

**Implementation of the Greek National Action Plan on Migration Management and Asylum Reform ("the Greek Action Plan") and border management issues  
Progress Report – March 2012**

## **BACKGROUND**

With a view to assessing progress made in the implementation of the Greek Action Plan as well as on issues of border management and return, the Commission organised a technical mission to Greece which took place between 14 and 17 February 2012. In order to ensure a holistic approach and cover all different issues, participants in the mission represented all concerned stakeholders: Commission Services, Task Force for Greece, UNHCR, IOM, FRONTEX and EASO.

The mission comprised meetings with relevant services of the Greek administration, visits to the most affected areas in Evros and meetings with local NGOs.

The present report from the Commission services assesses progress made since the presentation of the first report to the Council of 27 October 2011. It presents the current state of play in the different areas of concern and addresses recommendations to relevant stakeholders.

The Commission also wishes to reiterate its full commitment to support Greece efforts to reform its asylum and migration policies and to manage effectively its external borders.

### **State of play: general assessment**

The Greek authorities confirmed their political commitment to re-construct their asylum and migration policies. Some progress has been noted, though this varies according to the different areas. The appointment of the head of the new independent asylum service, and the renting of new premises are positive developments; however, staffing issues remain problematic and hamper the service's operability. The Greek authorities are now considering alternative solutions in order to overcome administrative constraints on recruitment (also stemming from the fiscal consolidation plan agreed with the Troika). Cooperation with UNHCR continues to be fruitful and constructive. Although recognition rates at second instance, following the establishment of appeal committees, has increased in 2011 (approximately 12 %) compared to previous years, it remains extremely low at first instance (ranging from 1 to 6 %, including nationalities from war regions). EASO continues to support Greece on the ground through the appointment of national experts. A national expert is also currently hosted in the offices of the Greek Asylum Service to ensure closer collaboration.

The new Director of the Initial Reception Service has been appointed, but also here there are serious difficulties in the recruitment of the necessary staff.

Some progress has been noted in the implementation of the Schengen Action Plan, both from the capacity building, staffing and technical equipment point of view. The recent appointment of the National Coordinator responsible for border management should result in a better coordination of activities but his mandate and the extent of his powers need to be clarified.

Good progress has been made in the field of returns, both voluntary and forced. It is important to ensure sustainability of activities by continuing building capacity and ensuring appropriate allocation of means.

The humanitarian situation in the Evros region, and in particular the conditions in the detention centres and facilities, remains the most serious issue of concern; while some limited progress has taken place, more should be done to address basic needs and quickly implement plans to improve conditions.

Reception capacity, both in open centres and detention facilities, is still far too limited in order to ensure implementation of policies in compliance with EU standards.

The Commission considers that it is important to devise a strategy to alleviate the pressure in the Evros region including the construction of extra capacity in order to transfer migrants and asylum seekers to accommodation centres in other regions.

## **ISSUES OF CONCERN**

### ***I. Cross-cutting issues***

#### *- Needs assessment*

The Commission considers that in order to devise a well targeted and consistent strategy, it is essential to have a good and comprehensive analysis of the needs on the ground, at all levels, from capacity, to training, to equipment, and in all areas of asylum, migration, border management and return policies. It would also be useful to have a clear picture of the available resources which could help address those needs (e.g. existing facilities to address reception shortcomings). It appears that efforts in this regard have been made in a fragmented way, but a conclusive evaluation cannot be derived as there is no clear and complete assessment. It is also to be noted that local authorities are not systematically involved in this exercise; in addition they lack margin of action to intervene or directly mobilise resources. The Commission considers that the implication of local authorities and population could be instrumental in identifying the best suited solutions, in having quicker responses and in building acceptance with local population.

#### *Recommendations*

- The Commission invites the Greek authorities to strengthen their efforts to establish a comprehensive and systematic identification of needs at all levels, as well as of available resources.
- More efforts should be made to ensure the involvement of regional authorities and municipalities in the assessment of the specific needs and in devising efforts to address these concerns.
- The Commission considers that local authorities and actors could have a more prominent role to take action to address immediate needs.

#### *- Staffing Issues*

Appropriate staffing of services remains one of the main obstacles to the proper implementation of the Action Plan. This is the result of several factors: current block on recruiting in order to meet EU imposed fiscal consolidation rules; inefficient and slow recruiting procedures; inflexible labour market which does not allow for temporary contracts; current restructuring of public administration which hampers mobility within services. The new Asylum service has only managed to recruit 11 persons out of the 700 planned. There are plans to address these issues: better information campaign; open competitions (no deadline for expressing interest); outsourcing of certain administrative functions. The Commission considers crucial to establish a sufficient administrative structure, therefore these measures

must be implemented as a matter of priority and will need to be complemented by additional ones.

