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European Migration Policy towards human rights standards in the
last decade (2010-2020)

By

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Abstract

The purpose of this thesis is to examine the EU's migration and asylum policies of the past decade (2010-2020) and particularly during the refugee crisis towards human rights standards. Mostly, it examines the freedom of movement and detention conditions in Greece, presenting the human rights violations as an aftermath of the EU policies failing to address the refugee crisis adequately and the inhumane detention conditions in Greece. The thesis examines the legal framework of human rights and especially the freedom of movement and the detention conditions in the three levels: international, European and national. Additionally, it examines the migration policies adopted by EU towards human rights, the concept of securitization and externalization of EU migration policies and their impact on basic rights and liberties of the refugee and migrants' population. In the thesis we cite many figures of the reports conducted by organizations observing the human principles and prove the violations taking place.

The researcher used the qualitative method to answer the research questions, including literature review and interviews. Three categories occurred from the research that are analysed in the thesis. The first one as it is quoted in the thesis is the evaluation of the European migration policy towards human rights of refugee and migrant population with emphasis on the period 2015 and onwards. Second, the application of the freedom of movement to refugee population in Greece and the third, the detention conditions in Greece in contradiction with the rights of the people. It became clear from the research that although all countries have agreed on the fundamental humanitarian principles, the refugee crisis brought in the spotlight that the humanitarian imperative is still jeopardized and the implemented policies were not adequate to address the crisis in the last decade.

In the last chapter, we present the findings in European and national level and we state future recommendation for an effective European migration policy that uses a fair distribution system and places the humanitarian imperative in front and centre of all agreements.

"This new situation, in which "humanity" has in effect assumed the role formerly ascribed to nature or history, would mean in this context that the right to have rights, or the right of every individual to belong to humanity, should be guaranteed by humanity itself.

It is by no means certain whether this is possible. For, contrary to the best-intentioned humanitarian attempts to obtain new declarations of human rights from international organizations, it should be understood that this idea transcends the present sphere of international law which still operates in terms of reciprocal agreements and treaties between sovereign states; and, for the time being, a sphere that is above the nation does not exist.

Furthermore, this dilemma would by no means be eliminated by the establishment of a "world government." [...] A conception of law which identifies what is right with the notion of what is good for—for the individual, or the family, or the people, or the largest number—becomes inevitable once the absolute and transcendent measurements of religion or the law of nature have lost their authority. And this predicament is by no means solved if the unit to which the "good for" applies is as large as mankind itself. For it is quite conceivable, and even within the realm of practical political possibilities, that one fine day a highly organized and mechanized humanity will conclude quite democratically—namely by majority decision—that for humanity as a whole it would be better to liquidate certain parts thereof" .

Hannah Arendt, *the Origins of Totalitarianism*

Acronyms

AMIF: Asylum, Migration and Integration Fund.....	.....
AMKA: Greek Social Security Number.....	.....
CJEU: Court of Justice.....	.....
CPT: European Committee for the Prevention of Torture and Inhumane Treatment.....	.....
ECHO: European Community Humanitarian Office.....	.....
ECHR: European Convention on Human Rights.....	.....
ECRE: European Court of Human Rights.....	.....
ECRI: European Commission Against Racism and Intolerance.....	.....
ESC: European Social Charter.....	.....
ESI: Emergency Support Instrument.....	.....
EU: European Union.....	.....
EU-Lisa: European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security, and Justice.....	.....
Eurodac: Wide Fingerprint Identification System.....	.....
Eurosur: European External Border Surveillance System.....	.....
FRA: European Union Agency for Fundamental Rights.....	.....
FRONTEX: European Border and Coast Guard Agency.....	.....
GCR: Greek Council for Refugees.....	.....
GNCHR: Greek National Commission for Human Rights.....	.....
GRC: Greek Council for Refugees.....	.....
IBM: Integrated Border Management.....	.....
ICCPR: International Covenant of Civil and Political Rights.....	.....
ICT: Information Communication Technologies.....	.....
IOM: International Organization for Migration.....	.....
IPA: Internal Protection Alternative.....	.....
ISF: Internal Security Fund.....	.....
Jos: Joint Operations.....	.....
MSF : Medecins Sans Frontieres.....	.....
NGO: Non-Governmental Organization.....	.....
ODIHR: Office for the Democratic Institutions and Human Rights.....	.....
PAAYPA: Temporary Social Security Number.....	.....
RABIT: Rapid Border Intervention Teams.....	.....
RAO: Regional Asylum Office.....	.....
RIC: Reception and Identification Center.....	.....
RIS: Reception and Identification Service.....	.....
SIS : Schengen Information System.....	.....
TEU: Treaty on the Functioning of the European Union.....	.....
UNHCR: United Nations High Commissioner of Refugees.....	.....
UNICEF: United Nations Children's Fund.....	.....
VIS: Visa Information System.....	.....
WWII: War World II.....	.....

Introduction

The twenty-first century is the "century of the migrant." According to Castles & Miller, we can say that we now live in the "age of migration." An era where global mobility is an exceptionally stratified phenomenon, from the tourist to the undocumented worker, and from human trafficking to refugees forced to leave their country of origin because of climate changes, poverty, or ongoing conflicts (Castles, De Haas, & J. Miller, 2013). The resulting global inequality stratifies people in class, race, gender, and, most obviously, country of origin (Costello & Freedland, 2014).

Many migrants, in particular irregular migrants, move, live and work on the edge. They are disproportionately vulnerable to discrimination, exploitation and marginalization through limited or non-existent means of reduction. In many cases they are at risk of abuse, exploitation and exclusion because of the too few legal paths for migration, family reunification, study, humanitarian reasons and labour at all skills levels. This inequality has resulted in increased migration flows.

There were several migrant crises in modern European history. After the fall of the Iron Curtain, Europe had to deal with 700,000 asylum seekers (Grigonis, 2017). Before this, 60 million refugees during and after World War II have left without a home (Rothman, 1971). In the recent past, because of the war initiated by the Russian-backed separatists, almost 2.6 million Ukrainian residents were forced to leave their homes in Eastern Ukraine (Global Conflict Tracker, n.d.).

It becomes evident that migrant crises recur periodically in Europe. Considering all the lessons that history taught us, after the events in the Middle East emerged, the migrant crisis could already be predicted, prepared for, and its consequences (including human rights violations) could be significantly mitigated. Should the European leaders had assembled some time before the crisis (after the Syrian war began, for instance) and decided on the most critical issues concerning migrant policy, the crisis could have been softened significantly. Although, the Syrian humanitarian crisis has surprised Europe.

The refugee crisis outbreak found Europe divided; some political leaders were demanding extraordinary measures, for instance, the German Chancellor, Angela Merkel. She stated that

"Extraordinary times demand extraordinary measures" while others were accusing the Union of not trying to find a standard solution to the problem of having hostile attitudes towards the incoming migrants that led to the closure of its country's borders and not accepting asylum seekers in their territories (Reports, 2017).

Additionally, the EU has attempted to respond to the mass influx of migrants entering its borders by imposing migration policies based on border management and ambivalent security ideals. Many authors, researchers, humanitarian groups, non-governmental organizations, and some policymakers question whether the EU has succeeded in developing an effective humanitarian policy on arrival for refugees and create an EU-wide legal channel open to migrants. In the thesis, we attempt to provide an answer to this question.

Finally, I would like to show my gratitude to the people who assisted me throughout this research. I would like to thank my supervisor, Dr SavvatouTsolakidou for her support, thoughtful comments and her positive guidance during this research and from the academic committee, Dr Chalkia Anastasia and Dr Gkegkas Athanasios for their comments and recommendations. Furthermore, I wish to thank all the participants whose assistance was a milestone in the completion of this project. Thank you for expressing your thoughts so eloquently and shared with my experiences upon the topic. To conclude, I cannot forget to thank my family and the friends who have become family for their unconditional support during the compilation of this thesis.

Chapter 1

The International and European Legal Framework

1.1 A brief overview of the right to asylum in international and European law

According to International Law, there are three Faces of the Right of Asylum. Firstly, the Right every state has to grant asylum (Morgenstern, 1949, pp327). International law incorporates the right of a country to grant it. Additionally, it includes the proposition that every sovereign state is considered to have exclusive control over its territory, therefore over persons present in its territory. Article 14(1) of the Universal Declaration of Human Rights provides, among other things, each individual's right to "enjoy in other countries asylum from persecution" (Edwards, 2005).

The Committee of Ministers of the Council of Europe adopted a Declaration on Territorial Asylum that, in Article 2, reaffirms states' right to grant asylum in 1977 (Rights & Europe, 2014).

Additionally, to these regional agreements, many states have municipal asylum adjudication procedures. The second condition of the right of asylum is the right of an individual to seek asylum that has its base on the principle that «a State may not claim to 'own' its nationals or residents (Rodda, 2015).

Most of the binding regional instruments recognize this right. For instance, Protocol No. 4 of the European Convention for the Protection of Human Rights and Fundamental Freedoms «proclaims that "[e]veryone shall be free to leave any country, including his own (Churgin, 2014).

The third aspect is the right of an individual to be granted asylum. All three aspects mentioned above constitute the basis of the legal framework on an individual's right to seek asylum.

1.2 The Geneva Convention and the New York Protocol on the freedom of movement

The vital element of the international regime for the protection of refugees, the Geneva Convention of 1951, was implemented to respond to World War II's brutalities and address the massive population flows in Europe in the aftermath of the conflict. It refers to the recognizing refugee status and, simultaneously, places the minimum standards for their treatment. The Refugee Convention and its Protocol aim to provide protection and explicate who is a refugee, their rights, and the obligations of the 148 States parties to one or both instruments. The universal accession to the Refugee Convention is a reasonable and achievable goal.

It defines as a refugee the person who is:

Owing to a fear of persecution because of ethnic group, religion, nationality, membership of a particular social group or political opinions, is not resident in the country of its nationality and is either unable, afraid, or not willing to avail him/herself of the protection of that country(WHO, n.d.).

In July 1951, the diplomatic conference in Geneva had adopted the Convention Relating to the Status of Refugees (1951 Convention), which was later amended by the 1967 New York Protocol. The Protocol came into force on 4 October 1967, and there are 146 signatory countries. The innovation of this Protocol was the removal of the temporal and geographical restrictions to have the right to claim asylum. This innovation is a necessary outcome after the decolonization.

Furthermore, it gave the states and especially European states the option to retain the restriction. The international refugee protection system has its base on the Geneva Convention and the New York Protocol and is a foundation for the protection of refugees in the European region where there is no regional subsystem created (Kissinger & Saczuk, 2004).

The principal norm securing refugee rights formulated in the Geneva convention, specifically in article 31 (2) and article 16, is a non- refoulement rule, which constrains refugees' expulsion or forceful return to the countries where they could be under persecution or in danger of death.

Furthermore, it states the refugee's obligations towards the host countries and specifies categories of people who do not qualify for refugee status. Prima facie, the Refugee Convention does not explicitly proclaim asylum seekers' rights since it is mainly concerned with the refugees' rights. It is crucial to acknowledge that the convention applies irrespective of the completion of the refugee status procedure. As there is a possibility that asylum seekers might become refugees in that process, the rights under the convention also apply to those "presumptive refugees."

Additionally, the premise remains that refugee recognition is a declaratory act, which entails that an individual becomes a refugee within the Refugee Convention's meaning when he fulfills the criteria enunciated in the definition (Goodwin-Gill & McAdam, 2007).

The two legal documents' signatory countries have agreed to protect and promote refugee international protection as a joint trust. The trust's essence is that the responsibility for full and selective implementation of those instruments can be shared with the countries, or any country can bear it.

Most research divides the analysis of the right to freedom of movement into six phases that cover the journey a refugee travel. Each of the phases excepted the second one is equivalent - with a particular aspect of the right to freedom of movement: (1) departure from the country of origin (the right to leave one's country); (2) entering a foreign state to find refuge; (3) freedom of movement upon arrival (the right to liberty of movement); (4) freedom of movement in the asylum state (the right to liberty of movement); (5) external freedom of movement (the right to leave any country); and (6) return to the country of origin (the right to enter one's country) (Zieck, 2018).

Article 9(1) of the International Covenant on Civil and Political Rights (ICCPR) has a holistic approach to the freedom of movement, stating that "Everyone has the right to liberty and security of person. No one shall be condemned to arbitrary arrest or detention. No one shall be deprived liberty except on such grounds and under such procedure as are established by law".(Human Rights Committee, n.d.) The article is incredibly important as it refers to liberty and security; two concepts that are extremely difficult to be balanced without one prevail over the other, mainly when we refer to refugee/migration populations. While on the contrary, the Geneva Convention has a more integrated and confined approach for detention and measures of detention stated in articles 31(2) of the 1951 Convention. "The Contracting

States shall not impose on the movements of such refugees' additional to those necessary and restrictions shall only be applied until their status in the country is regularized or they obtain admission into another country" (Costello, 2017).

