



SVR Policy Brief 2021-1

# “No more Morias”?

Origins, challenges and prospects of the hotspots  
on the Greek islands



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## At a glance

- Residents of the refugee camps on the Greek islands have been living in inadequate and insecure conditions for years and camps have been severely overcrowded.
- As a result of the EU-Turkey Statement of 2016, asylum seekers are not allowed to leave the islands until their procedures are completed. The goal of the hotspot approach to ensure swift asylum and return procedures has not been reached.
- Several problems converge in the hotspots: design flaws in the EU-Turkey Statement, an ill-prepared and underresourced reception, asylum and integration system in Greece and, last but not least, the deficiencies of the EU's asylum policy.
- In order to improve the situation in the hotspots, policymakers at national and EU levels must bring about a number of changes. Amongst other things, they must accelerate asylum procedures, create reliable integration prospects in Greece and systematically relocate asylum seekers and refugees to other EU countries.
- The EU's new Pact on Migration and Asylum puts the emphasis on asylum and return procedures at the external borders, akin to the hotspot approach. However, the EU should first draw lessons from the Greek experience and the structural problems underlying the situation on the islands. Otherwise, it risks reproducing the challenges besetting the Greek hotspots.

## Executive summary

The Aegean Islands have long been an important gateway to Europe for refugees and migrants. In 2014 and 2015, arrivals via Turkey increased substantially. In response, the European Commission applied the "hotspot approach" to the islands of Chios, Leros, Lesvos, Kos and Samos. Since then, the European Union (EU) and its agencies have been assisting the Greek authorities in registering and providing first reception to asylum seekers. On 18 March 2016, the EU-Turkey Statement was adopted. Its primary aim was to reduce irregular migration across the Aegean Sea. This also altered the nature of the hotspots: since then, asylum seekers must stay on the islands not only during the reception and registration phase, but for the entire duration of their asylum procedure and, where applicable, until they are returned.

This geographical restriction, combined with lengthy asylum and return procedures, has led to chronic overcrowding in the hotspots. At one time, more than 38,000 asylum seekers were living in the camps. In March 2021, about 12,000 people remained in the hotspots, mainly from Afghanistan and Syria.

However, the existing infrastructure in the hotspots is completely unsuitable and the available resources are far from sufficient to accommodate tens of thousands of asylum seekers for long periods of time, especially since many of them are children and persons with vulnerabilities. There is an additional problem; even when asylum seekers are granted protection status, there are few prospects of obtaining housing and integrating in Greek society in the long term. Many recognised refugees remain stuck on the islands.

To this day, the hotspot approach is largely dysfunctional, although arrival numbers have dropped significantly over the last five years. Given the situation in the hotspots, the COVID-19 pandemic poses a particular risk to the residents. Furthermore, in September 2020, a major fire destroyed the Moria camp on Lesvos. These developments have once again brought the situation on the Greek islands into the focus of European policymakers.

This paper analyses the background to the situation described. It identifies three causal factors that explain the situation in the hotspots: (1) the EU-Tur-



key Statement and its direct and indirect impact on asylum procedures in Greece, (2) ongoing systemic challenges relating to the Greek political system and administration, and (3) the deficiencies of the European asylum system, especially the absence of a relocation mechanism for asylum seekers within Europe. On 23 September 2020, the European Commission launched a new EU Pact on Migration and Asylum. The proposals mirror the hotspot approach as implemented on the Aegean Islands. In future, persons who enter the EU irregularly would undergo their asylum procedures as close as possible to the EU's external borders and, where applicable, would be returned from there. Such a system would continue to apply to the Greek islands. As long as the aforementioned structural problems persist, however, the situation in the hotspots will not improve. First and foremost, humanitarian measures are urgently needed. In addition, national and European policymakers must build capacities for carrying out asylum procedures and providing adequate reception conditions. They should also create mechanisms that

reliably prevent overcrowding in the hotspots. This includes creating integration prospects for recognised refugees on the Greek mainland and the systematic relocation of asylum seekers and refugees to other EU countries.

## 1 The hotspots on the Greek islands: Origin, development and current situation<sup>1</sup>

The hotspot concept dates back to the European Agenda on Migration of spring 2015, according to which the EU provides special support to places which see the arrival of exceptionally large numbers of irregular migrants in a short period of time. In 2015, the European Commission decided to apply the hotspot approach to five Greek islands – Chios, Leros, Lesvos, Kos and Samos.<sup>2</sup> In the same year, more than 800,000 people arrived in Greece by boat from Turkey across the Aegean Sea. Since then, the hotspots on the five islands have served as reception centres for tens of thousands of asylum seekers.<sup>3</sup> In light of the continued high rates of migration, EU member states and the Turkish government adopted the EU-Turkey Statement on 18 March 2016. Its primary aim was to reduce irregular migration from Turkey to Greece.<sup>4</sup> Following the Statement, numerous changes were made in Greek legislation. Among other things, individuals seeking protection who are accommodated in the hotspots are no longer allowed to leave the islands until their asylum procedures have been completed and, where applicable, they are returned.<sup>5</sup> Moreover, the asylum system in Greece has been

split in two, with different rules and procedures for the Aegean Islands and the mainland respectively.

Overcrowding in the hotspots has been a problem from the very beginning (Figure 1; see Dutch Council for Refugees 2016; Neville/Sy/Rigon 2016: 34). Arrivals did decrease significantly after 2015, and the Greek government repeatedly relocated asylum seekers to the mainland. However, these periodic efforts did not suffice to ease the pressure on the islands. In 2018, 29,000 vulnerable individuals were transferred to the mainland – including pregnant women, unaccompanied minors, survivors of torture and people with disabilities or serious illnesses (FRA 2019: 25, 29) – while over 32,000 new arrivals were registered on the islands in the same year (UNHCR 2021). Due to the chronic overcrowding, informal camps have emerged around the hotspots. Here, people live mostly in tents or self-built huts that are unsuitable for the weather and lack access to proper sanitation or other infrastructure. Between 2015 and 2017, Syrians represented the largest group in the hotspots, but over time the population has become more diverse. Currently, most of the residents are from Afghanistan and Syria.<sup>6</sup> Over 20 per cent are women and more than a third are children (UNHCR 2021; 2017; UNHCR Greece 2020a; 2019; IOM 2016).

1 This Policy Brief was supervised by Prof. Dr Petra Bendel and Prof. Dr Daniel Thym, both members of the Expert Council on Integration and Migration (SVR). Responsibility for this publication lies with the scientific staff of the Expert Council. Arguments and conclusions do not necessarily reflect the opinion of the Expert Council. The author would like to thank the representatives of various governmental and non-governmental institutions and organisations who agreed to participate in background interviews. She would also like to thank Yunus Berndt for his support in collecting statistical data. The work on this Policy Brief started in 2020 and was financed by Stiftung Mercator as part of the core funding it provided to the Expert Council's Research Unit.

2 In accordance with the term used in Greek, the hotspots are also sometimes called "Reception and Identification Centres". In some cases, already existing refugee shelters were converted into hotspots; in Moria, for example, a refugee camp had existed since 2012/2013.

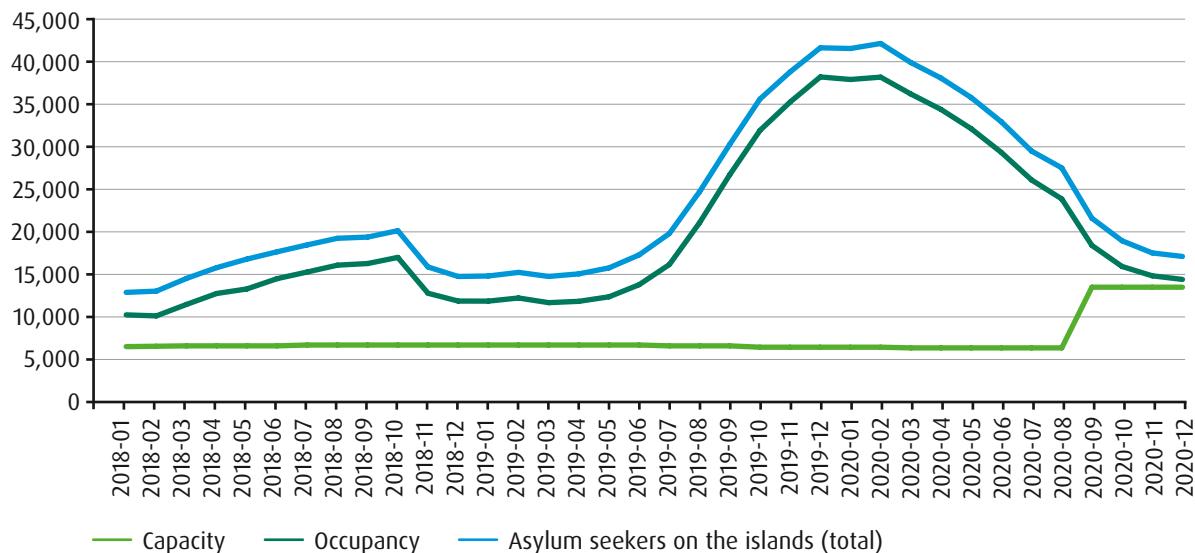
3 Since the vast majority of people arriving on the islands apply for asylum, this paper uses the term asylum seekers. The residents of the hotspots are mostly people who wish to apply for asylum or have already done so and are waiting for a decision. However, for various reasons (which will be explained below), some people who have already been granted protection and could in fact leave the islands continue to live in the hotspots, while other individuals whose asylum claims have been rejected are not being (or cannot be) returned to Turkey or their countries of origin.

4 According to the EU-Turkey Statement, Turkey agreed to take back irregular migrants crossing the Aegean Sea. Furthermore, the so-called 1 : 1 mechanism was set up: for every Syrian refugee returned to Turkey from the Greek islands, the EU was to resettle one Syrian refugee from Turkey in an EU member state (European Council 2016; Chapter 3.1 and Box 1 explain the Statement in more detail).

5 This is the main difference to the hotspots in Italy (the only other country where the hotspot approach is currently being applied). In the Italian hotspots, asylum seekers are only identified and registered before being distributed to other shelters.

6 Among those arriving by sea in 2018, 2019 and 2020, the main countries of origin were Afghanistan, Syria, the Palestinian Territories, Iraq and the Democratic Republic of Congo (UNHCR 2021; IOM DTM 2020: 18).

**Figure 1 Capacity and occupancy of the hotspots on the Greek islands (Chios, Leros, Lesvos, Kos and Samos)**



NB: Value at the end of each month. The increase in capacity between August and September 2020 is due to the start of the construction of a temporary camp at Mavrovouni (Kara Tepe) after the fire in Moria.

