer first assistance and care,

<sup>100</sup> □ Statistics between June 2013- August 2014, New Asylum Service; see also Report by the Campaign for Access to Asylum, October 2014 available at <http://asylum-campaign.blogspot.gr>

<sup>101</sup> □ 58 days from moment of registration until issuance of first decision, Statistics of new Asylum Service. The figure 1,187 includes only substantial decisions and excludes inadmissible applications and resignations.

<sup>102</sup> □ Ibid.

<sup>103</sup> □ Police Reply to Eliamep, 1 April 2014

<sup>104</sup> □ See Commission Staff Working Document on the Assessment of the implementation of the Greek Action Plan on Asylum and Migration management, 2014, p. 5

<sup>105</sup> □ Police Reply to Eliamep, 28 January 2014



information on asylum and act as the first point of reference for the irregular arrival to the country. There is currently one First-Reception Centre in Fylakio (Evros). On the islands, first reception services are currently provided by two Mobile Units.

The establishment of both the First Reception Centre and the First Reception Mobile Units was supported financially by the External Borders Fund. The total EU funding of such infrastructural projects amounted approximately to EUR 9 million.<sup>106</sup> Further financial support was also provided through the External Borders Fund emergency measures, in order to provide some additional targeted assistance to the actual reception/identification/screening procedures of irregular migrants by the FRC and the Mobile Units. There is a serious shortage, however, in covering extant needs. Within this context UNHCR has assumed a significant operational role by focusing on strategic entry points.<sup>107</sup> Nonetheless, **the allocated budget is indicative of the different weight placed on the facilities and the importance allocated to detention and the critical first reception.**<sup>108</sup>

**Table 18. Planned Constructions under Greece's 2013 revised National Action Plan<sup>109</sup>**

Item		Annual Running Cost	Progress of Implementation
First Reception Centres	x 4	21 million	1 operative centre (240 places) In search of funding for the rest
Pre-removal Centres	x 9	57 million	6 operative centres (4,985 places) Funding secured for remaining constructions

### *Open Accommodation*

Since detention is a measure of last resort, Greece is expected to establish open accommodation facilities to shelter irregular migrants. **Open accommodation centres are currently primarily designed for unaccompanied minors, families and vulnerable categories** (victims of torture). Some facilities are also open to adult women and one of those may also shelter men. Run in their majority by NGOs, the pre-condition for tenants is that they are registered asylum seekers.

<sup>106</sup> <sup>□</sup>Supra 90

<sup>107</sup> <sup>□</sup>Interview with UNHCR Officer, 20 April 2014

<sup>108</sup> <sup>□</sup>See Greek Police, Reply to Greek Ombudsman, 17 July 2013, available at <http://www.synigoros.gr/resources/apanthsh-elas-19-07-13.pdf>

<sup>109</sup> <sup>□</sup>In its review of the Implementation of the National Action Plan, the Commission noted that "*the first reception capacity continues to be in need of significant further financial and human resource investment*", see Commission Staff Working Document 2014, p. 6

We suggest as **an example the accommodation program of the NGO Praxis**. The organization currently runs apartments that can host up to four people each. The total capacity is 130 persons. The average cost of hosting a person ranges between 9-12 euros per day and this includes utilities and maintenance work (painting, new furniture, repair of electrical devices). Accommodation is of a temporary nature (6 months on average) while the person looks for employment and private accommodation. If necessary, the person may seek the assistance of social workers. **The approach is holistic** since it does not solely focus on financial assistance. And it is **sustainable** as the person eventually becomes self-sufficient and integrates back to society.

The current capacity of analogous centres is as follows:

**Table 19. Capacity Open Accommodation/Shelters**

Item	Capacity	Funding
Unaccompanied minors	313	<ul style="list-style-type: none"> <li>• EEA Grants</li> </ul>
Families	780	<ul style="list-style-type: none"> <li>• ERF</li> <li>• National Resources</li> </ul>
TOTAL	1,093	

If we review this policy **then open or semi-open accommodation centres offer a more viable solution**, especially for asylum-seekers, vulnerable categories and/or migrants under assisted voluntary return programs pending their return. Following discussions with the Commission, Greece revised its strategy and agreed to increase the current capacity to 2,500 places by the end of 2014. Nonetheless, when compared to detention, the limited capacity of such shelters is reflective of the weight attached to the former.

Thus **a combination of first reception/screening and open or semi-open centres appears to offer equivalent or potentially better value for money, while being in line with national and European law**. It is also more appropriate than detention for asylum-seekers and vulnerable categories of irregular migrants.