Conclusively, the right to liberty and freedom of movement are fundamental principles protected under international and regional human rights instruments. It is crucial to analyze the right of liberty and the concept of detention in the refugee/migrant population by examining the International Refugee Law and European Human Rights regime, and the European Union's Legal Framework. Acknowledging the importance of the EU Law, we elucidate the European legal framework of human rights in the next paragraphs.

1.3 The European Legal Framework on Human Rights-The primary Law

In Europe, there are two human rights instruments. The first one is the European Convention on Human Rights 1950 (ECHR) that constitutes part of the Council of European system(Greer, 2006).The Treaty on European Union (TEU) foresees the EU's accession to the ECHR in Article 6(2). Article 3of the ECHR declares that it prohibits torture, inhumane or degrading treatment or punishment of any person. The article has been interpreted by the European Court of Human Rights. In any country with high implications that any kind of violation is happening; a prohibition is sent to it(Mole, Meredith, & Europe, 2010).

The second instrument is the EU Charter of Fundamental Rights, which constitutes part of the European Union's legal structure. Article 4 states that it prohibits ill-treatment in absolute terms, torture, inhuman, or degrading treatment or punishment for every person (Peers, Hervey, Kenner, & Ward, 2014).

The right is guaranteed by Article (3) of the ECHR, having the same meaning and purpose. TheMember States must not expose any person to the risk of the death penalty, any torture or degrading treatment or punishment, persecution, or any other serious violation of their fundamental rights. Article 18 concerning the right to asylum in full accordance with the Geneva Convention and the New York Protocol, related to the status of refugees; Article 19 incorporates a prohibition on return to a country where there is a severe risk that the person would be subjected to inhuman or degrading treatment or punishment.

1.4 The European Legal Framework for the Freedom of Movement

On the European legislative level, there is full accordance with the international guidelines and the legal framework. Additionally, the New York Protocol related to the refugee status is the binding treaty for the international refugee law to the Geneva Convention. The countries that have accepted the above legal documents have agreed to protect and promote refugee international protection as a joint trust. The trust's essence is that full and selective implementation of instruments can be shared with the countries or borne by any country.

Specifically, in Article 78 of the Treaty on the Functioning of the EU (TFEU), we recognize the relationship between EU legislation and the Geneva Convention. Article 78 declares that a standard policy on asylum, subsidiary and temporary protection must be in harmonization with the Geneva Convention, and all other relevant treaties." Notwithstanding, the Court of Justice (CJEU) has introduced this provision, does not specify to which "other relevant treaties" refers.

Reinforced by the EU Convention on Human Rights and Protocol No. 4, and Fundamental Freedoms, securing individual rights, freedoms other than those already included in the convention and the First Protocol,

The Governments signatory, members of the Council of Europe, have agreed as follows on the Article 2:

Freedom of movement: 1. Everyone lawfully within a country should have the right to liberty of movement and freedom to decide on his residence. 2. Any person shall be free to leave any country, including his country of origin. 3. Restrictions shall not be imposed in exercise these rights other than these by law, essential in a democracy for national security or public safety, for public order, the prevention of crime, the protection of public health or morals, rights and freedoms of others. 4. The rights outlined in paragraph 1 may also be subject, areas, to restrictions imposed under the law and defended by the public interest in a democratic society(Ehlers, 2007).

1.5 The European Legal Framework for Detention

Article 5 of the EU Convention on Human Rights, related to the freedom of liberty and security, states that no one shall be in the deprivation of his liberty. Although, paragraph (f) of the article states that a person's lawful arrest or detention to inhibit affects an unauthorized entry into the country. Other legal documents integrated to the European Law is Article 31 related to the Status of Refugees and the Conclusion No. 22 of the Geneva Convention relating to the treatment of asylum-seekers in situations of large-scale influx, as well as Conclusion No. 7, specifically paragraph (e), on the question of custody or detention related to the expulsion of refugees lawfully in a country, and Conclusion No. 8 paragraph (e), on the determination of refugee status. The above legal documents express that the detention of asylum seekers should be the last resort regardless of illegal entry or presence in a state; this cannot be the sole reason for detention (Refugees, n.d.).

There are exceptional cases where an asylum seeker may be kept in detention. These are the following:

1. To certify his or her identity or nationality.
2. To determine elements in the application for international protection is based, which could not be obtained otherwise when there is a risk of the applicant's absconding.
3. When it is ascertained based on objective criteria, including that he or she already accessed the asylum procedure, that there are reasonable proofs to believe that the applicant is applying for international protection solely to delay or frustrate the return decision if it is probable that the enforcement of such a measure can be effective.
4. When the person is a danger to national security or public order.
5. According to the Dublin III Regulation, there is a severe risk of the applicant's absconding to ensure a transfer decision.

For the formulation of a risk of absconding to detain asylum seekers on the grounds (II) and (V), the law refers to the definition of "risk of absconding" in pre-removal

The Council of Europe guarantees a series of rights to people in detention under article 5.1 of the European Court, entitled Lawfulness of Detention and state the following:

"Every person has the right to liberty and security, which means that every person has the right to be protected against arbitrary detention. According to this, liberty deprivation must be justified and carried out the following procedures prescribed by law".

The ECHO clarifies the specifications of migrants' detention and distinguishes the detention of individuals who previously have or those suspected of having committed criminal offences. The detention of migrants should be carried out in good faith, prevent persons from entering the territory illegally, and explain that the conditions of detention should fit this purpose, considering migrants' vulnerability.

1. Permissible grounds for the detention of migrants other than immigration control
2. The deprivation of liberty for any other case, except the immigration control, such as criminal proceedings or public health protection, must respect the principle of non - discrimination.
3. Right to Information(Rights, & Europe, 2014)

1.6 The Contradictions of the International Legal Framework

The Geneva Convention addresses the freedom of movement upon arrival stage. Assuming that the refugee somehow gained entry to a state, legally or illegally, is she/he entitled to freedom of movement within that state? It is a complicated question, and the answer cannot be simple; it differentiates with the lawfulness of his presence in the country concerned. The 1951 Convention makes a distinction between unlawful and lawful presence regarding the freedom of movement.

The liberty of movement is predicated on lawful presence within a territory and unlawfully presence. We can state that neither the Geneva Convention nor the New York Protocol includes provisions that deal explicitly with refugees and asylum-seekers' detention. However, Articles 31 and 32 of the 1951 Convention are potentially relevant provisions concerning asylum seekers and refugee detention.

Furthermore, it is essential to refer to legal documents such as the Universal of Human Rights (UDHR). When we examine the right to seek asylum from departure, Goodwin-Gill , in his work entitled Article 31 of the 1951 Convention relating to the Status of Refugees: Non-

penalization, detention and protection, expresses the legal status of the Article would arguably be relevant since it could trump restrictions on departure in a sense indicated earlier(2001). Does the question arise when we examine the legality of the right to seek asylum from the departure, preferably from the perspective of granting asylum? It simply is not clear: as part of the Universal Declaration, it may or may not have developed into a customary international law rule. Part of the problem is that both seeking and enjoying asylum come together in the right concerned, while the enjoyment, or instead granting asylum, was and still is considered the prerogative of states(Zieck, 2018)

So UDHR refers to the right to have a nationality, but as it states in one's residence or the country selected by the person. Additionally, it refers to the right of free movement and residence but only inside the territory of each State; furthermore, the right to leave any country (even his/her country of origin) to come back later, but not to enter another state. Article 14 (1) of the UDHR contains the right to seek, but not to guarantee asylum, claiming that "everyone has the right to seek and enjoy ... asylum from persecution"(TOPULLI, 2016).

This statement is controversial. Considering that there are contradictions in the document's formulation, we can imagine that difficulties occur in the applicability of the legal framework. An additional paradox is the overlapping authority of HRC and the EctHR. The legal framework is evasive and gives some rights, but limits many others. States can decide in terms of migrants and border control, and EU organizations have no compelling power on this issue.

On the national level, according to the Convention for the Status of Refugees and specifically Article 31(2), the states are shrinking the right to freedom of movement of refugees, "other than those necessary. This "allows" states to curtail refugees' freedom by referring to the threat refugees may impose on the state's national security or sovereignty(Goodwin-Gill, 2017).

To summarize the above, countries do not have unlimited authority over migration issues, as the international legal framework and the progress of human rights laws and regulations limit the state authority over immigration detention.

Chapter 2

The Greek Legal Framework of Migration and Asylum Law

2.1 Brief overview of the evolution of the Greek migration and asylum policy

Greece is in an incredibly unique geographic position regarding the refugee flows into Europe because of its proximity to Turkey, which is the conduit for Syrian, Afghan, Kurdish, Iraqi, and in some cases, African refugees. Additionally, it is in proximity to the Balkan region that has received most migrant flows during the 90s.

The brief historical overview of Greek immigration trends since the 20th century includes mainly flows from the Balkans and refugees from Asia Minor (approximately 1, 4 million in the 1920s and around 350,000 in the 1950s from Istanbul) and Egypt. After the geopolitical changes and the collapse of the Communist regime in 1989, Greece became a host country for mainly undocumented immigrants from eastern and central Europe, the ex-Soviet Union, and the Third World. This sudden increase in immigrant influx was an unexpected phenomenon for both the government and the population. According to Triandafyllidou&Marouf of this abrupt entrance of thousands of migrants has shocked most of the Greek population that has not experienced a mass migration influx so far (2011).

During the 90s, there was administrative and political confusion regarding the national migration policy and an over-representation of irregular/illegal immigrants working in informality conditions across the Greek economy. At this period, migration in Greece was perceived as a criminal act. The country aimed to reduce the flows by setting a penalty of imprisonment (up to five years) for those entered and worked illegally (Lafazani, 2018).

Furthermore, migrants' entrance into the legal labour system and their legal residence were overly complicated, as an act full of prohibitions and police measures.

A few years later, in 1998, when Greece realized that migration was not a temporary issue, the Greek state legalized the first mass of migrants by introducing two presidential decrees aiming to record and provisional settlement of migrants already living in the country. Those

ordinances granted residence permits of limited duration and working permits to those who requested them. Greece proceeded to the legalization of migrants that had entered the country 'illegally' in the past, hoping to divert them to other countries of the Schengen territory (Μπάγκαβος, n.d.).

Simultaneously, with the effort to legalize the immigrants in 2001 and the above arrangements, the government drafted a three-year action plan for their social inclusion of migrants, supported by the European Social Fund and the European Commission (2002-2005). One of the plan's intentions was the integration of immigrants into the labour market, the provision of care and health, and for the first time, the introduction of measures to combat racism and xenophobia in Greek society, that was by this time hostile towards the migrants.

Although, act 2910 of the year was not adequate and did not meet the expectations, there was a need for a more integrated law. The law has improved the situation for the migrants already living in Greece by reducing from fifteen to two years as a required residence period to have the right of family reunification and the right to minors' education.

Most notably, with this act, the migration issue is no longer a responsibility of the Ministry of Public Order but becomes a responsibility of the Ministry of Interior, Public Administration and Decentralization (Baldwin-Edwards, 2018).

The punishment of those who facilitate migrants' transportation in Greece and Greece to Europe is initiated in the law and is a fundamental issue mentioned in the following immigration laws. Article 5 of the 2910/2001 determines strict punishments for the smugglers, such as imprisonments and confiscations of the boat or vehicles they use to transport migrants (Νόμος 2910/2001).

After the law's implementation, several problems followed because of its complexity and the extensive bureaucratic procedures needed. In the opinion of Baldwin-Edwards stated in the paper *Immigration into Greece, 1990-2003: A southern European paradigm?*, the criteria to apply for legalization were very demanding as they required many validations per year the moment that a large number of migrants were working in the illegal labour sector and the procedure for obtaining documents for a work permit was very difficult. The additional problem was the lack of adequate personnel in number and training (2004).

On 23 August 2005, the government voted a new law (Law 3386/2005 with Government Gazette number A212) that regulated immigration issues and integrated into the national concept Directive 2003/86 / EC (concerning its right-family reunification) and 2003/109 / EC (on the status of the far-flung). Law 3386/2005 tried to regulate the entry, residence issues, and social inclusion in the Greece of third-country nationals. All the EU citizens, refugees, and asylum seekers were excluded from its scope. The main scope of the 3386/2005 was to rationalize the foreign workers' referral system from abroad to Greece for occupational reasons (Article 14, Law 3386/2005).

These ordinances granted residence permits of limited duration and working permits to those who have requested those (Baldwin-Edwards, 2004). Greece proceeded to that legalization of migrants that had entered the country 'illegally' in the past, hoping to divert them to other countries of the Schengen territory (Kandyliis, Maloutas, & Sayas, 2012).

To conclude, Greece was a country with migration flows since the late 90s in her territory, although the country had no experience with refugee flows and asylum procedures. In the following part, we try to present Greece's development in handling the mass refugee flows appeared mainly in 2015. At this point, it is paramount to mention that the current refugee influx differentiates as it occurred in the context of the recent Greek debt crisis of 2008 that left the Greek economy devastated.