Source: General Secretariat for Information and Communication 2021

2019 – especially the second half of the year – saw a significant rise in the number of people crossing the Aegean Sea towards Greece, almost 60,000 in total (Table 2 in the appendix). As a result, the occupancy rate of the hotspots peaked; at the end of 2019, more than 38,000 people were living in camps originally designed for around 6,000 (Figure 1). During certain periods, the Moria refugee camp on Lesvos hosted almost 20,000 people in an infrastructure that was intended for no more than 3,000. In Vathy on Samos, over 7,000 people stayed in a camp designed for about 650 people, while the number of residents in Vial on Chios was more than five times its official capacity (General Secretariat for Information and Communication 2021; see AIDA 2020: 154; Papatzani et al. 2020: 29).

In February 2020, the number of people crossing from Turkey to Greece increased sharply, both by sea and at the land border across the Evros River. The Greek government used tear gas against them

and, according to media reports, engaged in illegal pushbacks (Deutsche Welle 2020a; Der Spiegel 2020; Border Violence Monitoring Network 2020).<sup>7</sup> Shortly afterwards, in response to the COVID-19 pandemic, it imposed curfews in the hotspots. In early September 2020, the first COVID-19 cases were reported in Moria camp. On 9 September 2020, Moria was completely destroyed in a major fire. The approximately 12,000 residents were then transferred to Mavrovouni camp, which was hastily set up on the former military site of Kara Tepe. By early 2021, the camp had approximately 7,300 residents (UNHCR Regional Bureau for Europe 2021). According to the Greek government and the European Commission, Mavrovouni is a “temporary” camp (C(2020)8657 final: 2–3; European Commission 2020c; Infomigrants 2020b). However, its residents have now been living in tents for six months, and the UN High Commissioner for Refugees (UNHCR), which is involved in operating the camp, acknowledges that

<sup>7</sup> With mounting evidence of pushbacks and possible complicity or involvement of the European Border and Coast Guard Agency (Frontex), the European Commission launched an investigation into these incidents in November 2020.

living conditions there are problematic (UNHCR Regional Bureau for Europe 2021). As part of a joint pilot project, the European Commission and the Greek government plan to build a new, permanent reception and identification centre for 5,000 people on Lesvos by September 2021 (C(2020)8657 final: 2; see European Commission 2020c; BT-Drs. 19/23940: 7).

In view of the COVID-19 pandemic, several EU member states agreed to admit small numbers of unaccompanied minors, families with children or persons in need of urgent medical treatment from the hotspots. So far, 3,182 persons have been relocated from Greece to thirteen countries (as at 10 March 2021, IOM Greece 2021; for Germany’s participation, see Box 3 in Chapter 3.3). During the course of 2020, the Greek government stepped up the transfer of recognised refugees from the islands to the mainland. Since September, over 6,600 persons have been transferred (BT-Drs. 19/25036: 4); this led to a decrease in the numbers on the islands (Figure 1). Meanwhile, 9,700 people reached the Aegean Islands by sea in the course of 2020 (Table 2 in the appendix) – significantly fewer than expected given the increase in the previous year. Today, there are just over 12,000 asylum seekers in the hotspots on the five islands. Nevertheless, the conditions there remain critical, and the camps on Chios and Samos are still heavily overcrowded (as at 10 March 2021, General Secretariat for Information and Communication 2021).

## 2 Hotspots: “Europe’s disgrace” or centrepiece of a new EU asylum policy?

### 2.1 Track record of the Greek hotspots 2015–2020

The situation in the Greek hotspots raises (1) humanitarian and human rights issues, (2) questions relating to access to asylum and (3) political tensions.

(1) European and national institutions, civil society and international organisations and media have been reporting on the untenable humanitarian conditions for many years (see UNHCR 2020; Council of Europe 2019; FRA 2018: 2; 2019; ECA 2019: 15; Dutch Council for Refugees 2016; Neville/Sy/Rigon 2016: 19).<sup>8</sup> In several reports to the German Foreign Office, the German embassy in Athens also referred to the “unacceptable conditions” on the islands.<sup>9</sup> People seeking protection spend many months, even years,<sup>10</sup> in inadequate dwellings, sometimes exposed to the elements, without adequate water supply and sanitary facilities. Coupled with the constant overcrowding (see Chapter 1), this leads to unhygienic conditions that promote the outbreak of diseases. Against this backdrop, the COVID-19 pandemic poses a particular risk for the residents of the hotspots. People with pre-existing physical or mental illnesses, trauma

<sup>8</sup> In its judgment No. 22696/16 of 25 January 2018, *J. R. et al. v. Greece*, the European Court of Human Rights (ECHR) ruled, *inter alia*, that the conditions in the hotspot – in the specific case: Vial on Chios – in 2016 did not constitute inhuman or degrading treatment under Article 3 (see Thym 2020b: 8). In 2019 and 2020, the ECHR ordered interim measures in several cases. Specifically, these were to evacuate a group of unaccompanied minors from the hotspot in Samos and, in the case of three vulnerable persons, to ensure medical care and adequate and safe accommodation (see AIDA 2020: 160).

<sup>9</sup> See *Lageübersicht Flucht und Migration Griechenland*, reports by the German Embassy in Athens between July 2019 and October 2020, published via FragDenStaat/Open Knowledge Foundation Deutschland e. V. (<https://fragdenstaat.de/dokumente/7949/>, 15 January 2021).

<sup>10</sup> Comprehensive statistics on the average or minimum/maximum length of stay in the hotspots are not available (see AIDA 2020: 154). There are also no up-to-date statistics on the duration of procedures. In 2019, the average length of the fast-track border procedure up to a first-instance decision on the islands was more than seven months (AIDA 2020: 93). This may be followed by an appeals procedure, which took just under six months in 2018 (ECA 2019: 48). Even after the conclusion of the procedures, individuals are not automatically transferred to other accommodation (e.g. to the mainland or to return centres). The length of procedure or stay varies greatly, also because the Greek authorities prioritise groups differently. Since 2020, for example, priority has been given to persons who arrived in 2020, while persons who arrived earlier sometimes have to wait a long time for their hearing. The EU Fundamental Rights Agency (FRA), using statistics from the UN High Commissioner for Refugees (UNHCR), calculated that at the beginning of 2019 there were asylum seekers on the islands who had arrived in 2016 (224 people) or 2017 (628 people) (FRA 2019: 24). It is unclear how many of these people were living in the hotspots themselves and how many had been placed in alternative accommodation on the islands. Such accommodation is provided, for example, by UNHCR, albeit on an extremely limited scale.

or disabilities do not have access to appropriate living conditions or specialised support. Vulnerable groups in particular face high risks in the hotspots, and violent incidents – including sexual violence against women and children – are a regular occurrence (see IRC 2020: 20; Papatzani et al. 2020: 32). For several years now, humanitarian organisations have been documenting the consequences of the psychological stress experienced by the residents of the hotspots, which go as far as self-harm and suicidal tendencies among children (see IRC 2020; MSF 2018). More than a third of the hotspot residents are children; they have virtually no access to education. Only about six per cent attend a state school, while informal education provided by non-governmental organisations reaches about 28 per cent (Hernández 2020).

(2) The hotspots have not facilitated fast and reliable asylum procedures, nor have they achieved efficient returns as originally envisaged – although Greece has introduced a fast-track border procedure and the EU-Turkey Statement provides for a return mechanism (see Chapters 3.1 and 3.2). Border procedures with shorter deadlines and limited legal guarantees may well be compatible with human rights and rule of law standards (see Thym 2020b: 7–8). However, in the Greek case in particular, their implementation has proved problematic as the chaotic conditions on the Greek islands undermine the fairness of the procedures and make access to protection more difficult (see Chapter 3.2; see Thym 2020b: 8; Hänsel/Kasperek 2020: 18; SVR 2019: 82; FRA 2019: 22–26; Guild/

Costello/Moreno-Lax 2017: 50; Ziebritzki/Nestler 2017: 32).<sup>11</sup>

(3) The situation in the hotspots has far-reaching implications. It undermines the rule of law and political credibility, both within Europe and vis-à-vis third countries. The EU Fundamental Rights Agency (FRA) considers the hotspot approach as implemented in Greece an “almost insurmountable” challenge to European fundamental rights (FRA 2019: 7). In terms of its foreign relations, the EU-Turkey Statement has made the EU dependent on Turkey; when irregular border crossings increased in February 2020, the Turkish government declared quite openly that it had deliberately allowed them (see SWD(2020)355 final: 17, 47; New York Times 2020; BT-Drs. 19/19647: 7; Adar et al. 2020: 3; Hänsel/Kasperek 2020: 12; Hernández 2020; Malkoutzis 2020). In doing so, Turkey put political pressure on the EU to continue its financial support to help provide for the almost 4 million refugees living in Turkey. Within the EU, the Greek hotspots have hardly helped to strengthen confidence in European solidarity – in the sense of a fair distribution of asylum seekers – and in a common asylum system, at least from the perspective of the states at the EU’s southern border.<sup>12</sup> Since neither relocation to the rest of the EU nor returns to Turkey or other countries of origin are taking place at a sufficient scale, Greece is increasingly resorting to questionable or outright illegal means to stem arrivals, such as suspending asylum procedures in March 2020 and carrying out pushbacks at the border.<sup>13</sup>

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- 11 For example, an analysis of border procedures used in various European countries found that recognition rates are significantly lower than those yielded by regular procedures (EASO 2019: 61–62). Another study found that border procedures applied by EU member states under Article 43 of the Asylum Procedures Directive (2013/32/EU) did not make procedures more effective and efficient. They also jeopardised fundamental rights and procedural guarantees (European Parliamentary Research Service 2020: 21–33).
- 12 This can be seen, for example, in how some northern Mediterranean countries are responding to the proposals in the EU Pact on Migration and Asylum (Infomigrants 2020a), and in their proposals for reform of the Common European Asylum System, which emphasise the need for a mandatory relocation mechanism (Statewatch 2020).
- 13 In September 2020, the Greek Minister of Shipping Giannis Plakiotakis told the press that since the beginning of the year Greek authorities had prevented the arrival of 10,000 people (AP News 2020). In a hearing in front of the European Parliament’s Committee on Civil Liberties, Justice and Home Affairs on 06 July 2020, the Minister of Migration and Asylum Notis Mitarachi referred to increased surveillance by the coast guard and “early detention of migrant boats prior to their entry into EU waters to prevent an unauthorized border crossing” ([https://multimedia.europarl.europa.eu/en/libe-committee-meeting\\_20200706-1645-COMMITTEE-LIBE\\_vd](https://multimedia.europarl.europa.eu/en/libe-committee-meeting_20200706-1645-COMMITTEE-LIBE_vd), from 17:03:44, 09 December 2020). See also Der Spiegel 2020.