## Policy Recommendations

**1. Screening of individual cases:** it is unnecessary to detain indiscriminately the irregular migrants that the authorities come across, in order to implement an effective migration and asylum policy. Asylum-seekers for instance, cannot be deported for as long as their claims are being examined; keeping them in detention during this period is not only inhuman but also very costly. There is thus an urgent need for individualized screening of all detained irregular migrants/asylum seekers. In addition, the capacity of first reception and screening centres

should be increased. European funds should be directed to this purpose as an important policy priority.

**2. Surveillance schemes alternative to detention.** Pilot schemes have been tried in Belgium, Germany, Sweden and the United Kingdom but also Australia and the USA. While state authorities have been often reluctant to adopt such schemes, the overall assessment is positive

**3. Caseworker scheme – 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

**4. Investment in language courses:** In many EU Member States, learning the native language is a priority. Not only does this cut down on the cost of translators, but it speeds up the administrative procedure, as the migrant is able to communicate in the context of daily interactions. In addition, it facilitates integration where regularization eventually takes place.

**5. Open/ semi-open accommodation:** 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.

## CHAPTER 4: RETURNS

The most significant change in the aforementioned period was the investment in returns; a component of Greece's irregular migration control strategy which had been overlooked in previous years. **In 2009, Greece issued 42% of the EU's return decisions, but it only managed to carry out 8% of those since there was no program to promote and support voluntary return and reintegration.** Furthermore, Greece experienced difficulties with the readmission of third-country nationals, especially from Pakistan and Afghanistan.

At a legislative level, **the transposition of the Returns Directive introduced into Greek law the 'returns' procedure, as opposed to mere expulsion.** At a policy level, the IOM assumed the pivotal role of aiding Greece implement voluntary returns, in the course of 2012-2013, with the financial support of three different funding instruments (EEA Grants, Return Fund, UKBA funding). The IOM also facilitated the voluntary return of detained migrants, a policy which was seen as controversial and an indirect support of Greece's detention policy. Nonetheless, compared to the overall number of arrivals, there is still space to improve the rate of return.

### Readmission, Expulsion and Voluntary Returns

Greek law currently foresees three ways in which a migrant may be removed from the country:

- (a) Readmission, applicable to irregular migrants seeking to cross the borders<sup>110</sup>
- (b) Expulsion, applicable to irregular migrants arrested upon entering the country<sup>111</sup>
- (c) Return process, applicable to irregular migrants who reside in the country irregularly.<sup>112</sup>

A migrant who seeks to cross the border may be readmitted immediately by the Greek authorities to the country of transit. If readmission is not possible, then the migrant who is arrested crossing the Greek borders is issued an administrative expulsion order that orders him/her to leave the country normally within a time-frame of maximum 30 days. In cases where a migrant is arrested residing in the country irregularly, he/she is given a 'return decision' that orders him/her to leave the country within 7-30 days. In some cases this may be extended up to 1 year.<sup>113</sup> Should the irregular migrant not voluntarily depart within the foreseen period, he/she is then subject to forced removal.-

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<sup>110</sup> □ Article 83 par. 2, Law 3386/2005

<sup>111</sup> □ Articles 76-83, Law 3386/2005

<sup>112</sup> □ Law 3907/2011

<sup>113</sup> □ The Expulsion of Irregular migrants is regulated by Articles 76, 77, 78, 80, 81, 82 and 83 Law of 3386/2005 as amended by Law Nos 3448/06, 3536/07, 3613/07, 3649/08, 3731/08, 3772/09, 3801/09, 3838/2010, 3846/2010, 3870/2010, 3875/2010, 3879/2010, 3900/2010, 3907/2011, 3938/2011, 4018/2011, 4061/2012, 4071/2012, 4075/2012, 4115/2013, 4139/2013 and 4146/2013. (available at [http://www.ypes.gr/el/Generalsecretariat\\_PopulationSC/general\\_directorate\\_migration/diefthinsi\\_metanastefikis\\_politik](http://www.ypes.gr/el/Generalsecretariat_PopulationSC/general_directorate_migration/diefthinsi_metanastefikis_politik))

The physical removal of an irregular migrant, thus, may be carried out in four manners; (a) readmission, (b) forced return, (c) voluntary return, (d) assisted voluntary return.

## Readmission Agreements

**Readmission agreements are considered by the Greek authorities to be the most practical tool in the context of irregular migration management.**<sup>114</sup> Readmission, compared to returns/expulsions, is a **bureaucratically simplified procedure carried out on the basis of inter-State requests** (provided the third country cooperates).<sup>115</sup> The process primarily concerns migrants who have not yet been issued an expulsion order, and provided no criminal charges have been pressed against them by the Prosecutor. Contrary to other removal procedures, migrants are not served with an administrative or judicial expulsion decision or a return decision (see Art. 77 Law N. 3386/2005, Arts. 21 and 30 Law N. 3907/2011).<sup>116</sup> In the context of its irregular migration policy, Greece has signed readmission agreements amongst others with Turkey (2002), Albania (2004) and Pakistan (2010).