2.2 Developments in Greek Migration and Asylum Policy after 2015

The Greek asylum system before the outbreak of the refugee crisis was not ready to welcome this massive influx of people. Meanwhile, the state was suffering a dire financial crisis. "Due to the structural defects of the Greek Asylum System an effective refugee protection cannot be afforded unless a radical reform is introduced which seems very unlikely at the present time" (Skordas, 2004). Skordas, highlights that the failure of an effective refugee protection policy, has no relevance with a security –oriented policy, that might be and is still obvious in other European countries, as the Greek refugee legislation has not been particularly sensitive with the threat of terrorism (2004).

The policymaking provided a temporary and not permanent solution to an issue that was here to stay and interest the country on the national, European, and international levels. We can state that Greece, in 2015, was at the epicentre of two overlapping humanitarian crises: the economic crisis and the crisis of refugees (Cabot, 2018). In the times of the dire economic crisis that the Greek state faced, citizens became targets of humanitarian projects. Many Greek citizens found themselves from one day to another jobless; pension was cut down; social welfare was collapsing.

Although the country, with limited means and without any experience upon that issue and missing a long-term efficient policy view on the topic, accomplished to provide refugees with legal aid, information concerning the available social programs, Greek language instruction, and essential elements health care. The country's difficult situation continued in 2016, where negotiations with the creditor countries and the IMF were taking place, fiscal pressure on citizens, and privatizations on many public organizations till this moment in Greece. The unemployment rate has slightly decreased from 24.5% to 23.2% between summer 2015 and summer 2016, but the Greek economy's difficulty remained in all sectors (health, education).

Meanwhile, in Greece, 167,000 people have arrived between January and 3 October 2016, of which 147,000 had arrived in the first quarter of 2016. Since 2015 Greece received 2.64 billion EU support to manage migration and its borders up until June 2020. Three sources provide financial support: a) the Asylum, Migration, and Integration Fund (AMIF) €1.57 billion, b) Internal Security Fund (ISF) €426.1 million, c) Emergency Support Instrument €643.6 million (ESI) (European Commission, 2020).

In April 2016, a new law (L4375/2016) was implemented by the Greek government, partially reforming the asylum-seeking application processing. The law was mainly following the EU-Turkey agreement, with the crucial issue introducing an exceptional regime applicable in border areas. Some other provisions of the law included the reformation of; however, seek to tackle the backlog cases with the attribution of 2-year residence permits on humanitarian grounds. After the implementation of the Law L4375/2016, a few modifications were established targeting the restructuring of the Appeal Committees aiming to reduce the possibilities for appellants to request a hearing and aiming at speeding up the processing of asylum applications lodged and examined in the Aegean islands, where those arriving after 19 March are held, with the scope to return to Turkey under the provisions of the EU-Turkey agreement. The agreement was signed on 18 March 2018 by the prime ministers of all EU

member states to respond to Turkey's refugee flows into Greece and through Greece to other EU countries.

In line with the EU-Turkey agreement, all migrants who arrived on Greek islands via Turkey or intercepted in the Aegean Sea after 18 March 2016 they will return to Turkey. In return, the EU agreed, among other things, to relocate directly from Turkey, several Syrians equal to the number of those intercepted and returned to that country. The agreement applies to all irregular migrants and asylum seekers who arrived in Greece after 18 March 2016, and consider Turkey as a safe third country, and hence article 38 of the Asylum Procedures Directive, about the Safe Third Country principle applies. After the closure of the Balkan route and the EU-Turkey agreement, a new era started in terms of asylum and migration policies at the national level in Greece, and especially in Europe. There has been a significant reduction of the flows; since then, Greece's challenge was how to deal with those who remained "trapped" on the Aegean islands.

At the national level, the Government, civil society actors, local authorities resources including international, national, and local organizations that have provided their services have been initially dedicated to the setup and organization of the first reception/accommodation facilities, and also to the provision of food and essential items needed, such as hygiene items, clothing, footwear, as well as services such as transport.

By this time, there was a need to speed up the registration process as they could only claim relocation if registered and processed as asylum seekers. The registration exercise started on 8 June 2016, more successfully with the people living in the camps and less smooth for those who lived in various urban areas outside of the campground proceeded relatively smoothly for people who reside in the various reception camps.

2.3 The freedom of movement in Greece

The asylum seekers in the Greek territory have the right to move freely within the country or the area assigned by a regulatory decision of the Minister of Citizen Protection (heretofore, the Minister of Migration Policy) (Νόμος 4756/2020 - ΦΕΚ 235/Α/26-11-2020).

Three pieces of legislation regulate immigration detention in Greece. The law Adopted in 2005 and amended several times, Law 3386/2005 on the Entry, Residence, and Social Integration of Third – Country Nationals on Greek territory, which was adopted in 2005 and received many amendments. The law initially provided to the Greek state the principle legal framework governing the entry and departure of non-citizens, including detention. Although Law 4251/2014, adopted in 2014, the Immigration and Social Integration code—all the provisions of Law 3386/2005 was abolished, except for Articles 76 -78, 80- 83, 89(1)-(3), which pertain to immigration detention and are in force (Country Report - Greece | Asylum Information Database, n.d.).

The Law 3907/2011 for the Establishment of an Asylum Service and a First Reception Service, which transposed the EU Returns Directive, has formed the pre-removal detention framework. Greece has evoked the option from the directive, not to apply it to persons apprehended or intercepted in connection with irregular border crossings, by that impeding person from accessing essential provisions in the directive—including alternatives to detention.

The Law 4375/2016 that was adopted when the country accepted the EU-Turkey joint statement, named "Law on the organization and operation of the Asylum Service, the Appeals Authority, the Reception, and Identification Service," has propelled the creation of the General Secretariat for Reception, and the transposition into the Greek legal framework of the provisions. (Greece - Migration - Legislation - Legislation line,n.d.).

According to its article 46 (1), non-citizens must not be detained because they applied for international protection, entered the Greek borders illegally, or stayed without documentation. Furthermore, Article 46 (2) L 4375/2016 states that such a detention measure should be applied exceptionally after an individual assessment has been completed and only as a measure of last resort where there is no alternative measure that can be applied. The competent police authority should issue a new detention order, which must be fully motivated. Except for the "public order" ground, the detention order's publication is following a recommendation by the Asylum Service Director. Per contra, the police have the final decision for detention. Contrary, detention because of removal, i.e., based on deportation or a return decision article 46 (2) L 4375/2016. Moreover, the Greek legislation permits the detention of asylum seekers who apply for asylum while already detained under Law 3386 of Law 3907 (Asylum Information Database, n.d.).

The law transposed the EU Asylum Procedure Directive improving the institutional framework of asylum and regulating asylum seekers' detention. In May 2018, Law 4375/2016 was altered by Law 4540/2018. Law 4375 requires that non-citizens must not be kept in detention for the sole purpose because they applied for international protection, entered the country illegally, or stayed without documentation (Article 46 (1)). Moreover, the Greek legislation permits the detention of asylum seekers who apply for asylum while already detained under Law 3386 of Law 3907.

Before implementing the new IPA, when an asylum seeker has applied for asylum in one of the Eastern Aegean islands, it was subject to geographical restriction and was in detention. In case he/she was outside the assigned area, he/she could be under arrest and transferred back to that island. In this case, the detention decision as opposed to the guarantees provided by law for administrative detention and without examining the asylum seekers' legal status. The detention order was based on provisions of the L 3907/2011 and L 3386/2005, referring to the deportation of irregularly staying third-country nationals to their country of origin, as these legal frameworks do not apply to asylum seekers (Νόμος 3907/2011 - ΦΕΚΑ-7/26-01-2011 - ΑΛΛΟΔΑΠΟΙ - ΟΜΟΓΕΝΕΙΣ - ΠΡΟΣΦΥΓΕΣ - ΠΟΛΙΤΕΣΕ.Ε., n.d.).

In the past years, a case that was supported by the Greek Council for Refugees (GRC), the Administrative Court of Thessaloniki ordered the release of a woman from Morocco, who was detained with the purpose to be transferred back to Chios on the basis that, among other things, she is an asylum applicant and could not be in detention for return purposes.

According to a research conducted at the end of 2019, in the Eastern Aegean Islands, there were 65 persons detained in police stations. Of whom 1 in Leros, 6 in Chios, 9 in Samos, 6 in Lesbos, 4 in Kos, and 39 in Rhodes. According to the Internal Protection Alternative (IPA), any restriction of freedom of movement imposed within a specific geographical area should not affect the unalienable private sphere and should not hinder the exercise of rights provided by the law (Νόμος 4636/2019).

The latest re-amendment of the national asylum legislation took place in November 2019. L. 4636/2019 (from now on International Protection Act/IPA) was entered into force on 1 January 2020 from the newly elected right government. It now consists of the national policy's current asylum framework. According to Article 47 (1) IPA, asylum seekers are detained in detention areas as provided in Article 31 L 3907/2011, which refers to pre-removal detention centres established following the Returns provisions Directive. They can

also be under detention in the pre-removal detention centre, where there are third-country nationals under removal procedures.

In Greece, there are eight per-removal detention centres active; by the time this thesis is written. There are various areas in Greece, on the mainland, in the islands. There are in Amygdaleza, Tavros (PetrouRalli), Corinth, Paranesti-Drama, Xanthi, Fylakio-Orestiada, Lesvos, Kos, Samos. Like other foreign national, asylum seekers might end up in detention for contravening the geographical restriction, awaiting their transfer to a RIC, within the RIC, or during push-back operations at the border. Moreover, asylum seekers whose applications are in fast track border procedures are under detention if their request is not successful in the second instance. In 2016, Greek authorities launched a pioneer project about the detention of asylum seekers originated from countries with a low-recognition rate in terms of international protection for the entire length of their asylum procedure. Even though the project finished in January 2018, some islands continue to implement these measures.

Since the implementation of the new IPA, on 1 January 2020, a restriction may be imposed, when required, for the swift processing and monitoring of the applications for international protection or justified reasons of public interest or order (Νόμος 4636/2019). The Director of the Asylum Service imposed this limitation and provided written form on the asylum seekers' cards. All applicants must inform the competent authorities of their address's alterations if their asylum application is under examination. The new IPA had received criticism before and after was implemented by national actors and international organizations safeguarding human rights, including the Greek Ombudsman, the Greek National Commission for Human Rights (GNCHR), UNHCR, and several civil society organizations, as it extended the detention period and the alterations have created punitive measures (UNHCR Greece, n.d.).

For instance, with the previous legal framework, the maximum period allowed for the detention of an asylum seeker applying from detention was three months. The new law imposes initial 50-day duration for asylum detention, which can be prolonged by 50-days duration decisions up to 18 months, notwithstanding previous periods spent in per-removal detention.

Despite all, applicants can appeal to the Administrative Court contrary to decisions that restrict their freedom of movement. However, as explained below, the remedy provided by these provisions is not available in practice.

2.4 The Regulation of Closed reception centres

The IPA has introduced a new category of detention facilities for asylum seekers. These are the "Closed Temporary Reception Facilities" (Κλειστές Δομές Προσωρινής Υποδοχής) or "Closed Reception Centers" (Κλειστά Κέντρα Υποδοχής). The law clarifies that the Reception and Identification Services are in charge of the Closed Temporary Reception. On August 2020, the European Commission decided to provide funding to create three Closed Temporary Reception Facilities in Samos, Leros, and Kos Island, despite the scepticism that has before upon the issue of closed facilities (Euronews, 2020).

The Asylum, Migration, and Integration Fund (AMIF) will provide 130 million Euros for creating closed facilities in the Greek state. The law states that the police force will manage these facilities. The regulation of the detention condition in Greece in general, under the Returns Directive, Article 31(1) of Law 3907/2011 which states that people should live under detention in a specific facility (also in Law 4375/2016, Article 46(9)) and non-citizens in detention must be kept separate from regular prisoners (Article 31(1), Law 3907/2011, Article 46(10) (a) Law 4375/2016). The Hellenic Police is the one responsible for guarding such premises. Furthermore, the detention orders are issued by the relevant Police Director, except for the cities of Athens and Thessaloniki, where the decision has taken from the Aliens Division Police Director (Law 3386, Article 83(3); Law 4375, Article 46(3)). Again, the Police in Greece is under the authority of the Ministry of Public Order, and Citizen Protection oversees implementing immigration detention (OHCHR, n.d.).

2.5 The geographic restriction on the Eastern Aegean islands

The imposition of the restriction on freedom of movement is mainly applicable to the six islands receiving refugee/migration flows. These are the islands of Lesbos, Chios, Kos, Rhodes, Samos, and Leros. It refers to persons subjected to the EU-Turkey statement and the Fast -Track Border Procedure, whose movement is systematically under restriction within the island where they have arrived, under a "geographical restriction. »Turkey has clarified that it will now accept returns if the geographical restriction is not applicable anymore." Turkey wanted to ensure that any return that took place was from people who entered Greece after the 20 March 2016 (The day when the EU-Turkey statement was signed)(Τάβια, 2018).