The European Commission has not defined clear objectives for the hotspots, nor is there a dedicated legal framework regulating their operation.<sup>14</sup> Instead, details of their functioning were set out in an informal written explanation (European Commission 2015; see Neville/Sy/Rigon 2016: 28–31). In the hotspots, the member state concerned receives the support of EU agencies, primarily the European Border and Coast Guard Agency (Frontex), the European Asylum Support Office (EASO) and the European Law Enforcement Agency (Europol). Their role is to help identify and register asylum seekers, carry out swift asylum procedures and return those not entitled to protection to their countries of origin or to safe third countries. In addition, they collect information that may help to combat migrant smuggling and prevent irregular migration.<sup>15</sup> However, the hotspots are not intended to substitute the national infrastructure. In its explanatory note, the Commission points out that the hotspot approach does not provide reception facilities, but relies on existing and effective structures (European Commission 2015: 5). The successful implementation of the hotspots therefore presupposes that there are functioning facilities for reception and return at the national level. However, in Greece, such structures were not and are not available to a sufficient degree (see Chapter 3.2; see Guild/Costello/Moreno-Lax 2017: 51).

## 2.2 Hotspots reloaded?

On 23 September 2020, the European Commission presented a new Pact on Migration and Asylum. In its proposal for a common procedure for international protection the Commission envisages a “pre-entry screening” on the one hand and asylum and return procedures at or near the border on the other (COM(2020)611 final). According to the propos-

als, these are to become central components of a reformed European asylum system. The screening would concern identification and registration; in addition, asylum seekers would be channelled into the appropriate procedure. An accelerated border procedure would then apply to a defined group of applicants. The accelerated procedure would take place near the border and would guarantee an examination of each individual case, while observing short deadlines (normally to be completed within twelve weeks). In case the asylum claim is rejected, the person concerned would be returned within a further twelve weeks (COM(2020)611 final: 14, 16, 22, 28–29). The proposals thus resemble the Greek hotspots in that facilities would be created at the external border where screening, an asylum procedure and, where applicable, a return procedure would take place. EU agencies would also support such future border facilities. Compared to the current obligation on asylum seekers in the Greek hotspots to remain on the islands (see Chapter 3.1), the Commission’s proposals go one step further: an asylum application as part of the border procedure would not imply legal entry into the EU. The experience with the Greek hotspots so far, however, raises doubts whether the Commission’s expectations of border facilities can be fulfilled.

Nonetheless, in one respect, the hotspots have achieved their – albeit unofficial – goal: they retain asylum seekers at Europe’s external border and prevent (or impede) irregular secondary movements to other member states. For a long time, such secondary movements were the rule for asylum seekers arriving in Greece – they functioned as an unofficial “substitute” for a formal relocation mechanism within the EU (see Chapter 3.3; see Ineli-Ciger/Ulusoy 2020; ECRE 2020). In addition to the thorny question of relocation, two issues dominate the discussions among EU mem-

<sup>14</sup> A legal definition of the hotspots is found in Frontex Regulation (EU) 2016/1624, Article 2(10), which has since been superseded by Regulation (EU) 2019/1896, Article 2(23).

<sup>15</sup> To what extent access to asylum on the one hand and border control and returns on the other hand are objectives of equal importance is unclear. In terms of staffing, Frontex has had a stronger presence in the Greek hotspots than EASO from the very beginning. In May 2016, for example, Frontex had 539 staff deployed in the five hotspots compared to 64 EASO staff or seconded national experts and 60 EASO interpreters (Neville/Sy/Rigon 2016: 35; see ECA 2019: 16; Guild/Costello/Moreno-Lax 2017: 59; see also Chapter 3.3). In later reports, the Commission also emphasised that fast asylum procedures are primarily intended to strengthen returns: “Accelerated asylum procedures are indispensable for increasing the pace of returns to Turkey” (COM(2018)250 final: 7).

ber states on the reform of the migration and asylum system: how to prevent “pull factors” for (irregular) migration to Europe on the one hand and secondary movements within the EU on the other hand (see Malkoutzis 2020; ECRE 2020; SVR 2017: 39–40). Against this background, the adverse conditions in the hotspots are often seen as part of a deterrence tactic on the part of the EU (see Adar et al. 2020: 5; Malkoutzis 2020; ECRE 2020; European Stability Initiative 2020b; Ziebritzki/Nestler 2017: 5).

### 3 Why are the hotspots failing? Three explanations

As debates continue over the future of European asylum policy – not least in the context of the new Pact on Migration and Asylum – the question arises as to what lessons can be learned from the experience in the Greek hotspots. Are their problems structural in nature? Or is it a question of implementation, i.e. could the difficulties be resolved through improved planning and more effective processes, through more resources or a better use of existing resources? In other words, are the hotspots a problem in and of themselves or is the problem the way the approach is put into practice in Greece? To this end, the Policy Brief highlights the key factors that underlie the situation in the hotspots that has been described above and that hinder its resolution in the short and the long term.

#### 3.1 The EU-Turkey Statement: The turning point in the hotspot approach

On 18 March 2016, the EU-Turkey Statement was adopted and subsequently issued as a press release of the European Council (Box 1).<sup>16</sup> It was the result of negotiations between Turkey and the members of the European Council, i.e. representatives of the member states. The Statement is primarily a political instrument and therefore legally ambiguous. However, it prompted changes in Greek legislation that had real implications for access to protection. In particular, the Statement altered the nature of the hotspots (see Hänsel/Kasperek 2020: 11; Leivaditi et al. 2020: 15–16; ECA 2019: 46; Dutch Council for Refugees 2016: 35; Neville/Sy/Rigon 2016: 23; Antonakaki/Kasperek/Maniatis 2016: 5). The Greek hotspots – similar to the Italian model – were initially open registration centres. Following the EU-Turkey Statement, the “way-stations” turned into sites where the entire asylum process takes place. Asylum seekers arriving on the islands are subject to a geographical restriction with far-reaching consequences. They are obliged to stay on the islands (which in nearly all cases means: in the hotspots) until the conclusion of their asylum procedure and, where applicable, until they are returned.<sup>17</sup>

##### *Fast-track border procedure and admissibility check for asylum claims by Syrians*

The admissibility check is the second key element besides the geographical restriction that emerged from the EU-Turkey Statement. The question of whether or

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- 16 The Statement is often incorrectly referred to as an “agreement”, although it does not formally have the status of an intergovernmental treaty. Its legal value is disputed (see Ineli-Ciger/Ulusoy 2020; SVR 2017: 54; Ziebritzki/Nestler 2017: 13–17). The General Court of the European Union did not consider itself competent on matters relating to the EU-Turkey Statement on the grounds that no EU institution was involved in the negotiation. Therefore, the Statement was not a document of the EU, but a Statement of the representatives of the member states and Turkey (orders of the General Court of 28 February 2017 in cases T-197 and T-197). 2017 in cases T-192/16 (NF v European Council), Order ECLI:EU:T:2017:128; T-193/16 (NG v European Council), Order ECLI:EU:T:2017:129 and T-257/16 (NM v European Council), Order ECLI:EU:T:2017:130; see AIDA 2020: 127; Ziebritzki/Nestler 2017: 13).
- 17 Neither the EU-Turkey Statement itself nor the subsequent exchange of letters between the European Commission, the Permanent Delegation of Turkey to the EU and the government of Greece mention such a restriction on the freedom of movement. The geographical restriction to the islands arose because the Greek government understood the EU-Turkey Statement to mean that only persons arriving irregularly on the islands (but not persons who are on the mainland) can be returned to Turkey. It was introduced by an administrative decision (AIDA 2020: 145), which has been renewed annually since then. The Greek Asylum Law of 2016 (4375/2016) had created the possibility to restrict the movement of asylum seekers. The fact that the Greek hotspots are located on the Aegean Islands is not insignificant here; on the mainland, such a restriction of the freedom of movement would presumably be harder to enforce.

## Box 1 The EU-Turkey Statement of 18 March 2016: Main points

- All irregular migrants who arrive on the Greek islands after 20 March 2016 will be returned to Turkey. All international standards must be respected, including the principle of non-refoulement and the ban on collective expulsions.
- All newly arrived migrants are registered in Greece. Greece receives any asylum applications and processes them in accordance with the EU Asylum Procedures Directive.
- Persons who do not apply for asylum or who are not granted asylum after their application has been examined are returned to Turkey. The same applies to persons whose application is deemed inadmissible.
- For every Syrian returned from the Greek islands to Turkey, another Syrian refugee living in Turkey will be resettled to the EU ("1 : 1 mechanism").
- Turkey takes all necessary measures to prevent new illegal [sic] migration routes from Turkey to the EU.
- When irregular migration between Turkey and the EU has decreased substantially and sustainably, a voluntary humanitarian admission scheme will be established, in which EU member states will participate on a voluntary basis.
- Visa liberalisation for Turkish citizens will enter into force by the end of June 2016 at the latest, provided that Turkey has met all agreed benchmarks.
- The EU accelerates the disbursement of funds (amounting to 3 billion Euros) agreed for the "Facility for Refugees in Turkey".<sup>18</sup>
- The EU and Turkey reaffirm their commitment to pursue negotiations on Turkey's accession to the EU.

Source: European Council 2016; Summary: SVR

not an asylum application is considered admissible is directly related to the safe third country concept. It appears in general terms in the Statement itself (Box 1) and is then elaborated in an exchange of letters between the European Commission, the Permanent Delegation of Turkey to the EU and the government of Greece between April and July 2016. According to the Asylum Procedures Directive (2013/32/EU), the determining authority may find an application inadmissible if the person concerned has stayed in a safe third country en route to the EU (Article 33(2)(b) or (2)(c); Article 35; Article 38; see Leivaditi et al. 2020: 45). In the exchange of letters, the Commission suggests that Greece may consider applications inadmissible if Turkey is to be considered a safe third country for the person concerned; admissibility is thus to be decided on a case-by-case basis. The Commission further explains that the connection that must exist between a person and the third country in accordance with Article 38(2) of the Directive is also given if the per-

son has only transited through Turkey (COM(2016)166 final: 3). Furthermore, the Commission states that Turkey meets all legal and other requirements to be considered a safe third country. The concept of safe third country was not previously included in Greek jurisprudence. In 2016, it was introduced by law; in 2017, the Greek Council of State confirmed that Turkey can be considered a safe third country in relation to Syrians (Council of State (2347/2017) of 22 September 2017; see Leivaditi et al. 2020: 45; Tsiliou 2018; Dutch Council for Refugees 2016: 39).