The most successful re-admission agreement in practice is the one with Albania. The least successful has been the one with Turkey. By way of illustration, in the course of 2010, Greece requested the readmission of a total of 10,198 irregular migrants, of whom the Turkish authorities accepted 1,457. Eventually only 501 persons were returned. During the same year, 48,177 Albanian migrants were returned through the readmission procedure. Greece has unsuccessfully pursued the completion of bilateral readmission agreements also with Iraq, Afghanistan and Bangladesh.<sup>117</sup>

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[hs/NOMOI/](#) ). The New Migration Code of 2014 has left the legislative framework regulating returns intact (see Article 139). The return of an Irregular Migrant is regulated by Law 3907/2011.

<sup>114</sup> □ See Deputy Minister of Exterior, Parliamentary Reply of 28 June 2013, available at <http://www.hellenicparliament.gr/UserFiles/67715b2c-ec81-4f0c-ad6a-476a34d732bd/8134194.pdf>

<sup>115</sup> □ See Council of the European Union, Council Recommendation of 24 July 1995 on the guiding principles to be followed in drawing up protocols on the implementation of readmission agreements a, Official Journal C274, 19 September 1996, available at [http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:31996Y0919\(08\)&from=EL](http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:31996Y0919(08)&from=EL)

<sup>116</sup> □ See Police Reply to Eliamep, 24 June 2014

<sup>117</sup> □ See Deputy Minister of Exterior, Parliamentary Reply of 28 June 2013, available at <http://www.hellenicparliament.gr/UserFiles/67715b2c-ec81-4f0c-ad6a-476a34d732bd/8134194.pdf>

## Forced Returns

**Forced returns (executed expulsions) entail the physical removal of the irregular migrant despite his consent.** A migrant who is forcibly returned is registered in the list of unwanted third country nationals.<sup>118</sup>

In cases where a migrant refuses to board the means of transport, his removal takes place with police escort. Interestingly enough, the safeguards foreseen by the Greek law<sup>119</sup> in such cases concern only “the safe transfer, stay and return” of the police escorts and not of the migrant.

**Table 20. Apprehensions- Executed Expulsions 2008-2013**

Year	Apprehensions	Expulsions
2008	146,337	20,555
2009	126,145	20,342
2010	132,524	17,340
2011	99,368	8,741
2012	76,878	6,798
2013	43,002	8,780
<b>TOTAL</b>	<b>624,254</b>	<b>82,556</b>

According to law 3386/2005<sup>120</sup>, the cost of forced return is borne by the migrant. If the migrant does not possess the necessary resources, then the sum spent is considered a public expenditure. In the period 2008-2013, there was a sharp decrease in forced expulsions, particularly from 2011 onwards, attributable largely to the entry into force of the visa-liberalization regime for Albanian nationals.

## Voluntary Returns/Assisted Voluntary Returns

**Greek Law does not specify in great detail the procedure in place for migrants who opt for voluntary return.** In practice, anyone who wishes to return may apply to do so at any time.

Applications for voluntary returns are in general addressed to the IOM and the Police, while assisted voluntary return is carried out by IOM. The procedure followed is as follows:

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<sup>118</sup> □ Articles 76-83 Law 3386/2005 which has remained in force under the new Migration Code, Law N. 4251/2014 Article 139 par. 2

<sup>119</sup> □ Ibid.

<sup>120</sup> □ Ibid.

1. the migrant submits to the Attica Aliens Directorate an application for voluntary departure
2. the police service registers the application and makes an entry in the Schengen database
3. a return decision is issued without a detention decision and without a prohibition to enter the country
4. the migrant is served with a “notice” which grants him/her 30 days to leave the country, within which the authorities arrange for the departure
5. the authorities inform the migrant about the date of departure
6. the migrant is transferred to the airport with a police car where the departure is fulfilled

The cost of voluntary returns is currently covered by the EEA Grants, the UKBA and the European Returns Fund.

**The main advantage of voluntary return over forced return is that the migrant is not registered in the list of unwanted third-country nationals. The main difference between voluntary and assisted voluntary return is that migrants of the latter category also receive increased financial incentives to return to their home countries.** Until June 2014, all adult irregular migrants that were voluntarily returned under the IOM program received 300 euros in 'pocket money'. From June 2014 onwards, this was increased to 400 euros.<sup>121</sup> Migrants who participated in the voluntary return programs of the Greek police did not initially receive financial support, though the policy was recently revised. Additionally, in some cases the IOM provides financial support for reintegration to the country of origin. Financial assistance can reach 1,500 euros. The sum is not given directly to the person, but to the IOM local office in the country of origin which invests the sum in the integration of the returnee. This type of assistance is decided on an individual basis, according to the profile of the person and may include education, the purchase of a rigshaw or the start of a small business. The overall number of beneficiaries remains limited due to budgetary constraints; for instance, between July 2013 and June 2014, roughly 500 migrants received reintegration assistance.

