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**Migration, Nationality and
Detention**

The maze of immigration detention in Greece:

a case study of the Athens airport detention facility

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Introduction

Greece is currently enduring the worst financial crisis in its modern history. The economic cuts have severely affected the political, economic and social agenda, as well as the everyday lives of people residing in the country. Though the financial crisis springs from other sources, people across the ideological spectrum regularly and explicitly link irregular migration to it, blaming foreigners for rising crime, the degradation of the city centre of Athens and high unemployment rates. Xenophobia, nationalism and racist attacks have, in short, become commonplace¹.

During the pre-election campaigns in May and June 2012, the nationalist, far-right wing party 'Golden Dawn' ran a campaign based almost entirely on their desire to remove immigrants from the country. With virulent posters promising to 'get rid of the dirt off the city streets' and organizations like 'citizen's groups', which act like neighbourhood watch units, the party prides itself in taking action against the alleged social ill of irregular migration. It is not just the far right, however, who express such views. From the top of government to those who work on the ground, such views can readily be found. Thus, the current Minister of Public Protection, Nikos Dendias, recently asserted that the country is in a constant war with anomie, organized crime and irregular migration.² As one detention officer put it, there seems to be a widely held view that *'it's logical and consequential to have some feelings of racism when Greece is full of immigrants'*. While the country teeters on the brink of bankruptcy, racial intolerance surges, leaving irregular migrants to struggle in an inhospitable and increasingly hostile environment.

The issue of irregular migration in Greece and its many aspects cannot be covered in one article. Here, though, I hope to do justice to a small part of it as it

manifests in the Athens airport detention centre. In so doing I draw on 6 months of work at the facility as part of an NGO programme funded by the European Refugee Fund and the Greek Ministry of Health and Social Protection. The NGO, Medical Intervention, offers psycho-social and medical support to economic migrants and refugees detained in 6 migrant detention centres in Athens. I have been working with Medical Intervention as a sociologist, offering advice and basic counseling to detained immigrants and asylum seekers, while also conducting research on detention conditions. During my time at the airport centre I have conducted more than 700 interviews with detainees and held informal conversations with 20 detention officers. The aim of this article is to map the Greek immigration system, focusing mainly on the outflow of migration from Greece and the ways that immigrants and asylum seekers become trapped in a country where they are unwelcome.

An entry point for irregular migration

The Greek-Turkish border has long been portrayed as the main targeted entry point for irregular migrants and asylum seekers who want to get to Europe. A 2011 report by Frontex³ estimated that nearly 90 per cent of irregular migrants to Europe entered through Greece in 2010⁴. While the evidence is that arrivals on Greek islands have decreased due to increased border control operations, land route crossings have seen a dramatic upsurge of 372 per cent since 2009⁵. Greek officials working at the border give evidence of more than 300 people per day crossing into Greece. Asylum seekers and irregular migrants, including children, are routinely detained at the points of entry and within a few hours are issued with an administrative deportation order. The deportation order is usually accompanied by an order for the continuation of detention. Yet very few

1. For a report on hate crimes and violent attacks against immigrants in Greece, see Human Rights Watch (2012) *Hate on the streets: Xenophobic Violence in Greece*, USA.

2. Interview at Police Review (2012), July-August, Issue 274.

3. Frontex is a European Union Agency which aims to facilitate EU countries in external border management (land, sea, air) through cooperation with national border authorities, training, intelligence analyses and rapid responses to extreme cases with specialist and human resources.

4. Frontex (2011) *Annual Risk Analysis*, Warsaw, Poland.

5. Frontex (2010) *Annual Risk Analysis*, Warsaw, Poland.

actually get deported. Most are instead sent from the border to Athens.