Since the EU-Turkey Statement, Syrians and other asylum seekers from countries with high recognition rates arriving on the islands must first undergo an admissibility check before their asylum claim is examined. This does not apply to persons classified as vulnerable or those with family links to another EU member state (AIDA 2020: 128, 131). In these cases, there is no admissibility check and the applications are transferred to the regular asylum procedure or

<sup>18</sup> Later, an additional 3 billion Euros were agreed (European Commission 2018: 2).

enter the Dublin procedure for family cases. Applications by Syrians are almost always rejected as inadmissible as the Greek authorities assume that they are not at risk of persecution in Turkey. Decisions are made solely on the basis of nationality and the existence of a connection to Turkey, i.e. that the person has lived there or even just travelled through. Non-governmental organisations object that in practice the individual case is not substantially examined; the wording of the inadmissibility decisions is largely identical (AIDA 2020: 21, 128–129; RSA/Stiftung PRO ASYL 2020: 8). Moreover, the admissibility check disregards recent internal and foreign policy developments in Turkey, such as indications that Turkey is deporting Syrian refugees to Syria (Adar et al. 2020: 3; Hänsel/Kasperek 2020: 14).

The EU-Turkey Statement has thus led to a split in the Greek asylum system, with different rules in force on the Aegean Islands than in the rest of the country (Box 2 in Chapter 3.2). In addition to the geographical restriction, asylum applications are “presorted” according to country of origin and recognition rates and an admissibility check is carried out for certain groups. The fast-track border procedure that applies to asylum claims on the islands implies shortened deadlines and reduced legal guarantees compared to the regular asylum procedure (AIDA 2020: 19; Leivaditi et al. 2020: 44). Introduced originally as a temporary exception, the fast-track border procedure still affects a large proportion of asylum applications today. In 2019, over 51 per cent (39,505) of all applications made in Greece (77,287) were initially examined under the fast-track border procedure. However, just over half of these were then diverted to the regular procedure either because of vulnerabilities (18,849 cases) or family links to other EU countries (1,432 Dublin cases) (AIDA 2020: 53, 88). The new Greek asylum law of 2019 is likely to have heightened the trend in favour of the fast-track border procedure (data is not yet available) as it has restricted exceptions based on vulnerability, among other things (Box 2 in Chapter 3.2).

#### *Results of the EU-Turkey Statement*

As the statistics show, irregular migration across the Aegean decreased significantly and permanently immediately after the Statement and in subsequent years (Table 2 in the appendix). However, this can only partly be attributed to more robust border controls by the Turkish authorities. At the same time, living conditions for Syrian refugees in Turkey improved, while the Western Balkan route came to a standstill. These reasons have most probably also contributed to reducing arrivals via the Greek islands (see Ineli-Ciger/Ulusoy 2020; Adar et al. 2020: 5; SVR 2019: 82). The 6 billion Euros in funding for Turkey have largely been disbursed or spent. International humanitarian organisations operating in Turkey were the main recipients, while about 1.5 billion Euros went to Turkish authorities (Adar et al. 2020: 5).

Returns to Turkey<sup>19</sup> and the “1 : 1 mechanism”, as envisaged by the Statement, show mixed results; since 2016, just over 2,100 people of different nationalities have been returned to Turkey under the Statement (Table 3 in the appendix; Ministry of Interior of Turkey 2021). The poor record can be explained partly by the lengthy procedures in Greece (see Chapter 3.2) and partly by Turkey’s refusal to accept potential returnees (see Hänsel/Kasperek 2020: 13; COM(2019)481 final: 6; COM(2018)301 final: 7). Thus, there were practically no returns to Turkey that could have offset the arrivals on the islands. At the same time, arrivals continued (albeit at a lower level after 2015) and asylum seekers were required to stay on the islands due to the geographical restriction. This explains the overcrowding of the hotspots in subsequent years.

As regards the “1 : 1 mechanism”, only 412 Syrian refugees have returned to Turkey within the framework of the EU-Turkey Statement since 2016 (Ministry of Interior of Turkey 2021). In the same period, EU member states have resettled nearly 27,000 Syrian refugees from Turkey (European Commission 2020a: 2). Germany accounts for approximately 9,800 of these (Federal Government 2020). The weak record

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<sup>19</sup> In 2017 Turkey suspended its bilateral readmission agreement with Greece. It has also stopped implementing the readmission agreement it concluded with the EU in 2018 with regard to third-country nationals. Thus, the EU-Turkey Statement is currently the only basis for returns from Greece to Turkey. In spring 2020, due to the COVID-19 pandemic, returns under the Statement were also suspended until further notice (Table 3 in the appendix).

of the mechanism is partly due to the fact that many Syrian asylum seekers in Greece are deemed vulnerable. This means that their applications are not subject to the admissibility check (see above) and a return to Turkey as a safe third country is not an option. Furthermore, the composition of nationalities among those arriving on the Greek islands has shifted. Until 2017, most of those crossing the Aegean were Syrians; since 2018, Afghanistan is the main country of origin (IOM DTM 2020: 18). However, the “1 : 1 mechanism” is only intended for Syrian refugees. Even if it worked, it would make no difference with regard to the other nationalities.

The EU-Turkey Statement was originally considered an exceptional measure. Although partially dysfunctional, it has become a permanent modus operandi that disregards the altered geopolitical landscape and domestic situation in Turkey as well as the changed composition of countries of origin among those seeking protection in Greece.<sup>20</sup> In addition to doubts about the effectiveness of the EU-Turkey Statement, the question arises whether one of its core requirements – Turkey’s status as a safe third country – continues to stand up to scrutiny. Access to health, education and work is largely precarious for refugees in Turkey, and protection is not guaranteed equally for different nationalities. Moreover, there are growing indications that Turkey turns Syrians back at the border or forces Syrians living in Turkey to return to Syria (see Hänsel/Kasperek 2020: 13; HRW 2019; SVR 2019: 80–82; 2017: 56–57).

Last but not least, cooperation is further compromised by the historically tense relations and latent mistrust between Greece and Turkey which were exacerbated by recent events. 2020 saw open confrontations over gas deposits in the eastern Mediterranean and territorial borders (see Skordas 2020).

### 3.2 Greek politics and administration: Inadequate structures and continuous emergency mode

The second set of explanations for the situation in the hotspots relates to Greece itself. Several factors play a role here: a relatively new and underdeveloped system for asylum and first reception, low administrative capacity, and political and institutional factors that go beyond migration policy.

#### *The Greek reception and asylum system*

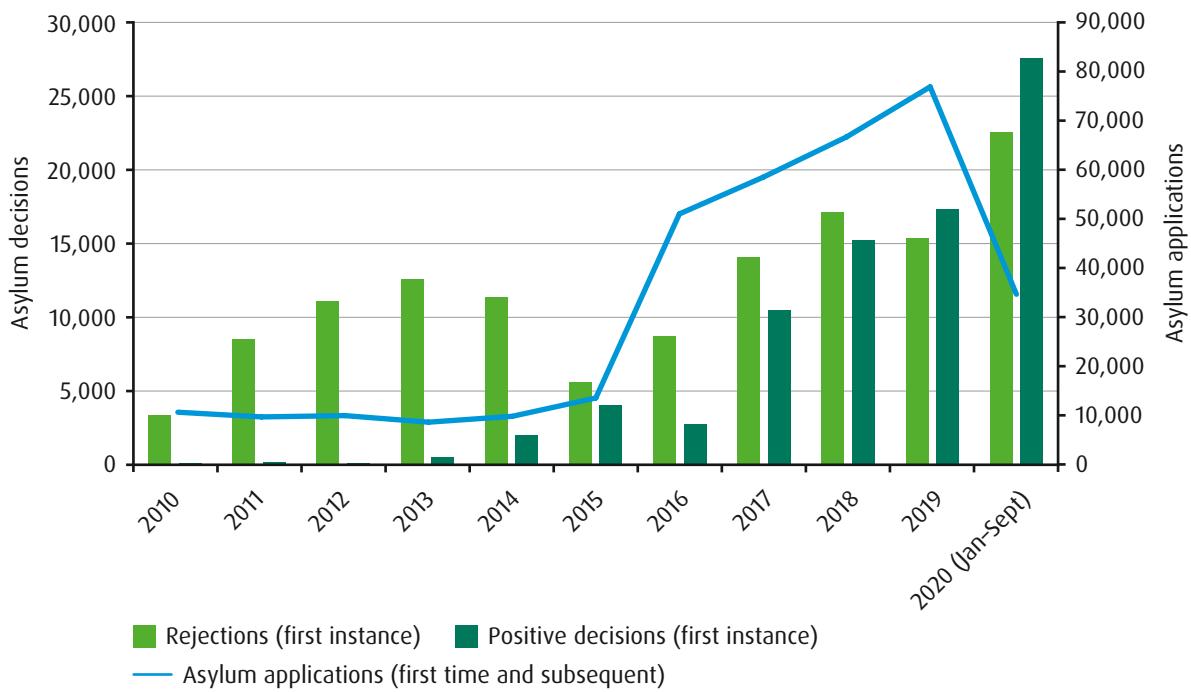
The number of asylum applications in Greece has increased sharply since 2015 (Figure 2) and Greece is one of the most important receiving countries in the EU.<sup>21</sup> Relative to its population, it has received the largest number of applications submitted in the EU since 2017, alongside Cyprus and Malta; in 2019, the figure was 720 per 100,000 inhabitants. By comparison, the corresponding figure in Germany was just under 200, and the EU average was 140 (Eurostat 2020a; 2020e; SVR calculations; see European Stability Initiative 2020c: 12). Given the particular constellation of nationalities seeking asylum in Greece (mostly Afghanistan, Iraq and Syria), the recognition rate in Greece is also relatively high. In 2019, it was just under 56 per cent and thus (as in the previous year) significantly above the EU average of 38 per cent (Hellenic Republic Asylum Services 2020: 3; Eurostat 2020b: 2). In 2020, it was even higher at 64 per cent (RSA 2020a; 2020b).

Juxtaposed with the growth in asylum requests is a comparatively “young” national asylum and first reception system (Box 2), which was not prepared for the events of 2015 and 2016. The problems besetting the Greek asylum system were well-known even before 2015. For example, the EU had suspended Dublin transfers to Greece from 2011 to 2016 after the European Court of Human Rights and the Court of Justice

20 Despite the shortcomings in its implementation, the EU remains wedded to the EU-Turkey Statement. For example, it is referenced in the Commission’s Communication on the EU Pact on Migration and Asylum (“The 2016 EU-Turkey Statement reflected a deeper engagement and dialogue with Turkey”, COM(2020)609 final: 18), and a Commission Staff Working Document calls for its continued implementation (SWD(2020)355 final: 43).

21 In absolute numbers, Greece has been among the top five receiving countries for asylum applications in the EU since 2017, alongside Germany, France, Italy and Spain (Eurostat 2020c: 2; 2019: 2; 2018: 2).