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<sup>121</sup>

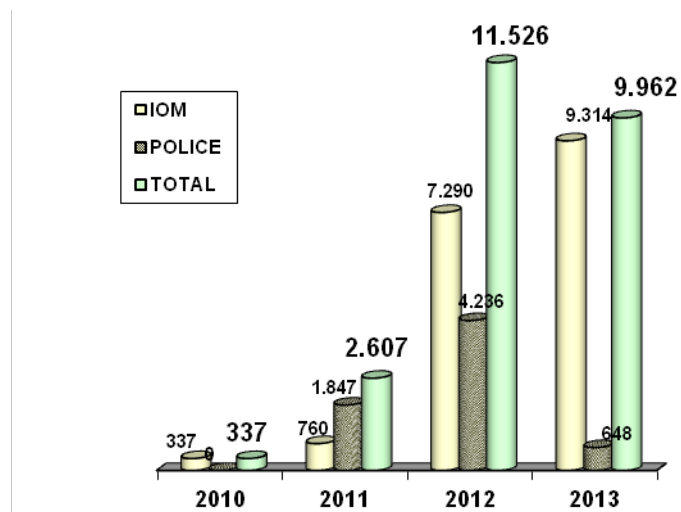
□ Interview with IOM officer, 3 June 2014

**Table 21. Statistics Apprehensions- Voluntary/Assisted Voluntary returns**

Year	Apprehensions	Voluntary/Assisted Voluntary Returns
2008	146,337	--
2009	126,145	--
2010	132,524	337
2011	99,368	2,607
2012	76,878	11,526
2013	43,002	9,962
<b>Total</b>	<b>624,254</b>	<b>24,432</b>

The available data also show that returns under the IOM are increasing in significance compared to voluntary returns operated by the Police.

**Figure 8. Annual Voluntary departures 2010-2013 IOM v. Police**



*Source: Data provided by Greek Police on 1 April 2014 and by IOM 2 June 2014*

According to IOM, the top six nationalities voluntarily returning from 2010-2013 were: Pakistan, Bangladesh, Afghanistan, Iraq, Morocco and Georgia.



If we juxtapose the number of migrants who **voluntarily returned** in the period 2010-2013 under the IOM program and the number of apprehensions during the same period<sup>122</sup>, then the outcome looks as follows:

**Table. 22 Rate of Voluntary Returns among the Top Nationalities Apprehended 2010-2013**

	2013		2012		2011		2010	
<b>Albania</b>	15389	0%	10602	0%	11733	0%	50175	0%
<b>Syria</b>	8517	0%	7927	0.05%	1522	0%	851	2%
<b>Afghanistan</b>	6412	11%	16584	6.9%	28528	0.7%	28299	0.4%
<b>Pakistan</b>	3982	<b>124%</b>	11136	<b>34%</b>	19975	1%	8830	1%
<b>Bangladesh</b>	1524	<b>94%</b>	7863	<b>11%</b>	5416	0.9%	3264	0.5%
<b>Somalia</b>	1004	0%	1765	0%	2238	0%	6525	0%
<b>Eritrea</b>	726	0.1%	923	0%	1172	0%	1628	0%
<b>Iraq</b>	700	44%	2212	7%	2863	3%	4968	0.6%
<b>Georgia</b>	568	<b>71%</b>	793	6%	879	0%	1456	0%
<b>Palestine</b>	469	0%	1718	0%	2065	0%	7561	0%
<b>Algeria</b>	443	0.4%	4606	0.04%	5398	0.03%	7336	0%
<b>Morocco</b>	442	<b>55%</b>	2207	<b>13%</b>	3405	1%	1645	0.3%
<b>Congo</b>	72	4%	631	1%	1855	0.05%	90	0%

Source: [www.astynomia.gr](http://www.astynomia.gr) and data provided by IOM, 2 June 2014

The figures of 2012-2013 show that voluntary returns were particularly attractive for citizens of Pakistan, Bangladesh, Georgia and Morocco. **In 2013, voluntary returns corresponded to more than half of the annual apprehensions among those nationalities.** The case of Pakistan is of special interest here. In 2013 for example, the overall number of Pakistanis who participated in voluntary return programs was higher than the total number of apprehensions, though it should be pointed out that those returned were not necessarily apprehended in the same year. Albania

<sup>122</sup> □ The annual number of apprehensions includes both newcomers and migrants residing irregularly in the country.

on the other hand, does not have a voluntary return program with IOM since the geographical nearness of the country makes individual voluntary return feasible.