#### *Recommendations*

- The Commission encourages the Greek authorities to pursue their efforts to explore possible solutions to provide adequate staffing of services.
- Outsourcing of activities which do not involve exercise of public authority and more flexible use of temporary contracts should be pursued as much as possible.

#### *- Simplification of national legal and administrative framework*

National administrative procedures are too heavy and impede the smooth implementation of projects co-financed under the four Funds of the General Programme 'Solidarity and Management of Migration Flows (SOLID funds). In particular, the current national financial procedures impede the rapid disbursement of funds to the implementing organisations while procurement process is affected by lengthy preparatory procedures and insufficient administrative capacity of beneficiary authorities. The procedure of earmarking credits in the Greek "National Investment Programme" also creates obstacles in the timely implementation of relevant actions. Finally, national procedures are often too lengthy and result in the disruption of actions that could continue being co-financed under the SOLID funds.

All these problems seriously impede the smooth and timely implementation of projects co-financed under the SOLID Funds and result in under-spending. The Commission is also concerned about recent discussions at national level to transfer the responsibility for the implementation of European Refugee Fund to another Ministry, and the possible operational implications this may have. The situation should be clarified as soon as possible so that co-funded actions are not delayed or disrupted.

#### *Recommendations*

- The Commission encourages the Greek authorities to revise the current financial procedures, in order to improve budget liquidity of the Greek bodies implementing the SOLID Funds and notably by allowing direct use by these bodies of the 50% cash-flow co-financing provided by the Commission for each annual programme instead of retaining these funds at the central level of the Ministry of Finance.
- The Commission also highlights the need to improve the preparation and implementation of procurement process by reviewing its preparatory stages (simplifying internal procedures, workflows, advanced planning, etc.) and reinforcing the administrative capacity of services involved. The Commission considers that an arrangement should be put in place as soon as possible in order to facilitate and streamline the lengthy procedure involving credit earmarking.

## ***II. Humanitarian situation in detention facilities in the Evros region: provision of basic needs and services***

The Commission visited the detention facilities in the police stations of Tycherio, Ferres and Soufli, as well as the detention centre in Fylakio and had the opportunity to discuss with police officers, NGOs working in the field and detainees.

As regards the accommodation capacity of the visited facilities, the living conditions have improved since the last visit of the Commission in December 2011. There is no overcrowding in detention facilities, minors are detained separately from adults and women from men and

access to open air spaces is provided more regularly. However, these positive developments are mainly because fewer persons are detained because of changes in detention practices (certain nationalities that cannot be returned are released). There has been no strategic planning or systematic interventions with a view to alleviating the situation.

Existing facilities have not been sufficiently upgraded to ensure decent reception conditions including appropriate hygiene, adequate nutrition, access to medication, bedding materials and heating. Serious efforts will need to be made to explore the ways on how these deficiencies could be better addressed, also with financial assistance under the SOLID Funds.

Access to information concerning the rights of detainees is also problematic; the relevant information leaflet is not provided to everyone while the number of interpreters is insufficient to cover all needs and languages. Moreover, these facilities are not equipped with working spaces that would allow service providers to carry out their tasks appropriately; the added value of their support is thus hampered. Finally, the police force remains the main body responsible for addressing the majority of the humanitarian needs and emergencies in the detention facilities. Police staff is often asked to work far beyond their regular duties, which results in frustration and tensions with detainees.

#### *Recommendations*

- There is a clear need to adopt an emergency plan for Evros. The plan should include a mapping of needs and available resources, and identify possible actors for the implementation of targeted measures.
- A coordinator (project manager) for Evros should be appointed with responsibility for coordinating relevant activities and monitoring progress in the region.
- Urgent action is needed to improve the living conditions in the detention centres and ensure that the necessary services are provided (legal aid, information, interpretation). Upgrading/refurbishments of detention facilities should be made on a systematic and regular basis.
- The possibilities offered under EU funds should be fully used and the necessary administrative and/or legal steps at national level should be taken to avoid under-spending.
- Efforts should continue to increase reception capacities, notably in the short-term (e.g. renting of additional facilities, placing pre-fabricated cells or winterised tents in yards, parking places etc.). This would allow the provision of assistance (medical, psychological etc.) under appropriate conditions and prevent a deterioration of living conditions in case detention numbers increase.
- Until the new screening centre becomes operational, a screening procedure including a referral system for detained migrants should be designed in order to ensure their swift transfer to the appropriate accommodation facilities including outside the Evros region, in line with the law on the screening procedure. This is particularly important for vulnerable persons such as single women and unaccompanied minors and asylum seekers; The Poros centre in the Alexandroupolis region could be used for such purposes. A second centre should be identified for the Orestiada region.
- A rotation system should be foreseen for police staff in the Evros region, to other less-pressured posts in the country.