**Figure 2 Asylum applications and decisions in Greece**



NB: The category “rejections (first instance)” includes both rejected asylum applications and those that have been declared inadmissible (see Chapter 3.1).

Source: Eurostat 2020a; 2020d; 2021a; 2021b

of the European Union had found serious deficiencies with regard to reception conditions for asylum seekers in Greece (Dimitriadi/Sarantaki 2019: 4; Neville/Sy/Rigon 2016: 18).

The Greek Asylum Service was established in 2011<sup>22</sup> and became operational in 2013. From the start, it has been operating in crisis mode. The agency has been chronically understaffed. At the end of 2019, its 886 employees were spread across 25 branches nationwide; 63 per cent of them were on temporary contracts (AIDA 2020: 27-29; RSA/Stiftung PRO ASYL 2020: 4). The physical and technical infrastructure is poor – from premises to IT systems to security mea-

sures for staff (ECA 2019: 45). Although the Asylum Service has hired more staff, the backlog of asylum cases and the time it takes to process them have increased in recent years (ECA 2019: 44, 48). At the end of September 2020, there were over 90,000 pending applications (RSA 2020a).

Asylum procedures are slow, including the so-called fast-track procedure. In 2019, the fast-track border procedure in the hotspots took an average of more than seven months from the time of registration to a first-instance asylum decision (AIDA 2020: 93; ECRE 2019: 4).<sup>23</sup> Since the International Protection Act came into force, the Asylum Service has prioritised

22 Prior to 2011, the Hellenic Police had received asylum applications as part of its border management mandate. From 2011 to 2016, the Greek Asylum Service was part of the Ministry of Citizen Protection. The Ministry of Migration Policy, established in 2016, was abolished following a change in government in mid-2019 and the Asylum Service was again incorporated into the Ministry of Citizen Protection. Shortly thereafter, in January 2020, the Ministry of Migration and Asylum was created, which now also oversees the Asylum Service.

23 If an applicant is considered vulnerable, their claim is examined under the regular procedure, even if they are on the islands. In 2018 and 2019 the regular procedure took about ten months from the time of registration to a first-instance decision (AIDA 2020: 54; ECA 2019: 48). See also footnote 10.

## Box 2 Asylum in Greece: The legal framework<sup>24</sup>

The main cornerstones of the Greek legal framework are:

- Law 3907/2011: basis for the creation of an asylum authority and a first reception authority.
- Law 4375/2016 (Asylum Act): transposition of the EU Asylum Procedures Directive into Greek legislation; implementation of the EU-Turkey Statement (fast-track border procedure for the Eastern Aegean Islands, legal enshrinement of the safe third country concept and admissibility check); re-establishment of the First Reception Service (now: Reception and Identification Service (RIS)); legal framework for assistance by EASO.
- Law 4540/2018: transposition of the EU Reception Conditions Directive; expansion of EASO's role in national asylum procedures.
- Law 4636/2019 (International Protection Act, in force since 1 January 2020) and subsequent amendments (4686/2020): expansion of the fast-track border procedure; further shortening of deadlines; additional scope for detention; curtailment of legal guarantees and vulnerability criteria; introduction of the safe country of origin concept.

Since the EU-Turkey Statement, the rules applying on the islands are different from those on the mainland. In principle, a fast-track border procedure applies in the hotspots. Persons from certain countries of origin with a high recognition rate have to undergo an admissibility check prior to the examination of their asylum application. In the past, vulnerable individuals and those who have family links to another member state and therefore fall under Dublin provisions were exempt from the fast-track border procedure and the geographical restriction. They were allowed to leave the islands, although this was rarely possible in practice. However, with the entry into force of the International Protection Act, the vulnerability criteria have been significantly curtailed. As a result, most vulnerable persons – including unaccompanied minors – remain subject to the fast-track border procedure and the geographical restriction (see AIDA 2020: 18, 86, 92–94; Greek Council for Refugees/Oxfam 2020: 6; Hernández 2020).

the applications of individuals who arrived in 2020, and shorter deadlines apply to them. By contrast, some applicants who arrived earlier have been allocated a hearing appointment for as late as 2023, 2024 or 2025 (AIDA 2020: 19; Greek Council for Refugees/ Oxfam 2020: 8; RSA/Stiftung PRO ASYL 2020: 4). Legal assistance is unavailable or not accessible to asylum seekers, e.g. due to costs or because of restrictions on the movement of asylum seekers (see Leivaditi et al. 2020: 49). At the appeals stage, the Asylum Service provides legal assistance. In this context, in 2019, one lawyer was active on Lesvos, Chios and Kos respectively, while on Samos and Leros, no legal assistance was available at all (AIDA 2020: 69, 101; RSA/Stiftung

PRO ASYL 2020: 6). This is compounded by language barriers and a chronic lack of interpreters which obstruct both vulnerability assessments and asylum hearings and appeals (Leivaditi et al. 2020: 35–37; Dutch Council for Refugees 2016: 50).

Other government agencies also struggle to recruit and retain staff for deployment on the Aegean Islands. For example, of the staff working for the Reception and Identification Service (RIS) in the hotspots at the beginning of 2019, 62 per cent had been placed with the agency through government programmes for the long-term unemployed (FRA 2019: 27). There are also shortages of healthcare professionals. The Greek government sometimes de-

24 For a detailed overview of the legal framework, recent legislative reforms and the asylum system in Greece, see AIDA 2020; Papatzani et al. 2020; Leivaditi et al. 2020; Dimitriadis/Sarantaki 2019.

ploys military doctors as substitutes in the hotspots (RSA/PRO ASYL 2019b: 8). When the Greek Ministry of Health launched a recruitment campaign for medical professionals in the hotspots as part of its Philos project, only three applications were received for seventeen vacancies for general practitioners (FRA 2019: 31; RSA/PRO ASYL 2019b: 7). Even when the application requirements were lowered and the remuneration increased, the result hardly changed. The lack of staff not only leaves residents in the hotspots without adequate health care, it also hampers procedures. Due to the shortage of medical professionals to conduct vulnerability assessments, in 2019 it took two to four months in the hotspots on Samos, Leros and Kos, up to six months on Lesvos and up to eight months on Chios before a person seeking protection could receive a medical and psychosocial assessment and, if necessary, have any special needs addressed (AIDA 2020: 107; see Leivaditi et al. 2020: 35; ECA 2019: 49; RSA/PRO ASYL 2019b: 9). Vulnerabilities are often only identified during the actual asylum procedure. This in turn causes delays, e.g. because vulnerable applicants are then diverted from the fast-track border procedure to the regular procedure.

The staffing shortages contrast with the large number of organisations and actors typically present in the hotspots. However, procedures, decision-making processes and the distribution of responsibilities are often unclear; and hotspots sometimes operate without a legal basis or practical arrangements, such as standard operating procedures and memoranda of understanding that define the responsibilities for the running of the hotspots (see Papatzani et al. 2020: 35; FRA 2019: 27–29; Dimitriadi/Sarantaki 2019: 13; Guild/Costello/Moreno-Lax 2017: 58–59; Ziebritzki/Nestler 2017: 13).

#### *After the asylum decision: Return or integration*

The weaknesses of the reception and asylum system are one part of the explanation for the situation in the hotspots. In addition, when asylum applications are rejected, speedy returns often fail. In this respect,

Greece faces similar challenges as other EU member states (see SVR 2019: 95–96; 2017: 96–98), especially as returns to Afghanistan, the main country of origin, are very limited.<sup>25</sup> But the low return rate also has domestic political and administrative reasons. Although Greece receives support from Frontex in the area of returns, it does not make full use of this possibility, for example to participate in joint return operations with other member states (ECA 2019: 39). Within Greece, there are gaps in the exchange of information between authorities. While the police are responsible for returns, they do not learn about a negative asylum decision automatically, but often through informal channels, personal contacts or when the person concerned is picked up by chance. Moreover, in 2019 pre-removal centres existed on only two of the five islands (ECA 2019: 61). The Greek government has announced that it will also set up pre-removal facilities in planned closed controlled centres such as in the new facility to be built on Lesvos as part of the pilot project by Greece and the European Commission (Inmigrants 2020b; see Chapter 1).

While failed asylum seekers rarely return to their countries of origin, recognised refugees struggle to find housing and integrate in Greek society in the longer term. Alternative accommodation and a system for integration are lacking on the islands as well as on the mainland (see Hernández 2020; Mavrikos-Adamou 2019). Therefore, even where individuals are exempt from the geographical restriction (e.g. vulnerable persons or recognised refugees), many cannot leave the islands and remain in the hotspots instead. On the mainland, there are currently 32 camps run by the International Organization for Migration (IOM), hosting more than 28,000 people in total. For the most part, these collective shelters have almost reached or already exceeded their capacity.<sup>26</sup> Greece does not have a social housing policy. Even recognised refugees struggle to find housing, although they receive rent subsidies through the EU-funded HELIOS project (Hellenic Integration Support for Beneficiaries of International Protection) run by IOM. As a

25 From January to October 2020, Greece returned 5,793 persons (both from the islands and the mainland) to their countries of origin, of which just under half returned to Albania. A total of 181 persons returned to Afghanistan in the same period (RSA 2020c).

26 Of the 32 camps, ten had reached or exceed their limits (> 100%), and twelve others were at 90–99 per cent. In six, the occupancy rate was 80–89 per cent and in four it was below 80 per cent (as at December 2020; IOM Greece 2020).

result, homelessness amongst refugees is common. Opportunities to learn the Greek language or to gain a foothold in the labour market or the education system are equally scarce. Hurdles and delays in the issuance of national social security numbers make it difficult for asylum seekers and recognised refugees alike to access healthcare and social services (AIDA 2020: 165, 168–169; Hernández 2020; Papatzani et al. 2020: 52). Support programmes, for example cash transfers by UNHCR, are only available for asylum seekers while their procedures are pending. Once they have been granted protection status, refugees are no longer eligible for such programmes.<sup>27</sup>

### *Political decision-making structures and administrative capacities*

The wider background that explains the challenges in the Greek hotspots also includes the idiosyncrasies of the Greek administrative apparatus and political system (see Mavrikos-Adamou 2019; Dimitriadi/Sarantaki 2019: 15). Institutional structures are highly centralised; thus, decisions are mostly taken at the highest ministerial level. Decrees and ministerial decisions greatly influence the interpretation and implementation of laws (Mavrikos-Adamou 2019). Communication and the flow of information, by contrast, are limited; the same applies to the transfer of powers to the working level. Moreover, as a result of the centralised structures, municipalities – such as those on the islands – have practically no sources of revenue of their own, but depend on the budget allocated by the regional and central levels of government; this also applies to the allocation of EU funds (Mavrikos-Adamou 2019). These decision-making processes and this distribution of responsibilities create obstacles for authorities at the national and local levels in implementing decisions and programmes or accepting financial and technical support offered, for example, by international organisations or other EU member states. The EU Fundamental Rights Agency (FRA) also criticises the long and complex contracting and pro-

curement procedures in the Greek administration, which make it difficult to improve reception conditions in practice. For example, after a contract with a non-governmental organisation for interpreting services expired, a year passed before the Reception and Identification Service (RIS) hired a new provider. There are also no framework contracts for regularly needed goods to simplify procurement procedures. For example, residents of the hotspot on Samos were at times forced to purchase tents at their own expense (FRA 2019: 7, 28).