The Police Authorities and the Asylum Service can impose the geographical restriction mentioned above. In case the imposition of the geographical restriction is imposed by the police, the initial deportation decision has as a basis for the readmission procedure. The decisions issued for every person who has arrived newly and is called a "postponement of deportation. According to the decision, the person in question is not authorized to leave the island and has to reside in the respective RIC until the issuance of a second instance negative decision on the asylum application. At this point we should highlight the fact that large flows were arriving in the Eastern Aegean islands, especially in the past years on a daily basis.

2.6 The geographic restriction imposed by the Asylum Service

In June 2017, for the first time, this practice took place when the Asylum Service Director imposed a geographical restriction on the asylum procedure islands (Asylum Information Database, n.d.).

The Council of State annulled this decision in the following year, specifically on 17 April 2018, following GCR's action. The Council of State stated that the imposition of a limitation on the right of free movement based on a regulatory (κανονιστική) decision is not as such contrary to the Greek Constitution or any other provision with overriding legislative power. However, it added that the restriction within the Greek islands has resulted from the unequal distribution of asylum seekers across the country and significant pressure on the affected islands compared to other regions. Three days after, a new regulatory Decision of the Director of the Asylum Service was issued and reestablished the geographical restriction on the Eastern Aegean islands. Later, in October 2018, the decision was replaced by a new Decision of the Director of the Asylum Service. (Asylum Information Database, n.d.).

In May 2019, issuing the imposition of restriction was transferred from the Asylum Service Director to the Minister of Migration Policy. In June 2019, the Minister of Migration issued a decision concerning the imposition of the geographical restriction. The Ministry of Migration Policy was now responsible for the migration /asylum issues. (The Ministry of Migration and Asylum was set up first in 2016 but abolished on 8 July 2019, when the newly elected party New Democracy, won the Greek election and was in power. On 15 January of 2020, the newly elected party reestablished the Ministry).

The Decisions for the imposition of the geographical restriction in force during 2019 declare the latter: "The restriction on movement within the island is effective on international protection applicants who came to Greece through the islands of Lesbos, Rhodes, Samos, Kos, Leros, and Chios. Each of the asylum seekers' cards mentions the restriction".

The decision appointed by the Minister of Public Order & Citizen Protection, since 1 January 2020, states that the restriction shall be lifted, subject to the RIC's decisions, according to the provisions of paragraph 7, article 39 of the Law 4636/2019 in cases of (a) unaccompanied minors, (b) Persons that have been accepted by another member State, (c) Persons whose applications can reasonably be well-founded and (d) Persons belonging to vulnerable groups or who require special reception conditions, according to the provisions of L. 4636/2019, if it is not possible to provide them with appropriate support.

The decision implemented in 2019 and 1 January 2020 declares that the geographical restriction on each person seeking for asylum that has entered Greece through the Eastern Aegean Islands is significant automatically while the asylum application is lodged before the Regional Asylum Office (RAO) of Lesbos, Rhodes, Samos, Leros, and Chios and the Autonomous Asylum Unit of Kos. Each international protection applicant receives an asylum seekers card with a stamp declaring: "Restriction of movement on the island of [...]". There is no individual decision for each asylum seeker.

2.7 GREECE: The National Action plan for human rights as a guide for migration /refugee policies in Greece

By examining the national legal framework in Greece, for the first time, in 2013, we had an improvement of the conditions for defending Human rights in an organized and methodical approach, under the National Action Plan for Human Rights regarding the period 2014-2016 (HELLENIC MINISTRY OF JUSTICE, 2014).

Before that, there was no similar plan, and it required the assistance of specialized staff from all relevant Ministries and bodies. For this reason, it consisted of a binding framework of priorities and actions for every Ministry that could criticize to improve and fill the international organizations' needs and safeguard our country's prestige. In this case, the Greek

government presented to the International Community and International Organization is a detailed program of actions and initiatives to protect human rights.

The National plan gives administrative, legislative, governmental, and judicial structures in different topics. For the protection of foreign nationals, asylum seekers, and refugees, it acknowledges the shortcomings the Greek asylum system has, being more specific the lack of identification facilities for vulnerable people in need of special assistance and additionally, the lack of funds needed to cover the basic needs of the people, fails to guarantee their needs. It has two pillars: a) effective border management and the return system and b) access to international protection.

Some of the actions implemented through the National Action Plan for Human Rights were the establishment and operation of the First Reception centres in - in Fylakio /Evros, in Lesbos, and Attica. Most of the units were under the supervision of the Ministry of Public Order and Citizen Protection. Additionally, one of the objectives was to ensure international protection of people's accommodation, provide interpretation services and legal support, and medical and psychosocial assistance. The NGO "Metadrasi" is responsible for the interpretation services at all District Asylum Offices and the Appeals Authority. Another significant objective of the Action Plan was to include third-country nationals in the labour market by different actions. A Memorandum of Understanding with the UNHCR was signed with the scope to train the Hellenic Coast Guard to protect the maritime borders towards human rights standards and identify those being eligible for international protection and asylum and the appointment of the Human Rights Officer for monitoring and investigating the incidents of violations of human rights on the part of Hellenic Coast Guard officers. Additional to this is training the Hellenic Coast Guard officers to follow European and international law principles on migrants and asylum seekers.

Chapter 3

European Policies upon Migration and Human Rights

3.1 The European Agenda on migration

According to Steiner, the formulation of refugee policy involves a complex interplay of domestic and international factors at the policy-making level (Steiner, Gibney & Loescher, 2013). "A moral, legal or humanitarian obligation to protect refugees will, in effect, be balanced opposed to the political and economic interests and concerns of potential asylum states." The border's control policy, implemented by the EU may expose states to a further caught, where each expansion of control and its consequences will likely spawn an answering loss of control as more migrants and asylum seekers seek entry clandestinely, the profitability of human smuggling increases and new migratory routes open (Steiner, Gibney, & Loescher, 2013).

The European Agenda for Migration, published on 13 May 2015, after the meeting on 23 April 2015, became the cornerstone of the EU's institutional framework in migration and border control onwards. The EU recognized the need to develop a common European approach to tackle the migration crisis based on solidarity and good collaboration and shared responsibility between member states. It also gave the member states guidelines for handling future crises, whichever part of the common external border comes under pressure. Furthermore, it highlighted that European territory should continue to be a haven for every person fleeing persecution and an appealing destination for talented entrepreneurship of students, researchers, and job seekers. The Agenda sets out the immediate actions needed to save human lives on the sea, risking their lives daily. Two key actions of the Agenda are:

a) The proposal for a permanent standard EU system for the relocation of emergencies. The relocation plan has its basis on a temporary distribution scheme for those in need of international protection to establish a shared responsibility and fair and balanced participation of all Member States to this joint effort.

b) The recommendation made for an EU resettlement scheme that the UNHCR has approved a target of 20,000 resettlement places for the EU per year by the year 2020. The Agenda was supposed to be a holistic document curbing migration challenges in the long run and highlighting the urgency to develop a comprehensive European approach that combines internal and external policies.

There are four levels of action that the EU has implemented throughout the Agenda 2015:

a) Reducing the incentives for irregular migration. By identifying the push factors that force the people to flee their countries and enhance the cooperation with third countries of origin and transit by signing bilateral or other agreements to manage their borders, especially in North Africa. An excellent example of this is the EU-Turkey statement that was signed two years later. Furthermore, it implemented the adoption of a Return Handbook and monitored the implementation of the Return Directive.

b) Border management- saving lives and securing external borders: By increasing the responsibilities of FRONTEX that has a dual role, to coordinate operational border support to the Member States under pressure, and to assist in saving the lives of migrants at sea. The enhancing of Frontex's mandate and activities, under the creation of the European system of border guards, the development of more substantial standards for border management with the so-called 'smart borders' and the investments in surveillance systems show that there is a strong focus on securing and protecting the EU borders. Consequently, for the same scope, actions will occur to identify and target smugglers by enhancing Europol's activities and welcoming the cooperation with FRONTEX and other organizations.

c) A firm common asylum policy to formulate a new monitoring and evaluation system for the Common European Asylum System and better management to improve standards on reception conditions and asylum procedures. On the Agenda, 2015, most actions aim to promote systematic identification and fingerprinting. Additionally, it stated the evaluation of the Dublin system in the next year.

d) New policy on legal migration. The extension of the Blue Card scheme that attracts to EU highly qualified third-country nationals. Furthermore, it introduced actions that link migration and development policy. The European Commission announced that it would reinforce partners with capacity building for effective labour migration management, centralizing on empowering migrant workers, and tackling illegal migration.

3.2 The theory of securitization of migration VS human rights in EU policies

One of the most significant contributors of the securitization theory is the Copenhagen school that includes the three following main stages (four stages when completed successfully): a case is presented, individually or entity, as a threat to the object, persuading, convincing the public opinion for an existential danger, which then allows the legitimacy of the extraordinary measures imposed by the securitizing actor/agent. If the measures taken are useful in the final four stages, it may be considered desecuritization.

According to Huysmans, in EU migration policies, securitization has been linked to the Europeanization of migration policy and the Schengen area's expansion (2000). The inclusion and the concept of "othering" in the EU ground can find its roots with the Schengen Agreement since 1985(Huysmans, 2000). In 1968, the Council made a clear distinction, those who were part of the European community and those who were not. However, in actual speeches, it is more nuanced and is embedded in the humanitarian principles that the EU upholds.

Additionally, in the Seville Presidency Conclusion in 2004, it was stated that the EU has competent means to manage the migration flows and cope with illegal migration. In her work, Rhoda E. Howard-Husmann explains the tension between security and Human Rights, saying 'by involving human rights under human security, it also erodes the supremacy of the civil and political rights as a tool for citizens to combat their rights against their states (2015).

The increased terror attacks in Europe, the last five years, according to Europol official from 2 in 2014, 17 to 2015, and 33 in 2017, were a turning point in international history, as the new perception was that migration was a new threat to global peace and stability(European Parliament news, n.d).

Considering the facts mentioned before, we can state that in the present era, migration and the conceptualization of sovereignty are interconnected, and policies are in the main taken at the national level. So, countries faced problems of a different kind such as terrorism, transnational organized crime, trafficking. All these phenomena have connections to migration. Countries seem to be incapable of managing migratory flows, especially when the legal framework is controversial, and consequently, securitization is the sole option that remains. However, this option has a significant cost, the cost of migrants' lives, their rights, such as the right to life and dignity, and their fundamental freedoms. Many human rights conventions non- implemented and ratified, especially in the countries mentioned above, because it effectively means outrage of sovereignty. European countries share almost the same problem.

3.3 The securitization of migration in practice: The role of FRONTEX

The protection and management of the EU external border are one of the scopes of EU border management policy and known as Integrated Border Management (IBM). The concept appeared to guarantee "a high level of security within the European Union after enlargement.

This concept involved physical fencing and guarding of the border, as well as the development of Information Communication Technologies (ICT), that included the Visa Information System (VIS) for third-country nationals, the Schengen Information System (SIS III), Eurodac (EU-wide fingerprint identification system) and, since December 2013, the European External Border Surveillance System (Eurosur). Frontex and the EU-Lisa are responsible for the control, either remote or local.

Frontex, formed in 2004, is assisting the management and surveillance of external borders, and it coordinates the operational cooperation in the field of external border management. Lately, it is noticeable that the EU has granted excessive power to the agency that started with that starting with the coordination of Joint Operations (Jos) and Rapid Border Intervention Teams (RABIT) that was later in 2011 developed to the coordination of JOs and the deployment of European border guards. Many voices are questioning whether Frontex keeps the balance between border management and protection, but also about accountability. The agency has accepted criticism from the European Ombudsman, NGOs, and the UNHCR

for the detention facilities at the Greek – Turkish land borders (Human Rights Watch, 2010). As a response to these critics, the agency appointed a Fundamental Rights Officer in 2012 and established a Consultative Forum on Fundamental Rights. The agency has the right to report to the European Commission if there are any breaches of fundamental rights reported. It becomes evident that the successful migration policy and border management starts with good cooperation between the countries and especially the neighboring countries so that the EU will be able to control, beyond the borderline and before the border crossing.

In the last decade, the large number and complexity of cross-border flows have changed by posing a challenging and demanding challenge for all countries, especially Europe. Member states national migration policies are mostly oriented towards security and deterrence, rather than respecting human rights. The UN Special Rapporteur, in 2013, noted that "there is an increasing trend towards ensuring that border control is no longer happening at the physical borders of the EU." This concept, as he stated, was the "externalization" of border control, and he also stated that "by extending control beyond the physical border, the Union shifts the responsibility for preventing irregular migration into Europe onto countries of departure or transit, especially through capacity-building activities in third countries that work towards stopping irregular migration." The Union has invested, since the beginning of the refugee crisis to a migration policy that will primarily provide security to its Borders, the concept of a humane and effective migration and asylum policy – and in line with the Charter of Fundamental Rights, was not the priority of the EU migration Agenda.