It can be argued that voluntary return programs can be attractive for economic migrants originating from safe third countries, though, as to be expected, they are not an option for asylum seekers and forced migrants.

**In terms of cost**, with the exception of Albania, where migrants are returned by bus, forced removal of third country nationals normally takes place through charter flights or via regular flights (with or without escort). The cost of a forced return via charter flight is **1486,75 euros** and **via reservations in regular airlines 404,7 euros**.<sup>123</sup>

Unsurprisingly, the latter are preferred. In 2010, 1,145 nationals were returned via charter flights to Afghanistan and Pakistan primarily. During the same period, three times more migrants (4,238 migrants) were returned via regular flights. The top five nationalities were Pakistan, Bangladesh, Afghanistan, Iraq and China.<sup>124</sup>

The **cost of voluntary return flights** is not precisely known, since neither the police nor the IOM were able to provide conclusive answers. Between mid 2010- mid 2012 the average cost of returns operated under the Returns Fund was estimated at 1,104 euros per return.<sup>125</sup> This would include the financial assistance of 300 euros. If we divide the funding received by the IOM under the EEA Grants against the number of persons returned, then the average cost emerges as 1,250 euros per return. However, this is an estimated sum. The precise figure will vary according to the country of origin and depending on the amount of financial assistance provided to reintegrate the migrant to his/her home country.

## Assessing the cost-effectiveness

In terms of cost-effectiveness, the available data indicate **that forced return via charter flight is the most expensive type of return**, both in terms of cost and in terms of human resources deployed; **voluntary returns are less costly, bureaucratically easier to carry out**<sup>126</sup> and potentially carry more sustainable results, since the migrant opted to return and has, thus, has fewer incentives to return to Europe again.

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<sup>123</sup> <sup>□</sup> Calculated on the basis of funding received divided by returns operated. See Ministry of Citizen Protection, Parliamentary Reply of 1 December 2012, available at <http://www.hellenicparliament.gr/UserFiles/67715b2c-ec81-4f0c-ad6a-476a34d732bd/7853135.pdf>

<sup>124</sup> See Ministry of Citizen Protection, Annual Implementation Report to European Return Fund 2010

<sup>125</sup> fn. 123

<sup>126</sup> <sup>□</sup> See also <http://www.hellenicparliament.gr/UserFiles/67715b2c-ec81-4f0c-ad6a-476a34d732bd/7853135.pdf> ; interview with Head of Elliniko Pre-Removal Centre, 10 April 2014

One could argue that the same cannot be said for forced returns or voluntary returns out of detention facilities. In fact, using detention as means of extracting consent to return, can be counter-productive for the sustainability of return; a migrant who 'consents' in order to escape detention is more likely to return, compared to someone who took a conscious decision, without the pressure of incarceration. Nonetheless, the policy is too recent to draw concrete conclusions regarding sustainability.

In line with this reasoning, cost-effectiveness would require that distribution prioritizes voluntary returns. Between 2008 and 2013, Greece received almost 130 million euros under the Return Fund. However, only 50% of this allocation was earmarked for the implementation of actual returns, as 32% was consumed in detention facilities. Earlier annual programs focused mostly on forced returns, while in later years allocation to both voluntary and forced returns was almost equal. Finally, cost-effectiveness would also require that **efforts concentrate on migrants for whom return is a feasible option, in view of the situation in the country of origin**. In this sense, it can be misleading to review the cost-effectiveness of Greece's voluntary return policy only in absolute numbers.

## Policy Recommendations

**1. Distribution of funding towards voluntary returns:** There is space for further allocation of funding in the context of voluntary returns. If the authorities reduce detention places, and instead increase the budget of voluntary and assisted voluntary returns, they may achieve more cost-effective results. In light of the Greek crisis and the difficulty in finding employment in Greece, economic migrants may be more willing to make use of this option.

**2. Expansion of return counseling programs:** Information about return programs should be widely disseminated. Studies show that specific categories of persons (e.g. Families with children) are more likely to agree to return to their home countries, if properly informed of the option.

**3. Expansion of assisted voluntary return programs:** The data provided by IOM demonstrate that voluntary return programs are particularly successful among nationalities with an economic profile and relatively safe conditions in their home country. It would therefore be more effective to expand programs of assisted voluntary returns towards categories of migrants who enter Greece for pure economic reasons and expand the reintegration schemes.

**4. Seasonal work agreements:** The Greek authorities may consider not only the option of bilateral agreements to secure the readmission, but also bilateral agreements of seasonal work. The idea then would be that these workers maintain residence in the third country but come every year for work. In fact the EU is moving into this direction with the preparation of a

Seasonal Workers Directive.<sup>127</sup> Greece is not a stranger to this type of agreements, as they have been successfully applied with Egypt, Bulgaria and Albania.<sup>128</sup> This would provide an economic incentive to countries of origin for cooperation in the field of readmission and reduce the number of irregular arrivals for work-related reasons, tackling thus irregular migration at its source.