Furthermore, the aftershocks of the financial and economic crisis are still being felt in Greece today. This includes the structural adjustment measures imposed by the EU, such as austerity measures and a temporary hiring freeze in the public sector, some of which have eroded capacities (Mavrikos-Adamou 2019; Antonakaki/Kasperek/Maniatis 2016: 5). Within the overall context of Greece's economic difficulties, the Aegean Islands are particularly disadvantaged. Shortcomings in public services, infrastructure and social protection affect the local population as much as those seeking protection (see Leivaditi et al. 2020: 54; Papatzani et al. 2020: 55). On the islands as well as on the mainland, plans for new reception centres are increasingly met with protests by the local population who fear additional strain on infrastructure and a negative impact on tourism (Deutsche Welle 2020b). The local backlash further constrains the Greek government's room for manoeuvre in terms of decongesting the existing hotspots and distributing asylum seekers across the country (Adar et al. 2020: 4; Hernández 2020; FRA 2019: 32). For example, providing accommodation to the residents of the former Moria camp after the fire in September 2020 also proved difficult because the municipalities on Lesvos were reluctant to make land available for a new camp. During the election campaign, the government in Athens, which was elected in mid-2019, had promised to close the camps on the islands, putting it in a difficult position now when it has to enforce new facilities.

<sup>27</sup> See also the decision of the Higher Administrative Court of the German state of North Rhine-Westphalia to prohibit the deportation from Germany to Greece of persons who have been granted protection there due to the risk of inhuman and degrading treatment they face in Greece (Justizportal Nordrhein-Westfalen 2021) (see Box 3).

### 3.3 EU support: Money alone does not solve problems

After the fire in Moria, the European Commission largely denied any responsibility for the conditions there.<sup>28</sup> Nevertheless, the hotspots are a European concept and must be considered in an EU context. Formally, Greek authorities are responsible for the hotspots. However, they receive significant funding from the EU and are supported by EU agencies such as EASO, Frontex and Europol.

#### *Support from EU agencies: The role of EASO*

EASO is considered here as a proxy for the EU agencies, particularly as it plays an important role in conducting asylum procedures in the hotspots. The number of EASO staff working on the islands varies (between 173 and 261 in 2019, AIDA 2020: 29). In early 2020, the agency announced that it would increase the number of staff working in Greece. EASO planned to double the number of caseworkers on the islands (from 100 to 200, EASO 2020; see AIDA 2020: 29). Further increases are envisaged for 2021: EASO has earmarked a budget of 45 million Euros for activities in Greece this year; this corresponds to 64 per cent of its operational budget (EASO 2021).

In its mission in Greece, the agency initially worked with national experts on secondment from other member states. In the initial phase, this allowed for a transfer of experience and knowledge, while the Greek Asylum Service was being set up. However, national experts were usually not available in sufficient numbers, or they did not have the necessary seniority and experience (ECA 2019: 17; FRA 2019: 7; Ziebritzki/Nestler 2017: 52). The national experts typically only stayed in the country for a short time, they did not speak Greek and were not familiar with Greek law. This complicated cooperation and lowered the overall efficiency (ECA 2019: 16-17, 37). Gradually,

EASO hired its own staff. In particular, its local staff, who speak Greek, were de facto integrated into the Greek Asylum Service. Thus, since 2018, Greek-speaking EASO staff can also conduct asylum hearings under the regular procedure (Tsourdi 2020a: 518). Over the years, a hybrid system of EASO and the Greek Asylum Service has emerged; some aspects of the procedures – especially the admissibility check – have been outsourced to EASO.

Formally, EASO supports the Greek authorities in registering asylum seekers and conducting asylum procedures (including hearings), both in the hotspots and on the mainland. In practice, however, the agency's activities in the hotspots exceed its current legal mandate with regard to asylum decisions.<sup>29</sup> De facto, the Greek Asylum Service regularly decides on the admissibility of applications (see Chapter 3.1) solely on the basis of EASO's opinions and recommendations without examining their content or interviewing the applicant (Tsourdi 2020a: 520; Leivaditi et al. 2020: 46; ECCHR 2018: 2; European Ombudsman 2018: 6; Dutch Council for Refugees 2016: 12-13). EASO thus influences asylum decisions at least indirectly. This threatens to blur responsibilities between the national and EU levels, especially because there is no mechanism to hold the agency itself accountable for its decisions (Tsourdi 2020b: 31).

In some areas, EASO and the Greek Asylum Service are insufficiently coordinated (see RSA/Stiftung PRO ASYL 2020: 5; Dimitriadi/Sarantaki 2019: 13). Incoherent procedural practice has led to friction and duplication. In the past, for example, EASO and the Asylum Service applied different criteria to identify vulnerabilities; this complicated and protracted procedures (ECA 2019: 38). Also, the Greek Asylum Service generally follows EASO's recommendation to declare applications by Syrians inadmissible under the safe third country concept; however, it systematically rejects such a recommendation for other nationali-

28 Commission Vice-President Margaritis Schinas, for example, stressed at the press conference to present the EU Pact on Migration and Asylum on 23 September 2020 that problems like those in Moria were not "because of Europe but because of the lack of Europe" ([https://ec.europa.eu/commission/presscorner/detail/en/SPEECH\\_20\\_1736](https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_20_1736), 15 January 2021).

29 EASO Regulation (EU) No 439/2010 Article 2(6): "The Support Office shall have no powers in relation to the taking of decisions by Member States' asylum authorities on individual applications for international protection."

ties. Nevertheless, EASO adheres to this additional procedural step (AIDA 2020: 94, 132; Hänsel/Kasperek 2020: 19; ECA 2019: 38). Moreover, EASO has repeatedly been accused of violating procedural standards for hearings, e.g. in the choice of questions and in the conduct of interviews (Leivaditi et al. 2020: 47; AIDA 2020: 97; ECCHR 2018: 2). An investigation by the European Ombudsman confirmed concerns about EASO's influence and procedural practices in the hotspots. However, according to the Ombudsman, the main responsibility lies with the Greek authorities; therefore, she did not consider a further investigation of EASO necessary (European Ombudsman 2018: 7; see Hänsel/Kasperek 2020: 22).

### *Financial support for the Greek hotspots*

In addition to the activities of the EU agencies, Greece receives significant financial support from the EU for its asylum system and migration management; a total of 2.97 billion Euros has been provided since 2015. The Asylum, Migration and Integration Fund (AMIF) is the biggest source of funding, followed by the Internal Security Fund (ISF) and the Emergency Support Instrument (European Commission 2020b: 1-2). Of the total sum, 648.3 million Euros were allocated to long-term, structural national programmes and thus directly to Greek authorities. However, more than twice as much – about 1.68 billion Euros in total – was (and is) used as short-term emergency aid. Greek authorities receive part of these funds (646.6 million Euros). A much larger part (1.04 billion Euros) goes to international organisations, particularly IOM and UNHCR.

The distribution of funds reflects the fact that the hotspots – and the Greek asylum system as a whole – have been in “emergency mode” for more than five years (see RSA/Stiftung PRO ASYL 2020: 2; Dimitriadi/Sarantaki 2019: 14). Instead of investing funds structurally and systemically, they go towards humanitarian operations. Although these are necessary, they do not bring about sustainable capacity development.

The national body on the Greek side that was supposed to manage the AMIF and ISF funds was only established in 2015; it was not able to cope with the complex administrative burden. Instead, parallel administrative structures were created and funds were provided in the form of emergency assistance. Nevertheless, the absorption rate – i.e. actual disbursements to Greece in relation to available funds – was very low, especially in the first few years (RSA/PRO ASYL 2019b: 5; Dimitriadi/Sarantaki 2019: 14). Of the above-mentioned 648.3 million Euros budgeted by the EU as structural funds for Greece, only 287.5 million Euros have been disbursed so far (European Commission 2020b: 2). Moreover, the European Court of Auditors has evaluated ten AMIF-funded projects in Greece. It concludes that most of these projects have only partially achieved their objectives. Although the Greek authorities have stepped up their capacities, they cannot keep pace with the volume of asylum applications and return procedures (ECA 2019: 4, 32-35, 65, 74).

### *Relocation within the EU*

Following the large rise in arrivals across the Mediterranean to Greece and Italy, the Council of the EU decided to put in place a temporary emergency relocation mechanism in 2015. Under this measure, around 22,000 people were moved from Greece to other member states in 2016 and 2017. This was only a portion of the planned relocations (COM(2018)250 final Annex 4; see ECA 2019: 21).<sup>30</sup> The shortfall was partly due to the lack of commitment by the other member states and partly due to the lack of capacity in Greece to swiftly identify and register asylum seekers who met the narrow criteria for relocation – namely persons from countries with an EU-wide recognition rate of 75 per cent (see Guild/Costello/Moreno-Lax 2017: 36, 38).

The 2015 relocation measure expired in 2017. Up until now, there have been no further decisions on

<sup>30</sup> Member states committed to 98,256 relocations from Greece and Italy; only about a third of these were actually carried out (12,706 from Italy and 21,999 from Greece). The relevant Council decisions originally referred to 120,000 + 40,000 relocation spots. As a result of the EU-Turkey Statement, 54,000 of these were reallocated for resettlement from Turkey (Council Decisions (EU) 2015/1523, (EU) 2015/1601 and (EU) 2016/1754; ECA 2019: 20-22; see SVR 2017: 55; Neville/Sy/Rigon 2016: 13).

### **Box 3 Relocation, Dublin and secondary movements between Germany and Greece**

Greece and Germany are linked by an important and complex migration corridor. In addition to its responsibilities under the Dublin Regulation ((EU) No 604/2013), Germany currently receives more asylum seekers and refugees from Greece via ad hoc relocation measures than any other country involved. The admissions concern the following groups:

- (1) 53 unaccompanied minors as well as 243 children in need of medical treatment with their nuclear families (coalition decision of 8 March 2020, see BT-Drs. 19/19647: 10; BT-Drs. 19/24556: 3).
- (2) 150 unaccompanied minors from the former Moria camp and other hotspots (commitment of the Federal Government of 11 September 2020, see BT-Drs. 19/24556: 2)
- (3) 1,553 persons recognised as being entitled to protection with their families (commitment of the Federal Government of 15 September 2020, see BT-Drs. 19/24556: 2).