While in Athens some may seek to find a getaway to another country while others look for safe ways of staying in Greece. However, as a traditional emigration country, Greece has never had a proactive and realistic immigration system; rather, Greek immigration policy has remained short-sighted, treating immigration as a necessary evil⁶. Despite several regularization programmes (2005, 2007, 2009) that gave the chance to foreign residents to enjoy relative freedom in Greece, a recent report by the OECD came to the conclusion that, in the past three years, immigrants in Greece with residence permits have not exceeded 650,000. The same report estimated the immigrant population in Greece at 1,259,258, meaning that nearly half of the foreigners in Greece are now unauthorized⁷. Testimonies from detained immigrants highlight the insecurity and fluidity between regularity and irregularity that immigrants experience in Greece. Even those with valid residence permits can be detained and deported as Greek authorities have now placed strict restrictions on the renewals of these permits, leading to more and more people lapsing into irregularity.

The fragility of the Greek immigration system does not stop there. If a long-term integration perspective for economic immigrants in Greek society is lacking, the Greek asylum system is not much better. An asylum seeker has almost no chance of being granted asylum in Greece. For many years the rate of international protection granted fluctuated from 0.1 to 0.3 per cent; recently it rose to high point of 3 per cent. In 2011 out of 9311 filed applications only 587 were granted asylum.⁸ Many of the criticisms of the Greek asylum system are highlighted in academic papers⁹ and NGO reports¹⁰, as well as in judgments by the European Court of Human Rights, which deemed Greece unfit for protecting refugees¹¹. All the above document that detainees are

often prevented from seeking protection or sometimes tricked out of the process by the police; for example, they release them before their interviews take place or give them crucial information only in Greek. Based on personal conversations with asylum seekers, long delays and widely known inefficiencies *made them reluctant to apply for asylum at the earliest point*.

The country's recent economic decline, highly porous borders, growing xenophobia, and ineffective legal and institutional framework have made Greece an undesirable place of residence. In 2010, for the first time in 20 years, the immigrant population in Greece started decreasing¹². As an economic immigrant vividly put it, *'you have to understand me. There is nothing for me in Greece. I don't want to steal. I just decided to leave'*. Without papers, however, departure is not permitted.

Leaving Greece

Recent case studies have shown that the severe recession has had a negative impact on low-skilled laborers, particularly Greece's immigrant population¹³. More specifically, the shrinking of the construction and agricultural sectors has put large numbers of foreign nationals out of work. According to the Hellenic Statistical Authority, the unemployment rate in Greece has risen steadily over the past several years and will continue to grow throughout the following years. Immigrants participate in the Greek labor force at high levels, and their rate of unemployment has increased more than the overall rate over the course of the recession, most sharply after the third quarter of 2008. This is reflected in the thousands of applications that the International Organisation for Migration received in 2012 from foreign residents who wanted to return to their countries voluntarily. Out of 9,000 requests, 7,052 came from irregular migrants, 1,661 from asylum seekers and 106 from refused asylum seekers¹⁴.

6. Psimmenos I. and Kassimati, K. (2002) *The Greek case: Immigration Control Pathways: Organisational Culture and Work Values of Greek Welfare Officers*, IAPASIS Project Report, KEKMOKOP, Panteion University, Athens, available at: <http://www.eui.eu/RSCAS/Research/IAPASIS/Reports.shtml> , accessed on 20 August 2012; Triandafyllidou, A. (2005) *The Greek Migratory Policy: Problems and Directions*, ELIAMEP Policy Texts, Nr. 6, 2005, available at: <http://www.eliamep.gr/en/migration/publications-migration/migration-policy-in-greece/> last accessed on 19 August 2012; Triandafyllidou, A. (2009) *Greek Immigration Policy at the Turn of the 21st Century. Lack of Political Will or Purposeful Mismanagement?*, European Journal of Migration and Law, 11: 2.
7. OECD (2010) *International Migration Outlook*, SOPEMI 2010.
8. Statistics from http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=12630&Itemid=73&lang , accessed on 20th August, 2012.
9. Skordas, A. and Sitaropoulos, N. (2004) *Why Greece is not a safe country for refugees*, International Journal for Refugee Law, 16: 1; Papadimitriou, P. N and Papageorgiou, I. F. (2005) *The New 'Dubliners': Implementation of European Council Regulation 343/2003 (Dublin-II) by the Greek Authorities*, Journal of Refugee Studies, 18: 3.
10. Pro Asyl (2007) *The truth may be bitter but it must be told: The Situation of Refugees in the Aegean and the Practices of the Greek Coast Guard*, Frankfurt a. M. and Athens; Human Rights Watch (2008) *Stuck in a Revolving Door: Iraqis and Other Asylum Seekers and Migrants at the Greece/Turkey Entrance to the European Union*, USA.
11. S.D. vs. Greece, 11.06.2009; A.A. vs. Greece, 22.07.2010; Tabesh vs. Greece, 26.11.2009; M.S.S. vs. Belgium and Greece, 21.01.2011; Rahimi vs. Greece, 05.04.2011; R.U vs. Greece, 07.06.2011.
12. Triandafyllidou, A. and Maroufouf, M. (2011) GREECE, Report prepared for the SOPEMI Meeting, Paris, 1-3 December 2010.
13. Maroukis, T. (2012) *Migration and the crisis in Greek society: the parameters of a coordinated departure*; Triandafyllidou, A. and Maroukis, T. (2012) *Migrant Smuggling: Irregular Migration from Asia and Africa to Europe*, Migration, Minorities and Citizenship Series, Basingstoke: Palgrave Macmillan.
14. Private conversation with IOM officials.