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<sup>127</sup> □ See Proposition of Directive on common entry and residence conditions for third country seasonal workers as in “Commissioner Malstrom welcomes agreement on migrant seasonal workers”, Brussels, 29 October 2013, available at [http://europa.eu/rapid/press-release\\_MEMO-13-941\\_en.htm](http://europa.eu/rapid/press-release_MEMO-13-941_en.htm)

<sup>128</sup> □ See Global Forum on Migration and Development, “Compendium of Good Practice Policy Elements in Bilateral Temporary Labour Arrangements”, 2 December 2008, available at <http://www.unhcr.org/50aa5cfc9.pdf>

## CHAPTER 5: KEY MESSAGES FOR POLICY MAKERS

There is no doubt, that in recent years Greece has undertaken a serious effort to tackle irregular migration. The purpose of this study has not been to challenge the Greek and consequently the EU's policy objectives altogether but rather accept the current policy objectives as granted and review the manner in which the authorities sought to achieve them. The MIDAS project solely explored the financial dimension of the Greek migration policy and has sought to put forward policy recommendations in line with international human rights law that will benefit both migrants and the host society.

The main disadvantage in Greece's approach towards irregular migration is the sweeping manner in which it designs and applies its policies. Their indiscriminate application is not cost effective firstly because it creates unnecessary expenditures and secondly because it seeks to maximize the effectiveness of few tools of supposed strategic significance, largely ignoring the complexities of contemporary migratory flows. What is needed instead is a more nuanced and holistic approach, as Greece had envisioned in the original design laid out in the National Action Plan. The Conclusions summarize here our policy recommendations which are meant to aid Greece make better use of its budget and enhance its application:

- **Awareness-raising campaigns:** Greece should invest in awareness-campaigning. For instance, Greece can appoint migration officers at diplomatic delegations abroad and distribute through NGOs both in Greece and abroad film documentaries. There is often little awareness among prospective irregular migrants before starting their journey that they can hardly hope to regularize their stay and legitimately work in Europe.
- **More comprehensive and accurate Data collection to allow better evaluation of policies:** It is important that more accurate data are kept to monitor the final outcomes of Greece's policies, in particular in the context of apprehension and detention.
- **Investment in forged documents identification (will cut down time during round up operations).** Under the current scheme, in the course of a round up operation all migrants are gathered together, transferred to police headquarters and their documents are checked there. This is a time-consuming and inefficient practice for both the people checked and the officers involved. Funds could be invested in forged documentation technology.
- **Re-distribution of funds in training and screening:** There is space to distribute funds in screening and linguistic training of officers so that identification becomes faster. This would cut down on the time of the operation and save resources which could be spent elsewhere (e.g. regular police duties)
- **Screening of individual cases:** it is unnecessary to detain indiscriminately irregular migrants, since on top of everything else it results in unnecessary expenditures. Asylum-seekers for instance, cannot be deported for as long as their claims are being examined;

keeping them in detention during this period is not only inhuman but also very costly. There is thus an urgent need for individualized screening of all detained irregular migrants/asylum seekers. In addition, **the capacity of first reception and screening centres should be increased**. European funds should be directed to this purpose as an important policy priority.