The first two groups are admitted on the basis of Article 17(2) of the Dublin Regulation, the third and largest group via a humanitarian admission programme pursuant to Article 23(2) of the Residence Act. This programme only applies to persons who have already been granted protection status in Greece. So far, a total of 2,233 persons have reached Germany in the context of these admissions (as at 10 March 2021, BMI 2021); further arrivals are planned. In 2019, Greece submitted most of its outgoing Dublin requests to Germany and received the highest number of requests from Germany. Germany, for its part, directs most

of its Dublin requests to Greece and Italy (BAMF 2020: 27–28; Table 4 in the appendix). There are conflicting views regarding Germany's handling of Dublin procedures with Greece. Non-governmental organisations criticise Germany's interpretation of the Dublin rules on family reunification as being too strict (AIDA 2020: 71ff.; RSA/PRO ASYL 2019a). Germany, on the other hand, emphasises that it proactively supports Greece; for example, the German authorities translate documents themselves to ensure that applications can be processed within the deadlines to facilitate family reunification (BT-Drs. 19/22405: 36).

Greece and Germany have received similar groups of refugees in recent years (especially from Syria, Afghanistan and Iraq). In this respect, it is likely that family or other networks exist that promote secondary movements. According to media reports, secondary movements from Greece have been increasing (Welt 2020), although this has not been officially confirmed (BT-Drs. 19/24497: 4). In mid-2020, there were 458 persons in Germany whose asylum claims, in the view of the German authorities, should be processed by Greece (BT-Drs. 19/22405: 11). In January 2021, the Higher Administrative Court of the German state of North Rhine-Westphalia prohibited the deportation to Greece of refugees who had already been granted protection status there because the conditions in Greece mean that they face the risk of inhuman and degrading treatment (Justizportal Nordrhein-Westfalen 2021).

relocation at the European level. In October 2019, the Greek government asked the other EU member states to relocate unaccompanied minors, but initially without success (Hernández 2020). Only after the outbreak of the COVID-19 pandemic and the fire in Moria did some member states agree to admit smaller quotas (including Germany, see Box 3; see also Chapter

1). Greece concluded a bilateral relocation agreement for 1,000 individuals with Portugal in 2019; similar negotiations are underway with France and Serbia (AIDA 2020: 20). However, these measures are by no means a sustainable solution, especially if arrivals on the islands should start to increase again.

## 4 Conclusions and outlook

### 4.1 Design flaws and implementation deficits

The problem of the Greek hotspots is primarily a structural one. The hotspot approach is essentially designed to keep asylum seekers in one place, while so far providing no binding mechanism to ease potential overcrowding. Greece and the EU have limited control over how many people arrive and how many are returned. There are no systematic transfers to the Greek mainland and other EU member states; at the same time, returns to countries of origin or Turkey are limited. This leads to overcrowding in the hotspots and thus to the familiar problems: it becomes difficult or impossible to maintain humane reception standards and to conduct fair, accurate and fast asylum procedures. The parameters created directly or indirectly by the EU-Turkey Statement are thus one of the design flaws that underlie the situation in the hotspots – first and foremost, these include the geographical restriction of asylum seekers to the islands and the admissibility check, which makes asylum procedures even more complex. Another flaw concerns the structural weaknesses in the Greek system for reception, asylum and integration as well as Greece's administrative apparatus (e.g. staff shortages, unclear responsibilities, inefficient decision-making structures and procedures). The resulting shortcomings in the implementation, especially in carrying out procedures, further complicate the situation in the Greek hotspots (Figure 3).

The EU-Turkey Statement and its consequences undoubtedly give rise to a unique set of circumstances for the hotspots on the Greek islands. But the analysis has shown that the conditions there are not solely due to the EU-Turkey Statement, but the result of a whole range of factors. This suggests that other hotspot models are likely to face the risk of overcrowding, at least periodically – especially if they envisage border procedures that require a longer stay, as proposed by the EU Pact on Migration and Asylum (see Rasche/Walter-Franke 2020: 15). For example, when arrivals on the Canary Islands rose sharply in late 2020, capacities on the islands were soon stretched. The questions of how to ensure effective procedures

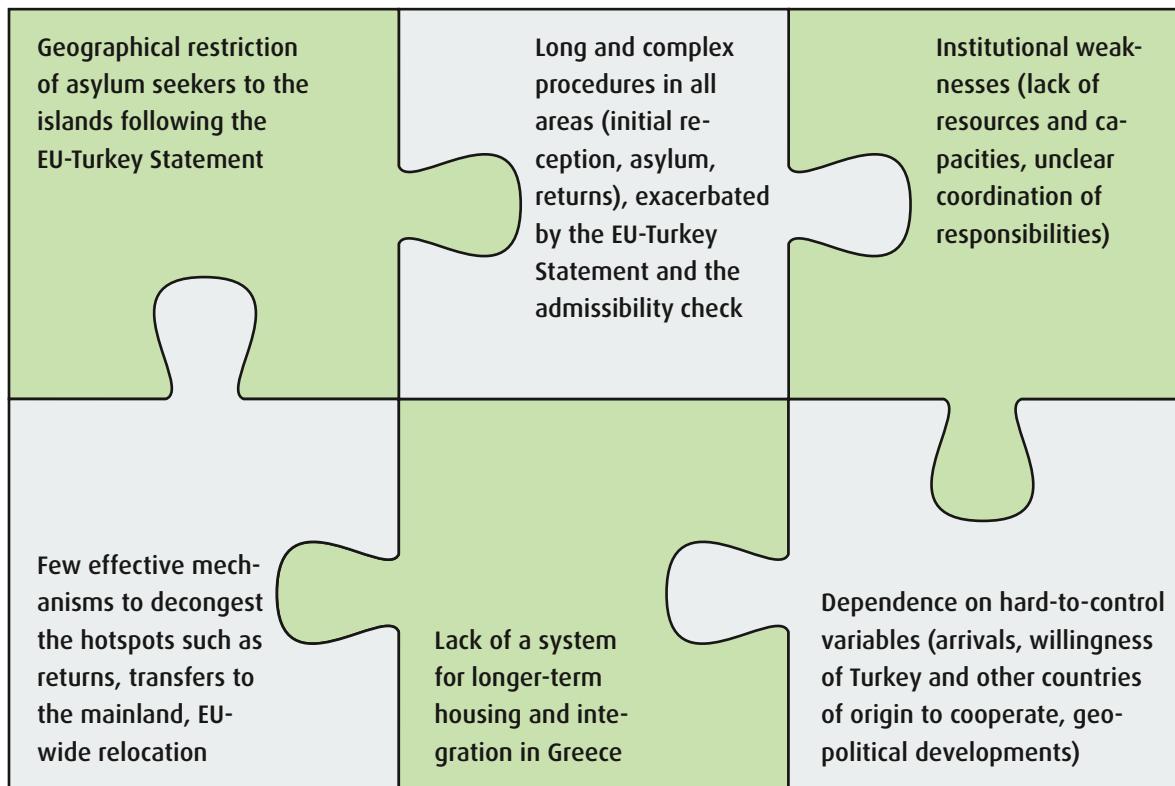
at the external borders in principle and how to manage sudden increases in arrivals remain unresolved – not only on the Greek islands.

The Greek hotspots magnify the deficiencies of the Common European Asylum System. These are characterised by three areas of tension:

- *National sovereignty versus EU competence:* Whether the hotspots work, ultimately depends on legal and administrative frameworks, capacities, and political will at the level of the individual member state. At least in terms of structures and capacities, there are still considerable deficiencies in Greece. The EU, for its part, has no administrative and decision-making powers of its own; however, through operational and financial support, it exerts an important influence on the procedures in the hotspots. The result is a “hodgepodge” of unclear responsibilities, as between EASO and the Greek Asylum Service, leading to inefficient processes and diffuse accountability.
- *Crisis mode versus structural reform:* In the absence of systemic solutions (such as a relocation mechanism, comprehensive national capacities, an EU asylum agency endowed with greater competences; see below), Greek and European institutions operate in emergency mode. This manifests itself, for example, in the type and use of funds and in the fact that asylum seekers or recognised refugees are only sporadically redistributed from the islands to mainland Greece or to other EU member states.
- *Overburdening versus solidarity:* The current system (which, according to the proposals in the Pact on Migration and Asylum, will remain valid in the future) tends to overburden states at the EU's external borders. Responsibility-sharing within the EU is uneven, as illustrated by the absence of a mechanism to distribute asylum seekers fairly among member states.

These unresolved tensions create disincentives for states of first arrival at the external border. They lead, for instance, to border states undermining the Dublin rules and permitting irregular secondary movements (see SVR 2017: 14, 30) – or even actively violating EU and international law, as with the recent pushbacks at the Greek land and sea border.

**Figure 3 Summary: Causes of the failures of the hotspots**



Source: SVR

#### 4.2 What way forward for functioning hotspots?

The challenges of the hotspots on the Greek islands as described above give rise to a number of conceivable options for future action (Table 1). They relate to the material-humanitarian conditions (Table 1, Nos. 1-3), but also to the structural obstacles (Table 1, Nos. 4-7) that the analysis has identified. Each approach in itself is a partial solution that pursues the minimum goal of ensuring that reception conditions and asylum procedures are humane and in line with EU legal standards. However, only a combination of the approaches can bring about comprehensive improvement. Each approach has its own preconditions and is associated with different challenges and risks.

The approaches outlined in the table aim to improve the situation in the hotspots, thus taking their existence as given. There are, however, also calls to abolish the hotspots altogether. In view of the disastrous humanitarian conditions, some of which amount to a violation of human rights, many civil society organisations demand that the residents be evacuated as quickly as possible. However, this requires reception capacities elsewhere; and such capacities are currently not available on the Greek mainland. Moreover, relocations to other member states generally remain small in scale. Therefore, it is unlikely that quick and adequate solutions could be found outside Greece. An end to the hotspots and the geographical restriction would also mean that the EU-Turkey Statement would have to be renegotiated.<sup>31</sup>

<sup>31</sup> After the events at the Greek-Turkish border in the spring of 2020 and after Turkey ceased to accept readmissions from Greece, the status of the EU-Turkey Statement is in question. The European External Action Service had announced in 2020 that it would take stock of the Statement and its outcomes (SWD(2020)355 final: 47; see BT-Drs. 19/647: 14). This is still pending; however, it would be an opportunity to adapt the Statement to the new circumstances. The status of the readmission agreements between the EU and Turkey and between Greece and Turkey would also have to be addressed. See footnote 19.