However, voluntary return schemes to countries of origin represent only a small fraction of foreigners who want to leave Greece. Thousands of people consider Greece a transit country, which can offer them a ticket to better work and life opportunities somewhere else in Europe¹⁵. These people linger in the streets of Athens until they find a safe (illegal) way of crossing to Europe¹⁶. 'Most of the illegally staying immigrants in Greece that arrived in the country at some point over the last three years (2009-2011) are constantly attempting to leave the country in any possible way'¹⁷. Some of them are arrested and detained at the airport detention centre.

Outflow migration from the Athens airport

For those who wish to exit the country, the journey from the doorway of the Greek-Turkish border, to Athens, and then to a country in Europe passes through the Athens international airport, Eleutherios Venizelos. While there are other routes, which sometimes involve crossing the Western Balkans or being smuggled through intra-EU ferry connections between Greece and Italy¹⁸, Athens airport acts as one of the main exit points from Greece to the rest of Europe. In this it diverges sharply to other airports around the world, which act as the main entry points. In reality, in Europe 'a large proportion of asylum applications were filed by passengers using forged documents on intra-Schengen flights arrived from Athens airport'¹⁹.

Greek border control authorities estimate that around 200 people attempt to fly to a European destination every day, yet only a maximum of 10 are apprehended. The problem is not just one of inefficiency or effective human smuggling. 'We could catch them all if we wanted to' one official claimed, 'but we have nowhere to put them'. Greek border officers are also increasingly critical of the task being demanded of Greece: 'It's a European problem, we want to let them go because we don't want them in the country; let others decide what's going to happen to them'²⁰. Greek border

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control is central to European border control. Realising the need to secure another one of Greece's borders, Frontex has been operating at the airport with increased intensity. Guest officers from Rapid Border Intervention Teams (RABIT) have been employed to support Greece's capacity to patrol the border due to exceptional migratory pressure.

Notwithstanding investment in technology and personnel, immigrants and asylum seekers manage to squeeze through, drawing on informal and formal opportunities. Finding a fake passport or ID cards in the centre of Athens is not hard, although the fees, for some, may be prohibitive as they range from 500 to 3000 euros. Detainees report a preference for French or Greek ID cards or passports. They obtain them in a number of ways, either by procuring forged (photo substitution) or counterfeit documents, or they use another person's genuine papers (imposters). Once furnished with ID they take their chances, like EU tourists, preferring smaller regional airports as arrival points in order to take advantage of cheaper connections. As one man put it, 'I can come back again. I will do it again and again until I succeed. Athens is a few hours away from the border and then from Athens you go everywhere you want'. Even so, flying out of Greece with fake documentation does not come without its risks; each day some do get arrested

and detained.