### **III. Systematic detention of asylum seekers**

The Commission has serious concerns about the current detention practice of the Greek authorities vis-à-vis asylum applicants. Based on the observations of the Commission and reports from organisations and NGOs working in the field, it appears that persons who make an application for asylum in the Evros region are systematically detained. Detention in such cases is applied for the whole period of the examination of the asylum claim. This is not in line with the EU asylum acquis and the developing case-law of the European Court of Human Rights.

Moreover, this policy, combined with inappropriate detention conditions, has a deterrent effect on access to protection and undermines the right to asylum. It seems that in a number of cases, this policy has also led to requests to withdraw asylum applications.

#### *Recommendations*

- Before a detention order is issued, the Greek authorities must carry out an individual examination of the situation of each asylum applicant and only have recourse to detention in exceptional, well justified cases and in appropriate conditions. EU law and fundamental rights must be respected.

### **IV. Access to international protection**

The Commission notes with concern that there has been no significant progress concerning access to the asylum procedure.

Access to asylum procedure in detention areas remains impaired, especially in Evros, despite only a minor increase of registered claims in that region. There is a lack of information concerning the right to apply for international protection. Moreover, as stated above, inappropriate detention conditions and the systematic detention of applicants deter applications. It is also unclear how access to appropriate procedures is ensured for people who express a need for protection during the screening process.

Access is also problematic for non-detained asylum applicants. The Aliens Police Department (Petrou Ralli) which receives the great majority of asylum applications in Greece, continues its policy of registering claims only for a few hours every Saturday, except for vulnerable persons who have access on a daily basis.

#### *Recommendations*

- Proper access to information and legal assistance should be ensured, especially in detention facilities.
- The Commission invites FRONTEX and EASO to increase cooperation in borders areas and to clarify respective roles, in particular as far as screening procedures are concerned and the identification of international protection needs in mixed migration flows.
- During the transitional period, until the new asylum department is operational, regular training of police officers carrying out refugee determination in the first instance procedure must be ensured, with the assistance of EU actors and funding.

### **V. Building accommodation capacities**

There is a recognised need to increase accommodation capacity both in open reception centres and in detention facilities across the country and in particular, as matter of urgency, in Evros.

Some progress has been noted in this regard. The contract for the establishment of the very first screening centre in Evros with capacity of 260 people (in Fylakio, next to the existing detention centre) is expected to be concluded shortly with the deadline for implementation in September 2012.

The negotiation for the purchase of the second facility in Evros is still ongoing (at least for a year). The timeframe for the project implementation is uncertain, but the Commission hopes this will advance quickly as the centre would have a substantial impact on the screening/detention capacity in the region providing 400 extra places. The Commission also welcomes the plan for renting a hotel near Orestiada to host vulnerable groups.

As regards strategic planning, while the Commission takes note of a multiannual plan for establishing screening facilities prepared by the Initial Reception Service, there is no comprehensive long term planning for other categories of accommodation facilities (open centres for asylum seekers and detention facilities for irregular migrants) across the country.

#### *Recommendations*

- The Commission invites the Greek authorities to advance work on the construction of the first screening centre in Fylakio and to accelerate procedures for the purchase and adaptation of the second screening/detention facility in Evros.
- As an interim solution for Evros, the Commission invites Greece to explore the possibilities for increasing the capacity of existing detention facilities by deploying pre-fabricated habitable containers within extended security perimeters. These units can be used for hosting NGOs, psychologists, legal advisers and other services assisting detainees.
- The Commission invites Greece to increase capacity in open accommodation centres across the country, notably to host vulnerable groups.
- The Commission invites Greece to continue with its strategic reflections on the long term national needs as regards accommodation facilities (both open and closed centres). The advanced and realistic planning should take into account available financial resources and evolving migration flows.

### **VII. Borders management**

Plans for the implementation of the Schengen Action Plan are currently developing at a steady pace. As far as better overall coordination is concerned, it is expected that the recently appointed director of the National Coordinating Centre could improve monitoring of the implementation of the plan and consistent and more efficient border management activities; however it is still unclear what his precise mandate will be, as for the time being it seems that his role is of a supervising nature without clear decision making power. As far as land borders are concerned, there is clear progress in setting up the local operation centres which are now connected to the Central Operational Centre for Land Borders which proceeds to analysis of information in order to inform appropriate strategies. On the other hand, it appears that progress towards meeting the requirements for Eurosur is less advanced. Progress can be noted in terms of capacity building, notably in the field of training (both training of border guards and training of trainers), with the assistance of Frontex.