Deterrence is contrary to humanitarian concerns because it impedes people from seeking a safe place to find it. In September 2018, the European president, Jean-Claude Juncker, announced the creation of 10.000 additionally border guards for Frontex. A paradox is that the EU spends more money on protecting its borders than on development programs in third countries. Many attempts to find safety within the EU originate or improve the condition of those people in the detention facilities, where the hygiene and living conditions are deteriorating (Smoke, 2018). The Unions plan in 2021-2027 is to increase the spending on border controls to 34.9 when currently is €13bn (Stone, 2018). Frontex, along with FRA, signed a Service Level Agreement on 10 June 2020, coming to terms to cooperate to promote the fundamental rights throughout all the activities.

The agencies have agreed to work together to create fundamental rights monitors, design their training courses, and integrate them into FRONTEX activities to ensure that human rights

violations do not occur. The two agencies plan to create a team of 40 fundamental rights monitors by the end of 2020. Furthermore; the EU-Turkey deal that has combined the hotspot approach with the political approach has also left disastrous results regarding human rights standards.

3.4 The externalization of migration control

On 3 February 2017, the EU announced a deal with Libya to control Libya's migration flow. The action included establishing refugee camps within the country and promoting the voluntary return of refugees. Furthermore, the training provided to Libya's coastguard and better cooperation with the close countries such as Algeria, Tunisia, and Egypt to hold back migrant flows. All these actions mentioned will be done mainly by the UNHCR and the IOM officials funded by the EU. The deal clarified that those qualified for asylum would be free to travel to Europe; those who are not will be either resettled to Libya or returned to their originated country.

Many organizations, such as Médecins Sans Frontiers (MSF) or the British charity, Save the Children, had expressed their scepticism for the deal as Libya is a country that, by the time the deal was signed, had an ongoing civil war in its territory and there were three rival "governments" battling to control its security services. Additionally, the country has a negative track record on human rights, as it has not signed many international conventions on human rights. UNICEF has released the paper "A Deadly Journey for Children Report, the Central Mediterranean Migration Route" exposes all human rights violations in Libya and pushing factors for migration to Europe (2017). Migrants who succeed in leaving the country sometimes recounted being abused, starved, and even raped in detention camps (UNICEF, 2017).

On the other hand, the Parliamentary Assembly of the Council of Europe in Resolution 2215 published in 2018, referring to the EU-Libya deal and its aftermath, highlights that the European Union's Triton and Sophia air and sea operations had. As a result, an up to 32% decline in the Italian coasts' migration flows from November 2016 -November 2017. As stated in the Resolution, the air and sea operations have saved over 200 000 lives since 2014. Additionally, most of the funding UNHCR and IOM receive for helping the refugee and migration population is from the EU.

The human rights catastrophe in the Greek hotspots, and the human rights discrepancies of the hotspots located in Italy, was mostly foreseeable. Regardless of the reduction in migration flows reaching the EU borders that seems to be a successful externalization policy for the EU, the involvement of third countries in multi-complex topics such as migration and refugee protection has jeopardized the rights of these people, that very often, they find themselves in "legal limbo."

The same applies to the EU-Turkey statement, agreed on 18 March 2016, with the scope to reduce irregular migration flows from Turkey but, in practice, have combined the hotspot approach with the political approach, has also left disastrous results in terms of human rights standards. After the EU-Turkey statement, was a significant drop in the refugee/ migrant population; on the eastern Mediterranean from 885,000 in 2015 to 175,000 in the next year, and in September 2017, a significant drop, and 18,000. (UNHCR Greece, n.d.).

Additionally, Italy and Libya's cooperation has resulted in a significant drop in Italy's number of arrivals in the second half of 2018. In February 2018, Italy signed a Memorandum of Understanding with the Libyan Government of National Accord, with the scope to fight irregular migration and human trafficking. In August 2018, after a Libyan government request, the Italian Parliament permitted to deploy military assets inside Libyan territorial waters.

According to data retrieved from the Italian National Coordination Centre and the European Border Surveillance System (Eurosur), the Libyan Coast Guard rescued 6,118 people in 2017, compared to some 2,490 in 2016 (European Commission, 2018). Amnesty International has commented that "Italy and other European governments have substituted prohibited push-back measures with subsidized, or subcontracted, pull-back measures. Due to the criticism the bilateral agreement has received, whether complies with the EU fundamental rights, The Council of Europe's Commissioner for Human Rights has requested more detailed clarification upon the cooperation.

The Spanish authorities and the cooperation took the same approach with Morocco and the states on the West African coast. In the absence of case law, it is an open question up until now whether Italy's assistance to Libya and, in a more general context, whether the EU's assistance complies with the EU Charter of Fundamental Rights and particularly with the principle of non-refoulement. In reality, as it is described in the report of the Amnesty International entitled "Libya's dark web of collusion, abuses against Europe bound refugees

and migrants", the new policies had as an aftermath an increasing number of refugees and migrants stranded in Libya, on their way to Europe, many of them being under detention in inhuman conditions and subjected to severe forms of ill-treatment (Amnesty International, 2017).

The UN Special Rapporteur, in 2013, noted that there is an increasing trend to ensure that border control no longer takes place at the physical borders of the EU. This concept, as he stated, was the externalization of border control. Furthermore, he added that "by extending control beyond the physical border, the Union shifts the responsibility for preventing irregular migration into Europe onto countries of departure or transit, especially through capacity-building activities in third countries that work towards stopping irregular migration." (OHCHR, n.d)

The Union has invested, since the beginning of the refugee crisis to a migration policy that will primarily provide security to its Borders, the concept of a humane and effective migration and asylum policy – and in line with the Charter of Fundamental Rights, was not the priority of the EU migration Agenda.

To conclude, cooperation with third countries is essential, but it should consider the unstable political system in many of them, such as Libya, and the fact that communication is based on short and middle-term goals.

3.5 Fundamental Rights Agencies Reports

FRA is an independent centre of reference and excellence for promoting and protecting human rights in the EU, was founded in 2017 with the headquarters in Vienna. The organization's main aim is to preserve the rights, values, and freedoms enshrined in the EU's Charter of Fundamental Rights. The organization is collecting and analyzing data, legislation, and identifying trends. Annually, FRA releases a report on human rights, categorizing them by areas of activities. Below, we review some of the most critical figures referred to the annual reports to the domain of migration and asylum.

2020: FRA's report on fundamental rights for the year 2020 highlights that the Respect for fundamental rights at the border is still a challenge in the EU. There have been deaths at sea, threats against ships that provide humanitarian aid, and allegations of violence and informal repression. In some Member States, asylum seekers continued to face problems of

overpopulation and homelessness. Furthermore, in some countries, asylum seekers and migrants live under deteriorating conditions. The agency focuses on the increasing rate of children's detention. There is a legal paradox in this case. Even though EU legislation does not prohibit children's administrative detention in the migration context, the EU Charter and European Court of Human Rights (ECHR) case law is imposing strict conditions, acquiescing to detention only as a last resort (European Union Agency for Fundamental Rights, 2020).

2019: In the EU, arrivals of global displacement in 2019 have a declining tendency. There are still deaths of people recorded that attempted to cross the Mediterranean. EU's approach emphasizes on tackling irregular migration. The integration of refugees that arrived in 2015-2016 made progress despite the various obstacles, according to the FRA (European Union Agency for Fundamental Rights, 2019). As in the past years, the agency expressed severe concerns about the intimidation of humanitarian organizations' personnel and volunteers providing support to migrants.

2017-2018: The detailed report of 2018 calls attention to the increasing migrant's mistreatment and the interconnecting relation between migration and security, with large-scale EU information systems serving to manage immigration and strengthen security. It refers to the significant drop in arrivals in Italy due to the cooperation with Libya. Meanwhile, the 2018 report expresses its concern for the violation of human rights in the country. Additionally, it refers to physical violence by identifying police or border authorities in Bulgaria, Hungary, and Croatia. There is also a reference for the reception conditions in the EU. For Greece, the report says that 13 camps were closed in that year. One of the 13 was Elliniko; as it was unsafe, the site at the former Athens airport where asylum seekers and refugees received support for moving to flats. On the Eastern Aegean islands of Greece, the Reception, and Identification Centers – the 'hotspots' – remained overcrowded, exposing people to protection risks, including the risk of sexual and gender-based violence. In December 2017, the hotspots in Lesbos, Chios, and Samos hosted twice as many people as their maximum capacities. The camps' population consisted of pregnant women and children – lived in tents without proper heating as winter approached, without access to roads on rainy days, making it difficult to reach any other facilities in case of emergency. Although, there has been recorded progress regarding the education of asylum seekers' children to attend school on the mainland. FRA expresses the opinion that any deprivation of liberty must, therefore, respect the safeguards established to prevent unlawful and arbitrary detention (European Union Agency for Fundamental Rights, 2018).

3.6 UNHCR Guidelines on Detention

In 2012, UNHCR released the latest guidelines, clarifying that asylum-seeking is not a criminal act and distinguishes that the provisions of international law prohibit the indefinite and mandatory forms of detention. Research conducted by the organization showed that there are practical alternatives to detention characterized as costly and negatively affecting the people physically and psychologically. The 2012 guidelines supersede those issued in 1992; recognize the fundamental right to liberty. The prohibition of arbitrary detention applies to all, regardless of their immigration or another status. The alternatives to detention that UNHCR is provided to the states include different reporting requirements to the community and administration schemes or accommodation in designated reception centres that ensure freedom of movement. Zaid Ra'ad Al Hussein, UN High Commissioner for Human Rights, stated, "international human rights law specifies that all migrants, aside from their legal status, how they enter the border, their country of origin or what they look like, are entitled to enjoy their human rights."

The United Nations High Commissioner for Refugees characterized asylum-seekers' detention as an "inherently undesirable" practice that can be exercised in necessary cases. According to the UNHCR, states can use detention "where there is evidence to show that the asylum-seeker has criminal antecedents or affiliations which are likely to pose a risk to public order or national security." (UNHCR, 2011). In case detention takes place for any other reason than the ones referred above, it is contrary to the International Refugee Law. In this line of thinking, it is essential to recognize that, regarding Article 31 of the Refugee Convention, detention pending the asylum procedure is not a penalty measure, in lieu, but is an administrative action is not relevant with an offence.

3.7 Organisations Monitoring Human Rights in Europe

UNITED NATIONS HIGH COMMISSION FOR REFUGEES (UNHCR)

Internationally, UNHCR provides protection and help to refugees, asylum -seekers, repatriated refugees, internally displaced people, stateless persons, and other groups seeking protection worldwide. It monitors how governments comply with the provisions of

international law. Additionally, UNHCR provides different kinds of aid to people in need. It assists States and partners in matters of asylum management and the asylum processes in general and helps them meet the refugees' challenges and the asylum seekers' protection concerns. On the national level, operations in Greece started in March 1952.

In Greece, the organization focuses on cooperation with the Greek authorities, non-governmental and other organizations, and the networks and communities of volunteers to ensure the protection of refugees and asylum seekers arriving in the country. When necessary, it helps the government meet the people's basic needs and cover the gaps in housing, water, sanitation, food, essential non-food items, health, education, information, coordination, and management of reception areas. Furthermore, UNHCR provides social and legal advice and representation.

COUNCIL OF EUROPE

The Council is one of the oldest European political organizations with its base in Strasbourg and establishment year in 1949. Its main objective is to promote democracy and the rule of law, preserve human rights and shared ideas, and promote its members' economic and social ideas. Many conventions constitute the basis of the reform and harmonization of the legal framework of Member States in human rights, among others.

EUROPEAN COURT OF HUMAN RIGHTS (ECRE)

The European Court of Human Rights is active in 1959. ECRE's responsibility is to ensure compliance with the obligations of Member States deriving from the European Convention on Human Rights. The Court has established a system for the international protection of human rights, which gives people the chance of judicial review regarding their rights. It provides advisory opinions on legal matters that concern the interpretation of the European Convention and the Protocols. Article 1 of the ECHR requires states to "secure" the Convention rights to "everyone within their jurisdiction," including foreigners (Royer & Europe, 2010). Member states are obliged to comply with ECHR and incorporate the Council of Europe's ESC provisions into their national law. The number of judges is the same as the number of state parties of the Council of Europe, elected by the CE Parliamentary Assembly.

EUROPEAN SOCIAL CHARTER

The European Social Charter (ESC) is the most crucial conventional text of the Council of Europe, guaranteeing social and economic rights in work, health, education, and housing. The (independent) European Committee of Social Rights monitors the European Social Charter's implementation by reviewing periodic national reports. Our country has ratified the Additional Protocol to the European Social Charter, which provides for collective petitions in violation of the Charter.