Detention at the airport detention facility

Arrests at the airport do not follow a consistent pattern and can seem arbitrary. Those who are arrested are transferred to the Athens airport detention facility, which has the unenviable — albeit deserved — reputation as the worst detention centre in Athens. International human rights organizations, like Amnesty International (2010) and CPT (2011), have repeatedly expressed their concerns over severe overcrowding and unhygienic conditions. So, too, the European Court of Human Rights has found in the judgment in *M.S.S.* that

15. Papadopoulou, A. (2004) *Smuggling into Europe: Transit migrants in Greece*, Journal of Refugee Studies, 17: 3.

16. Human Rights Watch (2008); Amnesty International (2010) *Greece: Irregular migrants and asylum seekers routinely detained in substandard conditions*, London: Amnesty International Publications.

17. Maroukis, 2012: 2.

18. Antonopoulos, G. A. and Winterdyk, J. (2006) *The Smuggling of Migrants in Greece: an examination of its social organisation*, European Journal of Criminology, 3: 4; Frontex (2011).

19. Frontex (2012) Annual Risk Analysis (p. 18), Warsaw, Poland.

20. For a report on the issues that Dublin II returnees face in Greece see, AITIMA (2009) *Out the back door: the Dublin II regulation and illegal deportations from Greece*, Greece.

the conditions of detention of third country nationals in the Athens airport detention centre violated the prohibition on inhuman or degrading treatment in Article 3 ECHR²¹.

The centre was designed to provide short-term housing prior to transfer to another detention facility in Athens. In practice, however, both economic immigrants and asylum seekers are routinely held in the centre for more than 90 days. The facility itself is divided into two parts: one for those detained on a 'criminal' basis, that is those who attempted to leave Greece with fake documents, and another for women, minors and the small number of people who arrive in Greece by plane.

Women, minors and arrivals are allowed relative freedom of movement and only a few stay for more than one month. However, the men housed in the main section are huddled together in spaces designed as single-occupancy cells (each 9 square metres) behind iron doors with very little natural light and no access to an exercise yard. Their only physical movement is limited to going to the toilet for a few minutes in the morning and the evening. At all other times they are locked inside their cells with nothing to do. At times even this 'trip' to the toilet is not allowed due to severe overcrowding or staff inaction. As detention officers put it: *'We are not their servants here. They cannot go to the toilet whenever they want. They are too many, so we will take them only when we can'*²².

At the time of writing, 67 people are detained in this way in nine single-bed cells, though the number has reached a high point of 120 detainees. These men have to sleep on mattresses or blankets placed directly on the floor. When it is crowded like this, the men cannot all can lie down and sleep at the same time. Other rules restrain them: they are not allowed to smoke more than three cigarettes, they are not given cutlery for 'security' reasons and conditions of hygiene are never properly observed leading to the transmission of contagious diseases. The effect of absolute control is not lost on the

male detainees: *'we are buried alive here. This is like a mass grave' ... 'but we are not animals, we are humans and we have human rights, no?'*

In 2012 Medical Intervention wrote a report, addressed to all the relevant Ministries and officials, to register the main deficiencies of the airport detention area. Although the officials at the airport centre initially responded merely by threatening lawsuits for slander, the leakage of the report in the media appears to have energized the management and staff to create better conditions for the detainees. During the summer, a large number of detainees were released, the frequency of access to toilet was increased, plastic cutlery was offered with every meal and generally officers were more receptive to our suggestions.²³ Such changes, though

welcome, do little to address the basic problems of this facility that, in January 2012, was held by the CPT (2012) to contravene basic standards of decency and humanity.

Trapped in Greece

Greece will soon detain a much larger number of immigrants than its current prison population of 12,000 people²⁴. Operation 'Xenios Zeus', launched in August, 2012 by Prime Minister Antonis Samaras, aims to restore human dignity to immigrants at the same time as it sets out plans to

arrest all undocumented migrants in Greece, indefinitely detain them in web of remote centres located in buildings pressed into service for this reason, before eventually deporting them. According to police sources they have so far arrested 10,000 people and detained more than 4,000²⁵. The government has also announced its intention to build 30 new detention centres by 2014 to hold 30,000 immigrants. The multi-million programme, funded by the European Union, foresees the creation of 'closed hospitality centres' on unused military sites to fight inner-city crime, deter economic immigrants and create local jobs²⁶.