In order to address the heavy migratory pressures, the Greek authorities announced their intention to establish a pool of border guards to be deployed temporarily to the most affected regions, such as Evros (a sort of national RABIT). This expedient would allow for flexible and rapid interventions, and, most importantly, for overcoming staffing constraints and obstacles on redeployment of border guards from less affected regions to Evros. The pool would be formed of trained and experienced border guards who could be immediately operational once deployed.

The mission visited the land border between Greece and Turkey. The newly installed automated surveillance system is working very efficiently and there are plans to cover the whole length of the border in the Orestiada Region. The Commission was also informed of the good progress in operational cooperation with the Turkish authorities in controlling the border. This led in 2011 to the prevention of the irregular crossing into Greek territory of 3.800 persons along the most vulnerable border section near Orestiada.

As far as the implementation of the annual programmes under the External Borders Fund is concerned, many of the actions for purchase of key equipment are delayed. It appeared that there could be added value in involving FRONTEX in the identification of the technical specifications for certain key projects, thus facilitating an efficient launch of the tendering procedures.

#### *Recommendations*

- While acknowledging and encouraging the progress made in the implementation of the Schengen Action Plan, the Commission invites the Greek authorities to continue addressing issues of concern, such as clear central coordination of activities.
- The Commission welcomes progress made in capacity building in the field of training and encourages further efforts in this regard.
- The Commission welcomes the decision to create a national pool of border guards to be quickly deployed to most affected areas, such as Evros and encourages Greece to quickly make the decision operational. At the same time, efforts should continue to address the issue of staffing in the Evros region in a more permanent way.
- The Commission encourages FRONTEX to explore the possibility to expand the capacity and mandate of its Operational Office in Piraeus, so that it could provide further assistance in capacity building activities in the field of border management.
- The Commission invites FRONTEX and the Greek authorities to increase cooperation on the implementation of key projects financed under External Borders Fund, notably as far as the drafting of technical specifications is concerned.

#### **VIII. Return**

The Commission considers that an efficient return policy, in full respect of fundamental rights, is key for the credibility of the asylum and migration system. The Commission therefore welcomes the good progress recently made in the field of return, both voluntary and forced/assisted and the considerable increase in the numbers of those returned.

As far as voluntary returns are concerned, despite delays in implementation, the pilot project run by IOM is already bearing good results (an overall total of around 3400 persons returned should be reached by June). There is considerable untapped potential, as many migrants find themselves stuck in Greece, with no real opportunities for integration and would be interested in the opportunity to go back to their countries of origin. In order to reach these potential

returnees, there is a need to increase outreach activities, build NGOs capacity, and improve programming and financing of activities. It would also be useful to increase presence and build capacity in the Evros region.

As far as forced/assisted returns implemented by the Hellenic Police are concerned, the Attica project, coordinated by Frontex has provided good results: Greece is now able, on top of using commercial flights, to organise two charters flights per month. Screening procedures are efficient and allow for quick and precise identification of nationalities. Training activities have also been fruitful and, according to Frontex, all screening activities in the Evros region could be taken over by the Greek authorities by spring 2012. There is a potential to further increase number of returns: the main obstacles in this respect relate to the lack of detention capacity (in general and at airports), difficulty in obtaining travel documents from third countries, lack of transportation means (from Evros region to Attica), and limited staff. In order to overcome some of these obstacles, the Greek authorities have plans to build a big detention facility in the Attica region and a holding facility at Athens airport and would hope for EU financial support for these projects.

The deployment of specialists co-financed under the Return Fund such as interpreters, social workers and psychologists supporting potential returnees, has been seriously undermined by procedural and administrative delays.

#### *Recommendations*

- The Commission acknowledges the good progress made in the field of forced/assisted returns and invites the Greek authorities to ensure sustainability of activities, notably by providing adequate resources in the longer term.
- The Commission invites Greek authorities to increase efforts for an efficient/timely programming and implementation of projects under the Return Fund. In this respect, the Commission encourages Greece to review and simplify main procedures in order ensure the smooth and uninterrupted implementation of key actions co-financed under the Return Fund. The Commission will provide the necessary support and advice in this respect.
- The Commission invites Greece to further reflect on the strategic use of the increasing allocation under the Return Fund in order to improve return management and to ensure the effective transposition of the Return Directive.
- The Commission welcomes the good cooperation established between the Greek authorities and IOM in the field of voluntary return and invites to further develop AVR programmes, with increased involvement of NGOs.
- The Commission considers it essential to increase capacity outside of the Evros region so as to increase transfers of potential returnees from Evros to other regions of Greece.
- The Commission invites FRONTEX to enhance its support to Greece in the cooperation with third country authorities on acquisition of travel documents.
- The Commission encourages FRONTEX to explore the possibility to expand the capacity and mandate of its Operational Office in Piraeus, so that it could provide further assistance in capacity building activities in the field of return.