COMMISSIONER FOR HUMAN RIGHTS

The Commissioner for Human Rights since 1999 is a non-judicial, independent, and impartial body. Its primary role is to conduct visits and implement dialogue with the national authorities and civil society. Furthermore, it adopts thematic reports and has an advisory role regarding the effective implementation of the Council of Europe «acquis.»

EUROPEAN COMMISSION AGAINST RACISM AND INTOLERANCE (ECRI)

ECRI consists of independent experts and investigates racism, discrimination, xenophobia, anti-Semitism, and intolerance. It conducts visits regularly to countries that are the Member States of the Council of Europe and adopts relevant reports concerning the countries they visited. The organization has made seven visits to Greece, with the last one in 2017 (ECRI, n.d).

ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE)

OSCE founded in 1975 in Helsinki, and its activities are active in the region of Europe and other regions of the world. The human dimension is one of the three the organization has. There is the Office for the Democratic Institutions and Human Rights (ODIHR), with its headquarters in Warsaw, Poland, responsible for human rights and democratization. Every year, a meeting on the Implementation of the Human Dimension is taking place, examining the extent to which the participating countries comply with their responsibilities.

EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE

The Committee was created under the "European Convention for Prevention of Torture, Inhuman or Degrading Treatment or Punishment" of the Council that came into force in 1989. All the 47 members of the Council are signatory countries. It reckons on Article 3 of the Convention, stating, "No one shall be subjected to torture or inhuman or degrading treatment or punishment" (Doswald-Beck, 1978).

The CPT has a non-judicial preventive role that safeguards those deprived of their liberty against torture and other ill-treatment forms. Additionally, it supplements the judicial practices of the European Court of Human Rights. The committee organizes a visit to detention facilities to monitor the life conditions of the people. At the end of each visit, the CPT sends a detailed report to the state concerned, including findings, recommendations, comments, and information requests.

On February 19, 2019, the CPT published a report concerning its visits to Greece's detention facilities (2019). Most of the police and border guard stations were characterized repeatedly as unsuitable for holding detained persons (CPT, 2019). On Evros police station, findings show that families with children and single women were being detained together with unrelated men in confined police cells and border guard stations, with whom they shared toilet facilities. This fact is opposed to the 2016 reports of the Hellenic Police Headquarters, which directs that separation of children and women from unrelated men in closed facilities and the conditions the people were found to live under can be considered inhuman, degrading treatment. Likewise, the health care facilities continued to be inadequate, as the findings showed a continuous lack of health care staff and a deficiency of even the essential medical equipment and medication.

On the contrary, the CPT recognized the excellent conditions of detention observed at Feres and Soufli Police and Border Guard Stations that have not altered since the committee's last visit in 2013. Another topic that the committee has brought upon is the "push-back" operations. Previously, the CPT has received accusations from credible sources about the happening of "push-back" operations, where foreign nationals were returned from Greece to Turkey by boat. Some of the persons have stated that they had been treated very poorly

(including baton blows to the head) by the Hellenic police authorities and border guard officers or military authorities during such operations.

To conclude, the Greek authorities have responded to a report, including four related ministries: Ministry of Health, Ministry of Justice, Transparency and Human Rights, Ministry of Citizen Protection, Ministry of Migration Policy (CPT, 2019).

In the report, the Greek authorities contradict the occurrence of "push-backs" and specify that the investigations into asserted unofficial removals and police injustice found no disciplinary liability by the Hellenic Police. The poor detention conditions in the Evros region were justified by the extended migratory pressure when the committee visited the facility. The Greek authorities affirmed the intention to refurbish the police detention facilities used for detaining irregular migrants following the CPT standards and better the conditions in all the per-removal detention facilities in Greece.

Chapter 4

Methodology

4.1 Methodology

For this research, we selected the qualitative research method. We used a literature review and have conducted four semi-structured interviews. We undertook the literature search from the 1st of May until the end of September. All interviewees had received the questionnaire before explaining the research's topic and purposes and the questions. It became known that we will keep their anonymity and confidentiality of their answers, as this was one ethical issue for the thesis.

4.2 Limitations

We conducted the thesis, as mentioned above, between May and late October 2020. During that time, Greece and the entire world were facing the C-19 pandemic. The intended summer school in Lesbos and the visits in Moria's reception facility did not take place, because of the protective measures to prevent C-19 transmission. It would be very useful for the research to obtain certain type of information, personal experiences, opinions, from refugees, asylum seekers.

However, I asked permission to interview people that they relate their occupation to migration/refugee topic and the ones that answer positively; I proceeded to the interview, as they have experience and this would counter the problem of not interviewing directly the people itself.

We have collected many data and information through databases of international organizations and annual reports released which depends on the information provided by each country which sometimes is not completely accurate. For this reason, we tried to verify all the information that we collected through various databases.

4.3 Research Questions

This thesis examines the migration policy adopted by the European Union during the last decade, from 2010 to 2020, and focuses mostly on the EU's response to the refugee crisis; to what extent it was compatible with humanitarian standards. Additionally, the paper will examine how these EU regulations address the critical factors within the crisis and analyze whether these interactions have helped to facilitate a solution to the problem or further impede it. It will examine EU's concepts in the aspect of human rights. In this paper, we will investigate the freedom of movement when entering a foreign state, which will be Greece. An EU Member State of great importance for the migration issue, as land and sea borders, makes the country one of the major entrances of migrants in Europe. As a member state of the EU, we review how Greece has implemented the policies to the national level and how it has succeeded in providing a humanitarian solution to the refugee issue.

The following questions that the paper will attempt to answer are:

- (i) Are the current European policies towards migrants and asylum-seeking migrants into the EU adequate to address the refugee crisis towards human rights standards? Moreover, whether there is a balance between border management policies and human rights standards?
- (ii) Is the freedom of movement applied to refugees/migrants that enter the Greek state?
- (iii) To what extent is immigration detention violating the fundamental rights of refugees. Additionally, we will discuss the terms of the way Greece treated refugees.

To answer the questions, we decided to examine articles that refer to a specific right, giving a more comprehensive answer to the research question. The human rights topic is overly broad, and with the time and word limitation, it would not be possible to make a critical analysis of all notions. For all the reasons mentioned above, we decided to analyze the freedom of movement when entering a foreign state to find refuge, which in our case is Greece and the freedom of movement upon arrival (the right to liberty of movement) (Zieck, 2018). Our second research field is the freedom of movement in Greece. Whether it is provided to migrant and refugee population living in the country and whether Greece, as an asylum state, applies the right to movement liberty.

Additionally, we deal with how the EU and Greek state's policies treat migrants, and if this treatment at a national level has resulted in deterioration in the protection of the immigrants' human rights. It is particularly important to show the detention conditions and to what extent they follow human rights law in EU asylum policies, as this is the third research field.

The questionnaire was structured and consisted of 10 open questions covering all three research aspects—the first three questions focus on how EU policies dealing with human rights standards. The questions briefly was weathered the EU addressed the refugee crisis adequately towards human rights standards, whether solidarity and burden-sharing between EU member states.

Finally, we asked their opinion on the cooperation of the EU with third-world countries to manage the migration inflows, whether this resulted in the deterioration of people's rights. The next three questions focus on the freedom of movement, specifically as a human right in the European ground, especially in Greece. The second research field's first question is whether the Member states national migration policies are mostly oriented towards security and border management, rather than respecting human rights. The next two focus on the geographical restriction in Greece after the State's decision and its aftermath. Finally, in the third research field, we focus on detention conditions in Greece, asking the interviewers their opinion about the detention conditions in Greece, the decision to establish closed detention centres in the country, and how the provisions of the new asylum law had affected the detention condition in Greece.

The researcher chose to conduct interviews because they involve personal and direct contact between interviewers and interviewees and eliminate non-response rates (Langkos, 2017).

The interviews were semi-structured and gave the chance to regulate the questions with a standard quantitative instrument. Additionally, the interviewers can elaborate on their ideas and share their experiences and knowledge. Mainly, semi-structured interviews are more flexible and organized to allow us to get an insight into the values, beliefs, and theories of the interviewers. In line with the opinion expressed by Langkos, semi-structured interviews give to the researcher an ability to "understand the significance of human experiences as described from the actor's perspective and interpreted by the researcher"(2017).

4.4 Sample Selection

The documents used are the primary source for the data collection. We conducted the interviews to verify or advance certain propositions. The data collected were international and European legal frameworks on refugees, asylum seekers, and migrants' human rights. Also, we examined European migration policies for the last decade (2010-2020), statements, press releases, all policies related to the human rights of migrants, and especially the freedom of movement. Additionally, we examined detention under international and European legal framework reports of NGOs and other agencies upon migrants/refugees' human rights. The desk research also included the detention conditions and the freedom of movement as a human right in Greece, by examining press releases, data, policies, laws, and regulations. About the interviews, the sample was homogenous as the sample members who were selected had a special relationship with the migration/refugee topic with in-depth knowledge of the subject, active involvement, working experience, and research background. Their comments and opinion was an asset to the research.

All interviewers are operating in Greece currently. Because of the anonymity and confidentiality, we will code the answers. One participant is currently working as Head of Asylum Unit in the Greek Asylum Service (E1 from now on) is a social researcher and sociologist, has teaching experience with many publications, participation in researches and experience in social phenomena such as migration and other fields. The second participant is currently working in the Ministry of Culture, and Sports (E2 from now on) was working in the past in various NGO's as a policy advisor, has excellent experience from refugee camps in Greece and abroad (Kosovo, Pristina, and other places). E2 was present in the creation of the VIAL centre in Chios and was in close collaboration with international and national authorities and has excellent knowledge and experience with migration and refugee issues. The third participant is working for Medicine Sans Frontiers (E3 from now on) in a position of responsibility, has excellent experience in Greece and abroad, has participated in several exploratory missions, emergency interventions, and assessments, and also has a significant presence in international and national conferences upon migration and refugee issues. The fourth participants currently working in the Educational system (E4 from now on), with a diverse academic background, in psychology, special education, and communication and the research field during the last years is on migration studies.

Additionally, we used sources critically evaluated and collected from books, Conventions, Laws, regulations, scientific articles, organization reports, and internet sources to obtain information about the legal framework at the international and European levels, the existing situation. How the legal framework applies in Europe and Greece to support the theoretical and methodological part of the thesis is presented in the first three chapters of the thesis. Additionally, during the internship at the Ministry of Migration and Asylum in Greece for three months, we worked in the press office department, asylum services, and the department of unaccompanied minors. The researcher had the opportunity to support the ministry's work on meetings with European and international organizations, collect views and experiences from the office personnel.

4.5 Research Process

The meetings were held in September 2020 after we sent a detailed presentation and questionnaire to the participants. We conducted two interviews via Skype and two in person. Furthermore, in two interviews, the language was Greek, and during the transcription was translated into English, and the other two, the answers were given only in English. After asking for permission, we recorded three of them using a digital recorder, and in all four of them, we kept notes throughout the interview to help analyze the data gathered. Most of them lasted around an hour.

4.6 Data analysis Procedure

Keeves states that, following data collection, “the events recorded must be processed and categorized systematically to conclude from the data” (Keeves & Watanabe, 2013). Based on this, we transcribed the interviews on the same day, and we also used the notes kept throughout the interview. During data analysis, we acknowledged the possible threats to quality that arise during the analysis process, as explained by Gibbs (Sahagún Padilla, 2011). It can involve biased transcription and interpretation, excessive emphasis on positive cases, omitting negative cases, and unclear definitions.

Chapter 5

Findings

5.1 Findings

We have selected the findings of the thesis from the literature review and the interviews conducted. Three categories of results are derived. The first one is the evaluation of the European migration policy towards human rights of refugee and migrant population in the last decade with an emphasis on the period 2015 and onwards, and the second category is the application of the human right, freedom of movement to refugee and migrant's population in Greece and the third one is the detention conditions in Greece in contradiction with their rights.

5.2 The evaluation of the European migration policy towards human rights of refugee and migrant population in the last decade

We asked all interviewees the same questions. In the first question:

(See also APPENDIX)

Are the current European policies towards migrants and asylum-seeking migrants into the EU adequate to address the refugee crisis towards human rights standards?

All four interviewees highlight the need to define what we mean by referring to a "crisis". They all agreed that the implemented policies are not adequate in the last years to address the crisis in the last years. EU countries prioritize the border management approach than the humanitarian, and they focus on their national security. E2 supported that since 2019, the EU does not refer to it as a refugee crisis but as migration. The idea of using the term refugee crisis was a political choice to justify the management of migration and, at the same time, to justify the measures used, that in any other case, could not. E2 brought upon the issue of returns and the Readmission Agreement between Greece and Turkey in 2001. The renewal of the agreement was in 2010 and followed the EU-Turkey deal in 2016. Many people were coming to Greece, but they could not be returned, as Turkey was not implementing the agreement, and the people need 75 days to be sent back. For this reason, there were many

push backs on the sea, a violation of human rights, under international and European legal framework. About the EU policies, it was agreed by all that the EU policies followed upon the migration topic have created many problems.