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21. *M.S.S. v Belgium and Greece*, op cit, para. 231-234; *R.U. v Greece*, ECtHR, Application No.2237/08 of June 7, 2011, para. 63-64; *S.D. v Greece*, ECtHR, Application No. 53541/07 of June 11, 2009, para. 49-54.

22. Detainees claim that they are allowed to go to the toilet for a maximum 3 times a day. Many times they urinate in plastic bottles or against the doors.

23. They have now allowed us to offer them books and detainees can buy food from the canteen at the airport as meal portions are very small.

24. The number of migrant detainees cannot be found in any official police statistics; however, based on rough estimates this number is now around 10,000.

25. See, <http://euobserver.com/justice/117178>

26. The first of such centres built on the outskirts of Athens will soon hold 2,000 immigrants.

According to Greek legislation, immigration detention shall not exceed a maximum of six months²⁷ and shall only be used in cases of danger to public order and with a view to deportation (Law 3386/2005, Article 76). However, the state can do neither at the moment. Once detained, most individuals, including trafficking and smuggling victims and asylum seekers, are given an administrative deportation order. Nonetheless, the number of official deportations from Greece is small compared to the number of persons arrested and detained for illegal entry or presence. For example, in 2008, 20,555 deportations took place out of 81,741 issued orders. Significant challenges to Greece's ability to deport undocumented foreigners have been identified. Such obstacles include low cooperation between diplomatic authorities of the migrant's country and Greece, problems in identifying nationality, difficulties in implementing the return agreement with Turkey²⁸ and lack of diplomatic representation of some countries in Greece (e.g. Somalia, Afghanistan, Sierra Leone).

The number of arrests has risen to unexpected proportions, while the capacity of police stations and detention centres remains small. Consequently, irregular migrants are now released arbitrarily in a move that ironically mirrors their original arrest and detention. Upon release, they are issued with a police notice ('white card') insisting they leave the country voluntarily within 30 days, even though this departure is legally impossible for irregular migrants. This card is almost always in Greek and is not accompanied by any information in their language. It is sometimes mistakenly considered an identity card or a travel document. In essence this white card is seen as a ticket from the border to Athens and then to another country. Thus, the majority remain in the country illegally; released only to be arrested, detained again and issued yet another white card.

This is the reality for most detainees at the airport. They are arrested attempting to leave Greece, they

remain in detention for 6 months and they are then released with the white card which gives them the opportunity to try again. Some of those who make it to Europe are later returned to Greece under the Dublin II Regulation. So, irregular migrants at the airport cannot move onward because of EU law and cannot move back home. They remain 'stored' in Greece, in detention under terrible conditions or on the streets with the legitimate fear of racist attacks. They have no possibility of obtaining legal status because of the country's antiquated immigration system and recent changes that call for a reconsideration of all residence permits and asylum claims. This vicious cycle takes irregular migrants in Greece from the border to the inhospitable streets of Athens in a quest for an opportunity to leave Greece. They then go to a detention centre before they are pushed out the back door on the streets again. This shows the path of illegality on which irregular migrants are trapped while in Greece.

Conclusion

The walls of the airport detention centre are covered with posters of the advertising campaign 'Live your myth in Greece' and beautiful pictures of scenic places on Greek islands. The irony is painful. Not only will the detainees never visit these places but no myth awaits them in Greece either. On the contrary, most will be consumed by the Greek immigration maze, with no way out and no thread that can lead them where they want to be. Immigrants who want to stay in Greece are forced to leave due to the current economic situation of the country and the apparent rise of xenophobia and racist attacks, and those who want to leave are trapped here. Greece does not want the role it has, nor do immigrants want to stay there. However, they get stuck in the country with no realistic options.

27. The maximum period of detention was increased in 2009 from 3 to 6 months, with the possibility of extending it to 12 months under special circumstances, like long prison sentences (Law 3386/2005, as amended by 3801/2009). The new Minister of Public Protection, as part of the new operation, has asked detention centre directors to apply the 12 month period to all detainees. This is the government's last resort to force detainees to ask for 'voluntary' departure from Greece.

28. For a report on this issue see, Human Rights Watch (2008).