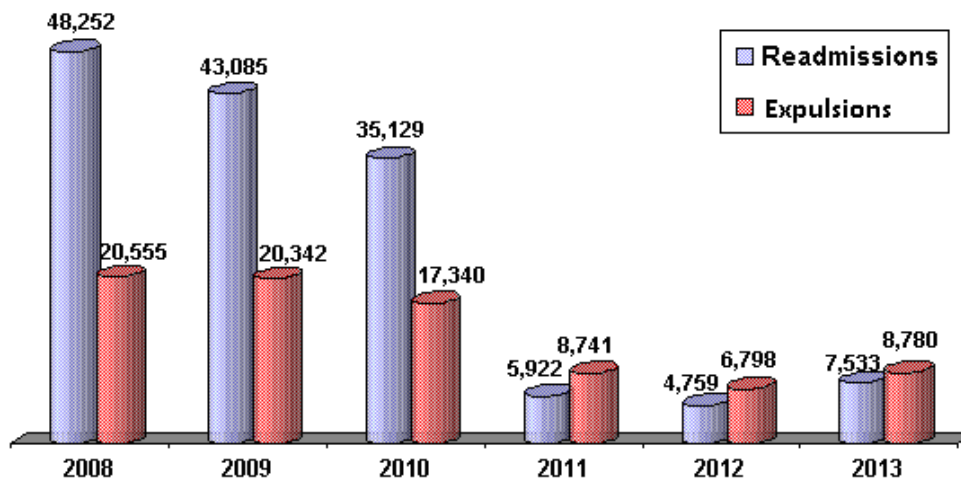
- **Surveillance schemes alternative to detention.** Pilot schemes have been tried in Belgium, Germany, Sweden and the United Kingdom but also Australia and the USA. While state authorities have been often reluctant to adopt such schemes, the overall assessment is positive.
- **Caseworker scheme – Investment in early legal advice:** Early legal advice, preferably through personal contact with an assigned caseworker, can result in quicker and more durable decisions, resulting in overall savings
- **Investment in language courses:** : In many EU Member States, teaching to an irregular migrant the national language is a priority. Not only does this cut down on the cost of translators, but it also speeds up the administrative procedure, as the migrant is able to communicate in the context of daily interactions. In addition, it facilitates integration in cases where regularization eventually takes place. Greece could adopt such measures and seek the financial support of the European Refugee and the European Return Fund rather than mainly targeting the External Border fund's assistance.
- **Open/ semi-open accommodations/First Reception:** A combination of first reception/screening and open or semi-open centres appears to offer equivalent or actually better value for money, is in line with national and European law, and certainly is more appropriate than detention for asylum-seekers and vulnerable categories of irregular migrants.
- **Distribution of funding towards voluntary returns and assisted voluntary returns:** There is space for distribution of funding in the context of voluntary returns, which may achieve more cost-effective results both in terms of time-frame (realization), available budget and sustainability. In view of the Greek crisis and the difficulty in finding employment in Greece, migrants may be more willing to make use of this option.
- **Expansion of return counseling programs:** Information about return programs should be wider disseminated. Studies show that specific categories of persons (e.g. Families with children) are more likely to agree to return to their home countries.
- **Seasonal work agreements:** The Greek authorities may consider not only the option of bilateral agreements to secure the readmission, but also bilateral agreements of seasonal work. Greece has significant experience with such successful agreements with Egypt, Bulgaria and Albania.

## ANNEXES

**Table 1. Success rate of “Return Decision”**

Year	Apprehensions	‘Return Decisions’ issued	Returns Executed	Success Rate
2008	146,337	90,853	22,703	25%
2009	126,145	77,005	21,655	28%
2010	132,524	98,201	19,100	19.4%
2011	99,368	97,338	13,253	13.6%
2012	76,878	85,163	20,473	24%
2013	43,002	42,851	16,490	38%
<b>Total</b>	<b>624,254</b>	<b>491,411</b>	<b>113,674</b>	<b>24.5%</b>

**Figure 1. Readmissions v. Forced Expulsions 2008-2013**



**Table 2. Expulsions- Executed Returns 2008-2013**

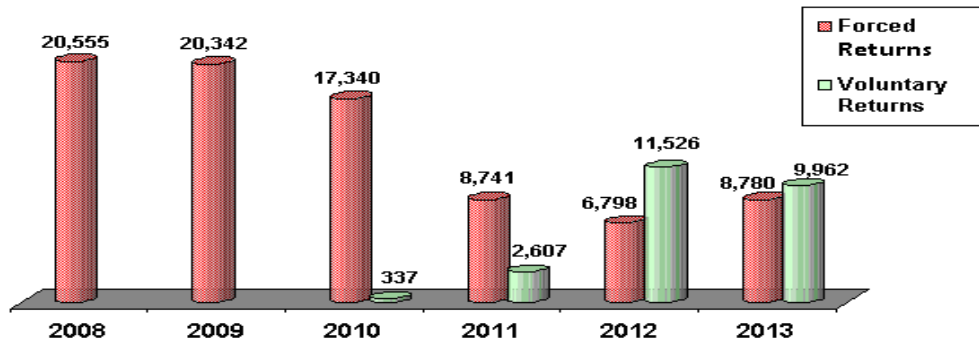
Year	Apprehensions	Executed returns	Actual returns v. Annual Apprehensions
<b>2008</b>	146,337	22,703	15.5%
<b>2009</b>	126,145	21,655	17%
<b>2010</b>	132,524	19,100	14.4%
<b>2011</b>	99,368	13,253	13%
<b>2012</b>	76,878	20,473	26.6%
<b>2013</b>	43,002	16,490	38%
<b>Total</b>	<b>624,254</b>	<b>113,674</b>	<b>20.7%</b>