E3 stated that Europe nowadays is following the policy of the Visegrad countries; this can explain the concept of creating detention centres. All believe that there is a lack of solidarity and burden sharing, as countries follow a strict migration by denying refugees/migrants and not being part of the burden-sharing process connect the migration issue with national security and order. Coherent European migration policy is missing. There is a coalition of member states in the EU that follow a strict migration policy.

On the other hand, we notice the countries of the South. Even though human rights should be preserved and promoted at the European level, but on the international, this is still not granted in practice. Every day, each and one of us becomes a witness to the human rights violation. Even though civil societies, NGOs are pointing their finger, violations are still taking place. Both E1 and E2 agreed that Moria, the detention centre in Lesbos, Greece, despite the funding received from EU sources, will remain the worst example of the modern European migration history regarding the violation of human rights.

5.3 The securitization of migration policies

All four interviewers perceive as granted the existence of borders and as the aftermath, their management, and security. Those who enter the borders of the country illegally should provide identification and examined whether they are eligible for international protection or not. Although, as the participant E1 stated, there is a paradox: no policies are allowing legal ways to enter a country for those seeking international protection and no policies of legal migration; in this case, there would be a more sound migration system regarding the border management and the protection of human rights. We cannot omit the protection of the borders, but then we should also protect human rights. The right to life should be a priority for everyone.

The securitization concept leads to the criminalization of migrants and refugees and the concept of otherness/the foreigner that very often applies to them. Considering the way, the media presents the European and the national attitude towards migration, there is a tendency revealed that the securitization of the borders and the countries is prioritized over the

humanitarian approach, the right to life and dignity. All these consider the refoulement practices that are one of the main characteristics of the EU migration policy at the time being, having as the central scope the security of the borders and the countries. E1 participant stated that European migration policies' externalization operates as an effective counter to migratory flows and the deterioration of human rights.

E1 interviewee added a more historical approach, referring to externalization that can find its roots in colonialism. At the time of colonialism, the EU relations were fealty, as the African countries depended on the powerful states. In recent times, we notice the responsibility being shifted from the European countries for providing international protection to refugees and asylum-seekers to other non-countries, which are usually the transit countries, to tighten control over their borders, considering an internal problem that does not want in its yard. The same logic applies to the EU-turkey statement. E2 interviewee, in line with the arguments supported by E1, characterized this agreement as a business. Furthermore, it explained that the EU follows externalization practices in the past years. For instance, the agreement signed in 2010 between Spain and Morocco, Italy, and Libya.

5.4 The geographical restriction and its aftermath

The application of the human right, freedom of movement to refugee and migrant's population in Greece

The opinion expressed from E1 participant was that the geographic restriction imposed on the six main islands is a better way to control the increasing inflows in the country. Furthermore, to examine who is eligible for international protection and who is not, so the process of return to be facilitated and less complicated. Additionally, E1 mentioned a too complicated topic, as returns stipulate cooperating with the migrants' countries of origin. Most of these countries are reluctant to share information about its residents; cooperation is, in many cases, inadequate, and numerous other reasons that embedded in the return process. With the restriction, the islands facing immense pressure are Lesbos, Samos, and Chios's islands. At first, in those islands, we noticed a welcome and positive approach from the local community. Solidarity was evident even from the elderly residents. In Greece, islanders tend to be very hospitable, as the primary source of income is tourism and are familiar with foreign people being on their island. In these parts, the interviewee highlights the economic

support and the boost to the local economy from the international staff and the refugee population residing on the island. All interviewees shared this opinion.

With the increasing migratory numbers in 2015, hostile attitudes started to rise, as the residents realized that the islands are no longer a stop on their way to the rest of Europe, but their destination. The geographical restriction has negatively affected migrants and refugees in all aspects, as they are permanently standing by the condition. Unable to plan, organize their personal, family, social life, find a job, enhance their skills and competencies, and be unable to integrate into society without having a personal identity. Many of them are waiting for months, even years, to answer their asylum application, whether they are eligible or not. They believe that they belong to nowhere. All this process leads to a hostile environment that very quickly escalates.

5.5 The violation of the freedom of movement in Greece throughout the last decade

E2 interviewee explained in chronological order, the movement of refugee/migration flows in Greece the last decade. They are highlighting the violations of their rights and the conditions applied in each year. Furthermore, they believed that people do not have the opportunity and the possibility to move through a legal and safe passage; they lack choice. So, they choose to move through, not adequately designated areas to cross the borders (land/sea). In this case, we notice the violation when they ask for protection. People are pushed back and are blocked both inland and sea, so there is a violation of the human right to protect. This violation is also happening in Hungary, Croatia, and other countries.

2007: The first official Reception facility in Greece was in Fylakio in 2005. The paradox is that whether many refugees were on the islands, the first official reception facility was in Fylakio. In 2007 the migration issue started having European dimensions. Especially in Greece, in 2010, there was a shift in the movement from the Aegean Sea to the land borders. In the latest, people were in detention facilities, which was the Fylakio detention centre. In 2007, was the creation of the Samos detention facility? At this time, people were kept in police stations, in poor living conditions, without access to heating, clothing, proper food, no separate detention for children, or based on gender or vulnerability. These rights and obligations were not respected at this time.

2010-2012: In the years 2010-2012, most migration/refugee flows were in Evros, Greece, and Turkey's land borders. The detention facilities used were the Fylakio detention centre and other police stations (Serres, Soufli, and Tyxero) and detention centres in Komotini. In 2010, Greece asked for Frontex's intervention through RABBIT response teams and again in March 2020. It was the first time that the Greek government had a border management approach. Regarding the situation that continued until 2012 in August, Greece is completing the fence and, at the same time, 1.800 police, in the land borders with the operation called "ASPIDA" (in English "SHIELD"), attempted to block the passing of people in Evros place. By the end of September 2012, a significant movement toward the Greek islands was noticeable, gradually in the Dodecanese, back to Lesbos, Chios, and Samos. People lived under detention facilities that were not designated adequately for detention.

2013: In 2013 the first mobile unit was created in Moria, Lesbos. The first Reception and Identification facilities started setting up in Lesbos, Chios, and Samos in 2013. The only three places on the islands. The interviewee from the Ministry was working on the island during the creation of the detention centre. He stated that before the creation of the VIAL facility, people lived in awful conditions. After international organizations' intervention, such as UNHCR, the conditions improved for the refugee/migrant population. Individuals, NGO's, civil society, solidarity groups tried to cover the gap that the EU policies left.

Until 2011 the whole asylum process in Greece was run by the police. The Hellenic police force was the one responsible for it. In 2011, there was the first Reception Directorate, so Greece started to manage both reception and identification and asylum in a more organized manner and respect the asylum-seekers' right to asylum and human rights.

2010-2014: Most of the arrivals from 2010-2014 were men (91%) of Afghani origin. During 2010-2012, most of the borders' arrests were people coming from Albania, Bulgaria, and Romania. Nevertheless, Romania and Bulgaria became a member of the EU and changed their profile, as now they have EU citizens, enjoying the rights of their European identity. One of these is the freedom of movement for specific purposes that allow them to reside in an EU country. There was a change of the route in 2014, as the main one used was the Mediterranean to go to Italy. After the cooperation with Libyan authorities, there was a drop in the flows as the access to this route was extremely strict. By the end of 2014, Syrians started to use Greece as the entrance to the EU. Most of the flows have currently been Syrian

families, secondly, Afghanis, then Iraqis, Palestinians, and Cognos. From 2017-until now, Afghanis are most of the people arriving in Greece.

2015: In July 2015, Germany and the EU made an "open call" to people to come. At this time, Germany has changed the legal framework for North Macedonia and Serbia, so people from Greece could cross both countries and go to Europe. From July 2015-March 2016, we have around one million people crossing Greece. People tend to live outside, in Elliniko, Eidomeni, or other detention facilities in appalling, inhumane conditions. They lacked shelter, food, medical care, heating.

September 2015: In 2015, the EU was categorizing refugees not by the needs they have but by nationality. People coming from Syrian, Iraq were considered refugees, but Afghanis were not. So, as the interviewee explains, there was a "face control" taking place in the borders of Greece and North Macedonia, where Europe was controlling.

March 2016: EU – Turkey statement gradually Syrians and then Iraqis, then people coming from Afghanistan, and then we see that the EU door was closed. Until 2015 Greece was a transit country; therefore, it did not improve its facilities, as they considered this entire situation temporary. In 2015 Greece became a receiving country, but the transit remains. In the same year, we saw the Greek authorities creating the hotspots and the mainland camps. With the closing of the borders, people were entrapped in Greece, contained in detention facilities. Even though people can stay 25 islands on the islands under the law, they stayed for prolonged periods, for six months, even one year.

In 2016, everyone in Greece had access to healthcare, wherein in 2019, the government's measures removed the access to healthcare for asylum seekers and migrants; at present, they only have access in case of emergency. (From AMKA TO PAYPA, that allows the asylum seeker to access the healthcare facilities during the time they are making an asylum application.) The hotspots have terrible living conditions all these years. The same applies to the camps on the mainland. In May 2017, a case had appealed to the European Court of Human Rights, where *JB v Greece* challenges the Lesbos hotspot's admissibility procedure. The claimant supports a severe risk of punishment and inhumane treatment in case of return to Turkey. The previously mentioned violates Article 3 of the ECHR (ECRE, 2017).

5.6 Is detention violating the human rights of refugees/migrants in Greece?

The detention conditions in Greece in contradiction with their rights

Starting from the new asylum law, effective from 1st January 2020, all the respondents agreed that most of the alterations made lead to the shrinking of rights, timelines, procedures, and the impression that was given was that everything had to be done very quickly and fast. Legal aid was also limited, just as interpretation, legal representation, and hearing. The interviewee from the Greek Asylum Service expressed that the new asylum laws vivacious is to code all the legislation.

About the detention in Greece and to what extend it violates refugee /migrants' rights, the same interviewee expressed the opinion that according to Article 3 of the European Convention for Human Rights, that prohibits torture and "inhuman or degrading treatment or punishment" (Country Report on Human Rights Practices in Greece, n.d.). Every person in detention should be kept in a cell/place above three square meters and one person only for every two sq.m. Unfortunately, there is repeatedly a violation of the right in Greece. The interviewee from MSF, in line with the previous one, stated that Greece was using detention as a first choice, where it should be the last resort. He referred to the XENIOS operation of 2012, where people could not be sent back, so the Greek law introduced new formula; the Legal Council of State stated that Greece is allowed to keep them 18 months in detention, then 18 months as guests. In this case, detention was a tool to put pressure.

On the topic of closed detention centres, the interviewee from the Educational sector and the Asylum Service believe that they create a punitive tactic, as the people who require international protection, in many cases, have fled war or conflict, violent or abusive situations, or discrimination. Instead of providing them help and support, we detent them, deteriorating they already worsen the situation, sometimes for a prolonged period.

The international experience upon the topic shows that even these punitive measures do not constitute a deterrent for the migration flows' shrinkage. Another reason that detention takes place is the returns. There is a contradiction. A self-repeal of the detention itself is scope as returns are not happening often. The MSF interviewee characterized the detention conditions throughout the decade, unbelievably destructive.

5.7 Concluding Remarks

In this chapter, we present the research findings to answer the research questions of the thesis. The main research question is: to what extent was the EU's response to the refugee crisis compatible with humanitarian standards? ». Specifically, if the freedom of movement and the concept of detention of migrants and refugees in Greece are compatible with the international and European human rights standards. We divided the remarks at the European and national level to provide a better analysis.

5.7.1 European level

In this chapter, we present the research findings to answer the research questions of the thesis. The main research question is: to what extent was the EU's response to the refugee crisis compatible with humanitarian standards? Specifically, how are the freedom of movement applied and the concept of detention of migrants and refugees in Greece. This chapter will present the concluding remarks based on the research and the interviews from the researcher's perspective.

Starting our evaluation briefly from the past decade, at the beginning of the 1990s, it became apparent that the way Union was dealing with migration and asylum issues was not productive. The Maastricht Treaty, which was effective from 1 November 1993, and has introduced the intergovernmental cooperation on asylum in the European institutional framework, was noticed that its arrangements were not working very soon after its implementation. The two reasons for its ineffectiveness were most of the instruments adopted were based on resolutions and recommendations, what we refer to as "soft law," that is not legally binding. The complication with the non-binding character of policies became evident when the refugee crisis broke out and needed European responsibility.

In the beginning, the EU was conducting rescue operations. Although, when the flows increased, this shift gradually altered to the closure of borders and granting border

management to third countries, such as Libya, a country that even its nationals are reporting violations of their right.