**Table 1 Functioning hotspots: Approaches, preconditions and possible challenges**

<i>Goal: reception conditions and procedures in the hotspots in accordance with EU standards.</i>		
Approach	Preconditions	Challenges and risks
1. Improve infrastructure and operation of reception facilities	<ul style="list-style-type: none"> <li>- Sustained compliance with occupancy capacities</li> <li>- Sufficient human resources and clearly defined responsibilities of national authorities and participating organisations</li> <li>- Acceptance and implementation by Greece of offers of assistance, e.g. disaster relief</li> <li>- Functioning, independent monitoring mechanism, e.g. by FRA or the Greek Human Rights Commission</li> </ul>	<ul style="list-style-type: none"> <li>- Long-term financing (by EU or Greece?)</li> <li>- Local resistance to hotspots</li> <li>- Overcrowding in case of sudden or large increase in arrivals, unless alternative accommodation or relocation mechanisms are available</li> </ul>
2. Improve services and living conditions for vulnerable persons	<ul style="list-style-type: none"> <li>- Additional staff for more thorough and faster vulnerability assessments</li> <li>- Alternative accommodation (on the islands and / or mainland)</li> <li>- Access to medical and other forms of specialised care</li> </ul>	<ul style="list-style-type: none"> <li>- Potentially longer asylum procedures if more persons are declared vulnerable</li> </ul>
3. Limit the length of stay in the hotspots	<ul style="list-style-type: none"> <li>- Time limit on the geographical restriction, irrespective of the status of the asylum procedure</li> <li>- Transfer mechanisms from the islands to the mainland</li> <li>- Accelerated asylum procedures</li> <li>- Improved returns</li> </ul>	<ul style="list-style-type: none"> <li>- "Absconding" and secondary movements</li> <li>- Local resistance to (new / larger) refugee shelters also on the mainland</li> </ul>
4. Improve access to asylum and accelerate procedures	<ul style="list-style-type: none"> <li>- Better procedural standards and, if necessary, amendment of the Greek legal basis</li> <li>- Increased staffing of the Greek Asylum Service</li> <li>- Stronger support by EASO / additional competences for EASO with clear distribution of responsibilities</li> <li>- Expansion of legal counselling and legal aid in all instances</li> <li>- Expansion of interpretation services</li> <li>- (Judicial) follow-up of illegal push-backs</li> </ul>	<ul style="list-style-type: none"> <li>- Lack of preparation time for applicants due to shortened deadlines; disadvantages if deadlines are not met</li> <li>- Authorities continue to delay procedures; non-compliance with deadlines on the part of authorities is not penalised</li> <li>- Acceleration jeopardises procedural guarantees</li> <li>- Increased contestation of negative asylum decisions</li> <li>- Difficulties in recruiting staff for the Greek Asylum Service and EASO</li> <li>- Unclear allocation of responsibilities between EASO and the Greek Asylum Service</li> <li>- No effective follow-up procedures after asylum decision (i.e. returns or integration)</li> </ul>

5. Accelerate returns	<ul style="list-style-type: none"> <li>- Better procedural standards</li> <li>- Better communication between the competent authorities</li> <li>- Readmission agreements with countries of origin<sup>32</sup></li> <li>- Functioning, independent monitoring mechanism, e.g. by FRA or Greek Human Rights Commission</li> <li>- Where appropriate, coordination of returns by Frontex</li> </ul>	<ul style="list-style-type: none"> <li>- Acceleration jeopardises procedural guarantees</li> <li>- Unwillingness of Turkey to resume readmission</li> <li>- Difficulties in implementing readmission agreements with other countries of origin</li> </ul>
6. Create durable solutions for recognised refugees	<ul style="list-style-type: none"> <li>- Availability and access to housing</li> <li>- Creation of a comprehensive system for integration in Greece</li> <li>- Medium-term: transfer of responsibility for housing and integration from international organisations to the Greek authorities</li> </ul>	<ul style="list-style-type: none"> <li>- Secondary movements of recognised refugees</li> </ul>
7. Relocate asylum seekers / recognised refugees within the EU	<ul style="list-style-type: none"> <li>- Bilateral relocation agreements or “coalition of the willing”</li> <li>- Permanent / obligatory EU-wide relocation: via decision of member states and European Parliament or negotiation of the proposals in the Pact on Migration and Asylum</li> </ul>	<ul style="list-style-type: none"> <li>- Unwillingness of EU member states to receive migrants</li> <li>- Additional personnel or procedural costs for registration, selection and implementation</li> </ul>

Source: SVR

Improving the situation in the Greek hotspots is complex and resource-intensive and requires a number of preconditions to be met. In the short and medium term, material improvements and increased financial and human resources remain the top priority, despite the significant resources that have already been expended. Reducing the numbers in the hotspots during the course of 2020 was made possible by the fact that significantly fewer people arrived on the Greek islands compared to previous years (or that arrivals were prevented, *inter alia*, by pushbacks, see above). This “pause” should be used to improve reception capacities and standards to ensure that the hotspots can permanently remain within their limits. In addition, mechanisms must be put in place to systematically ease potential overcrowding in the hotspots, and long-term integration prospects must be created. Without these structural changes, existing

problems will be further exacerbated should arrivals on the islands increase once again.

#### *The future of the hotspot approach: Preserving the status quo...*

According to the proposals in the EU Pact on Migration and Asylum, border procedures are to become an integral part of a new common asylum policy. Negotiations on the Pact are only just beginning; but so far, it maintains the current division of labour. Member states remain responsible for asylum procedures, while the EU and its agencies act at most in a supporting role (see Thym 2020a). Frequently changing European officials who do not know the local legal system and do not speak the language, however, can hardly form the basis for refugee reception and asylum in Greece (or in any other state at the EU’s external border). Building the capacity of

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<sup>32</sup> In October 2020, Greece and Afghanistan signed a Memorandum of Understanding as the basis for further negotiations on readmission (Hellenic Republic Ministry of Foreign Affairs 2020).

the asylum system in Greece (and in other countries) therefore remains a central and ongoing task (see Beirens 2020; Rasche/Walter-Franke 2020: 19). In this respect, it is encouraging that the Pact provides for the targeted development of national capacities. The role of civil society organisations in the hotspots also needs to be clarified. The Greek government recently decided to re-register and certify non-governmental organisations working in the areas of international protection, migration and social inclusion (Ministerial Decrees 3063/2020 of 14 April 2020 and 10616/2020 of 9 September 2020). This has further strained co-operation between the Greek government and civil society (see Council of Europe 2020).

### *... or gradual Europeanisation?*

Alternatively, it would also be conceivable – at least theoretically and in the long term – to gradually “Europeanise” the hotspots and transfer responsibility to the EU. In this scenario, an EU asylum agency would be responsible for asylum procedures in the hotspots. The agency would be equipped with a comprehensive mandate and corresponding resources and its decisions would be valid across the EU (see SVR 2020: 9; Bendel 2020; 2017: 29; Thym 2020a; 2020b: 5–6; Rasche/Walter-Franke 2020: 17; Guild/Costello/Moreno-Lax 2017: 59). Analogous to the expansion of Frontex in recent years, it would already be possible to gradually develop EASO’s competences. For a fully Europeanised asylum system, however, the

treaties would have to be amended, which would require intensive political persuasion and consensus-building (SVR 2017: 36). In addition to EASO (or a future EU asylum agency) and Frontex, greater use could be made of the EU Civil Protection Mechanism, which has already been applied in the hotspots in the context of the COVID-19 pandemic (see SVR 2020: 2; Walter-Franke 2020: 9–12). Equally, the Fundamental Rights Agency could be tasked with a systematic monitoring of the conditions in the hotspots instead of leaving it to the individual member states (see Bendel 2020).

Successful Europeanisation would also have to prove itself in other structural aspects. Whether future border procedures can work or whether such policies will end up reproducing and cementing the problems of the hotspots depends crucially on the effective implementation of the other components of the Pact on Migration and Asylum. In particular, the persistent and thorny questions regarding a reliable relocation mechanism and effective returns need to be resolved. However, the humanitarian emergency on the islands remains a priority; in the midst of a pandemic, several thousand people, including many children, spent the winter months of 2020/21 in tents in a makeshift camp on Lesvos or in similarly unsuitable conditions in the hotspots on other islands. So far, the European Commission has not kept its promise of “no more Morias”.<sup>33</sup>

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<sup>33</sup> Commissioner for Home Affairs Ylva Johansson called for “no more Morias” in a speech on 17 September 2020 (see [https://ec.europa.eu/commission/commissioners/2019-2024/johansson/announcements/intervention-european-parliament-plenary-session-debate-need-immediate-and-humanitarian-eu-response\\_en](https://ec.europa.eu/commission/commissioners/2019-2024/johansson/announcements/intervention-european-parliament-plenary-session-debate-need-immediate-and-humanitarian-eu-response_en), 15 January 2021).

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**Table 2 Irregular arrivals in Greece**

Year	By sea	By land	Missing / Deceased
2014	41,038	2,280	405
2015	856,723	4,907	799
2016	173,450	3,784	441
2017	29,718	6,592	59
2018	32,494	18,014	174
2019	59,726	14,887	71
2020	9,687	5,982	102

Source: UNHCR 2021

**Table 3 Returns from Greece to Turkey under the EU-Turkey Statement**

2016 (Mar-Dec)	2017	2018	2019	2020 (Jan-Mar)	Total
801	683	322	195	139	2,140

NB: Statistics start after the adoption of the EU-Turkey Statement on 18 March 2016. Since April 2020, returns to Turkey have been suspended due to the COVID-19 pandemic. In total, people from over 40 countries of origin have been returned to Turkey from Greece since 2016; the top three nationalities were Pakistan, Syria and Algeria.

Source: UNHCR Greece 2020b; European Stability Initiative 2020c; RSA 2020c; Ministry of Interior of Turkey 2021

**Table 4 Requests and transfers between Greece and Germany in the framework of the Dublin procedure**

	2019	2020 (Jan-Jun)
<i>From Germany to Greece:</i>		
Take-back/Take-charge requests	9,870	2,753
Transfers	20	4
<i>From Greece to Germany:</i>		
Take-back/Take-charge requests	1,684	743
Transfers	730	118

NB: In addition, in the first half of 2020, Germany made use of the sovereignty clause pursuant to Article 17 of the Dublin Regulation ((EU) No 604/2013) in 189 cases, i.e. it carried out the asylum procedure although Greece was formally responsible for it. In the same period, Greece resubmitted 540 cases to the German authorities that they had initially rejected.

Source: BAMF 2020: 27, 30; BT-Drs. 19/22405: 3-4, 9-10, 20-21, 29-30, 33

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