**Table 3. Apprehensions- Return Decisions- Returns -Readmission 2008-2013**

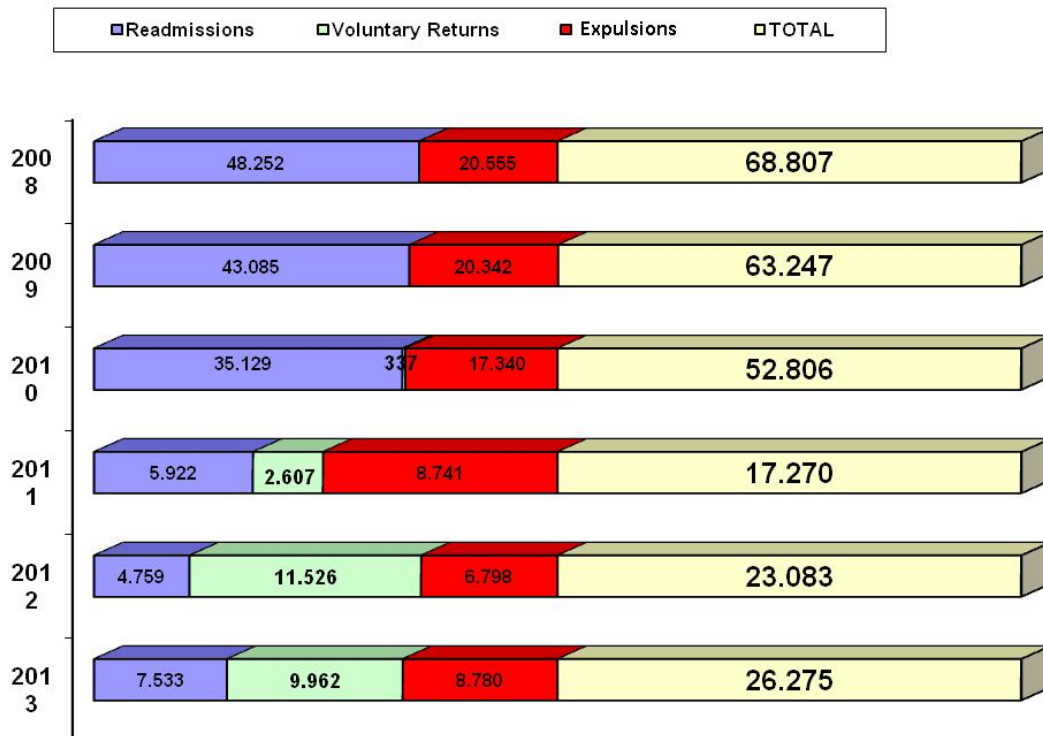
Year	Apprehensions	'Return Decisions issued	Returns executed	Readmissions
<b>2008</b>	146,337	90,853	22,703	48,252
<b>2009</b>	126,145	77,005	21,655	43,085
<b>2010</b>	132,524	98,201	19,100	35,129
<b>2011</b>	99,368	97,338	13,253	5,922
<b>2012</b>	76,878	85,163	20,473	4,759
<b>2013</b>	<b>43,002</b>	<b>42,851</b>	16,490	<b>7,533</b>



**Figure 2. Forced returns (Expulsions) v. voluntary returns**



**Figure 3. Readmissions- Voluntary Returns- Executed Expulsions**



**Table 6. Capacity Pre-Removal Centres- Actual Number of Detainees**

Facility	2012	2013	Total
Amygdaleza	2,348	3,742	6,090
Komotini	1,017	1,506	2,523
Xanthi	609	731	1,340
Paranesti	311	686	997
Corinth	1,195	1,432	2627
Fylakio	23,266	502	23,768
<b>TOTAL</b>	<b>28,746</b>	<b>8,599</b>	<b>37,345</b>

**Table 7. Special Holding Facilities- Actual Number of Detainees**

Facility	2008	2009	2010	2011	2012	2013	Total
P.Ralli	7669	6223	5880	5570	6680	4781	36,803
Amygdaleza Minors	859	750	572	311	336	244	3,072
Aspropyrgos	2592	2053	2386	1320	1503	304	10,158
Elliniko- Palaia	---	---	1703	557	593	37	2,890
Elliniko- Nea	2183	1578	1919	942	1250	956	8,828
Peiraius	804	790	602	59	---	---	2,255
Amarousio	350	571	497	398	340	434	2,590
<b>TOTAL</b>	<b>14,817</b>	<b>11,965</b>	<b>13,559</b>	<b>9,157</b>	<b>10,702</b>	<b>6,756</b>	<b>66,956</b>

**Table 8. Programmed Costs of Pre-Removal Centres under revised National Action Plan 2013**

Facility	Construction Costs	Running costs per year
Amygdaleza	3,000,000	10,500,000
Corinth	2,100,000	10,500,000
Ritsona	4,600,000	4,200,000
Karoti	4,600,000	3,800,000
Komotini	1,800,000	3,800,000
Xanthi	1,000,000	3,400,000
Paranesti	5,800,000	6,800,000
Western Macedonia	10,000,000	11,400,000
Mytilene	5,700,000	3,400,000
<b>TOTAL</b>	<b>38,600,000</b>	<b>57,800,000</b>