Another complication that led to the failure of EU policies to safeguard refugees/migrants' human rights is the inadequacy of the monitoring instruments. Even though Amsterdam's Treaty, tried to alter this situation and 'use European Community instruments in the future,' providing 'the opportunity to correct where necessary these weaknesses'. Subsequently, it reduces access to the Court of Justice of the European Union (CJEU) by confining references for preliminary rulings of the highest national courts, limiting harmonization from below, and weakening the Court's monitoring role. Although, through Lisbon's Treaty, references to the Court significantly increased, and the reinforcement of the agenda-setting role for the member states; Countries such as Greece, with a recent history of migration, signed up for the EU arrangements, although the implementation records were inadequate at the beginning of 2000 (Acosta Arcarazo & Geddes, 2013).

The solidarity mechanism that was first introduced with Amsterdam's treaty was not apparent during the refugee crisis, as member states showed little solidarity towards those bearing the most onerous consequences of inflows. An example that combines both the lack of solidarity and the contradictions created from the secondary character of the migration policies is that each member states must respect the Charter of Fundamental Rights. If they violate it, this country needs to be excluded and exit the Union. Even during the refugee crisis, member states did not follow the principle of solidarity without restraining them.

Additionally, the Refugee Convention fails to provide adequate information to resolve the scope of the public order and national security definition and maintain national security and respect fundamental rights. This gap is used de facto by countries as deterrence.

Con-temporarily, States enjoy a wide margin of discretion when maintaining their sovereign control over those lacking a formal status and therefore are vulnerable *vis-à-vis* a State's power. On that account, some States of detaining asylum seekers' practice remain, predominantly, a response to presumed abuses of the asylum application or threats to the state's security. As an assumption, the indications of the increased and routine use of detention procedures against asylum seekers cannot be perceived as a 21st-century phenomenon. Whether detention has been lawfully exercised considering the Geneva Treaty standards, and if less coercive alternatives have been explored. Migrants may be destitute of

their liberty on various grounds and at different stages during the migration process. Detention occurs in the specific circumstances analysed in the previous chapter (CPT, 2019).

On the one hand, the crisis cannot be handled at a national/state level, so member states should follow the EU policies and tackle the issue on a European level. On the other hand, the operationalization of agreed EU strategies requires a practical implementation to fall to the individual member states. The inadequacy of compliance and consistency calls into question the legitimacy and the effectiveness of European migration management policies. We perceive as a hypothesis the following dilemma – while EU promotes the principles of solidarity, the protection of human rights, and burden-sharing, member states can be characterized as divided when it comes to the transfer of sovereignty to the EU in the field of migration control. Furthermore, there are many discrepancies regarding the implementation of the EU policies at the national level. On the 2015 Agenda, there are very few references to the migrants' human security or human rights, but rather a strong focus on state security.

The second pillar of the Agenda does not make any allusion to human rights at the borders when it is a core aspect of the EU legal framework on migration and border control. Grech and Wohlefd's analysis concludes that "on the whole, in terms of the human aspects of migration, the EU Agenda on Migration is disappointing" and that "state-centric approach [of security] remains at the centre of EU migration policy". Mann wrote that the EU agenda on migration was "an attempt to square the circle of a commitment to asylum and a commitment to deterrence (Costello & Mann, 2020).

The human rights catastrophe in the Greek hotspots, and the human rights discrepancies of the hotspots located in Italy, was mostly foreseeable. Furthermore, cooperation with third countries is essential, but as for Libya, it should be considered the country's unstable political situation and the fact that communication is based on short and middle-term goals. On 3 February 2017, the Union announced a deal with Libya to control Libya's migration flow. All these actions mentioned will be done mainly by the UNHCR and the IOM officials funded by the EU. The deal clarified that those qualified for asylum would be free to travel to Europe; those who will not be either resettled to Libya do not return to their originated country.

5.7.2. National Level

Most refugees arrived at the Greek islands (before the EU-Turkey joint agreement) through mainly the Turkish sea borders, where humanitarian assistance and facilities were lacking, and do not respond to the people's basic needs. For most people arriving, Greece was a transit destination, as their final ones were better-industrialized countries of central (Germany) and northern European countries (Sweden). The only way to reach the destination is by travelling illegally across the Balkans, where they sometimes risk their lives once more.

There was a change after the closure of the Western Balkans transit route on Greece's border and the North Macedonia in February/ March 2016 (EU-Turkey agreement). After this, Greece, from a transit country, became a country of hosting thousands of third-country nationals for an undefined period. Until then, Greece obtained the logic of repression, keeping all foreigners outside the national borders, the logic of reception, and receiving almost 90% of the refugee population from 2016 -2018. This situation has led to the continually increasing number of 20,000 asylum seekers who could not leave Greece and become confined to refugee camps, where they lived under poor economic and health conditions. By now, there is a significant increase in numbers (Kampouras et al., 2019).

Firstly, there is no prior individual decision for the imposition of the geographical limitation, as it is imposed following the regulatory Decision of the Minister, and there is no justification provided for the restriction of movement on an individual basis. The decision states that any asylum seeker who enters Greece from Lesbos, Rhodes, Samos, Leros, Chios, and Kos is subject to a geographical restriction on the island. The restriction can be lifted if the applicant falls within one of the categories provided by the Ministerial Decision.

The previous creates a complicated situation as the restriction's application is en masse, lacking individual assessment of the person and missing the particularities each case may have. Furthermore, there is a lack of time limit or any re-examination at regular intervals provides for the geographical limitation imposed; there is no provision of effective legal remedy to confront the limitation appointed by the Minister of Citizen Protection, in opposition to Article 26 of the recast Reception Conditions Directive. The amendment was introduced by Article 24 L 4540/2018 in December 2018 and remained illusory since an individual cannot appeal under the Code of Administrative Procedure in the absence of an individual, enforceable administrative act. Besides, there is no provision of tailored legal aid scheme for challenging such decisions, as the geographical restriction.

Since 1 January 2020, the new regulation for geographical restriction on the islands has significantly limited applicants' categories to lift the restriction. Thus, this framework's implementation can increase the number of applicants stuck on the Greek islands and further deteriorate the conditions. The Greek detention practices have been repeatedly condemned, including the detention of children in facilities unequipped to provide for their needs. The refugee crisis found the Greek asylum system not ready to comply with its large flows entering Greece daily, as the country was suffering an economic crisis that had affected many aspects. There were times that police stations or other facilities served for immigration detention purposes, and conditions were inhumane.

One other reason that internationally Greece has received negative criticism about the detention facilities is the lack of examining each case separately and not considering each detention case's peculiarities, despite the relevant legal obligation to do so. Additionally, the legal basis for imposing detention, the terms, and conditions, are often misconceived in many cases. For instance, the detention for protecting the public order or national security grounds is used in an excessive and unjustified manner in the framework of pre-removal detention and detention of asylum seekers (Pottakis & Nikolopoulos, 2019).

This condition leads to the authorities issuing detention for the above reason but without justifying it adequately. As an example, a case in point was supported by GCR in 2019, when the Administrative Court of Athens accepted objections against the Bangladeshi detention citizen who was administratively detained in Kypseli police station because, among other things, he was convicted of a 6-month suspended sentence, for selling small objects on the street, without permission. Finally, the Court of Athens acknowledged that he was not a threat to the public order and ordered his detention release.

To summarize, the discriminate imposition of the geographical restriction since implementing the EU-Turkey Statement has resulted in severe overcrowding. People are obligated to live for extended periods in overcrowded facilities, lacking sanitation, security is problematic, healthcare and the food and water supplies are insufficient. The GNCHR in September and October 2019 stated its position for the "urgent termination of the entrapment of the asylum-seekers in the Eastern Aegean islands and the lifting of geographical limitations imposed on them." In October 2019, the Commissioner for Human Rights highlighted that "the situation of migrants, including asylum seekers, in the Aegean islands, has dramatically worsened over the past 12 months. Furthermore, he stated that "without lifting the geographical restriction,

this plan [transferring of 20,000 applicants from the island to the mainland] is unlikely to reduce the overcrowding in the islands significantly" (Europe, 2019).

5.8 Future Proposals

On 23 September 2020, the EU has announced the new migration and asylum plan that still must get acceptance from the European Council and Parliament. EU leaders expressed their opinions that the pack will focus on speeding up processing at the external borders, and rather than imposing quotas on member states, it will allow them to contribute in other ways to migration policy.

The countries that are following strict migration policy until now (Poland, Hungary, Austria) will assist those who do not qualify the criteria for asylum or provide assistance with the logistical support at the bloc's borders. Cooperation with third countries will continue to control and minimize the flows, speeding up border procedures that will take up a maximum of five days and decide which country is responsible for granting asylum. Other elements are the provision to protect the child's rights and family unity, aim attention at the protection of constitutional human rights at the borders, and attempts to endorse a more positive narrative on migration and integration. Another development was the reduction from five to three for the time needed for recognized refugees to be eligible to obtain a long-term legal status.

We acknowledge that one of EU's priorities on migration was border management and securitization. For the past five years, the centre of attention was on preventing people from arriving on European soil, which leads the EU to rely on countries outside the Union, such as Turkey, Lebanon, Jordan, and Libya, to enforce the measures to do so. It is vital for the EU that human rights are in front and centre in all agreements. Additionally, to understand and act against the multiple risks of refugee and migrants face in third countries.

EU should turn the tide and stand up for values it has been founded upon – to protect those in need and support human rights and human dignity in its cooperation with member states, third countries, and other actors.

We notice that migration control has become central, a predominant element of EU relations with states outside the EU, particularly with Turkey, and states across the Middle East and Africa. From the Cotonou Agreement in 2000, the 2005 "Global Approach to Migration," and

on-wards to the EU-Turkey' Deal' and the EU "Trust Fund" for Africa, the EU has offered funds and material support for migration controls, often disbursed through private companies or international organizations, in particular the IOM. The raised political stakes and containment costs also seem to have rendered it less transparent, further diluting accountability. In the aftermath of the research, we can state that what is missing from the EU migration policy not only on the human rights aspect but towards a successful and sustainable policy; is to find alternative ways for refugees to arrive safely in the EU borders. Without risking their lives and their children's lives, in seaworthiness boats and paying their savings to smuggles—rethinking and reconstructing the visa requirements to ensure people's safe arrival, always protecting human life and dignity as a priority, and protecting state sovereignty.

As Ylva Johansson, the European Commissioner for Home Affairs expressed in an interview, EU leaders want "no more Morias," making reference to the overcrowded situation in the Greek refugee camps, and especially in Moria camp, that in September 2020, was set on fire, destroying the camp entirely (Pitchers, 2020). She added, "I think it is obvious that Moria is the result, not only, but partly, of the lack of a common European asylum and migration policy" (Chadwick, 2020). This statement is essential, as recognize to a large extent the lack of success of the EU current policies and the importance of a more humane migration system, the need for a new era and a window of opportunity to reverse the negative trends and show that the EU will support the protection and promotion of fundamental rights.

Concluding is an urgent need that all EU member state agrees on a distribution key to share reception of refugees and determination on their claims under a fair distribution system that respects their preferences, dignity and is also the solidarity of the member states by ensuring they are all involved fully in the reception of refugees. The issue of fair distribution of asylum seekers is the key to effective migration policy. Additionally, the reception facilities' improvement and knowledge of humanitarian imperative: the right everyone must live with dignity. Over time, all countries have agreed on the fundamental humanitarian principles; what is evident nowadays, and the refugee crisis brought into the spotlight, is that the humanitarian imperative is jeopardized. In our perspective, the Eu's approach to migration, especially on the refugee crisis should consist of solidarity and an entire rights-compliant system of responsibility allocation for asylum claims. The research conducted in this thesis has led to useful results and conclusions on European migration policies towards human rights standards;however it has also uncovered many areas that need additional study. It

would be a remarkable area of research the correlation between migration and international security and stability and how these two balances towards human rights. Furthermore, it will be remarkably interesting to evaluate the new migration and asylum plan announced and whether has prioritized the basic humanitarian principles on the long term.

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APPENDIX

Questionnaire

The first questions will focus on how EU policies are dealing with the human rights standards

1. Are the current European policies towards migrants and asylum-seeking migrants into the EU adequate to address the refugee crisis towards human rights standards?
2. Many researchers notice a dilemma towards EU policies- while EU promotes the principles of solidarity, the protection of human rights strongly, and burden-sharing, some member states (like Hungary, for example) do not seem to share the same principles. What is your opinion about this? Are member states promoting and following the principle of solidarity on the refugee crisis?
3. We noticed that the EU is cooperating with third-world countries to provide a solution to the refugee issue. For instance, on 3 February 2017, the EU announced a deal with Libya to control the migration flow. Many organizations, such as Médecins Sans Frontiers (MSF) or the British charity, Save the Children, have expressed their scepticism for the deal as the country has a negative track record on human rights, has not signed many international conventions on human rights. Furthermore, UNICEF has released the "A Deadly Journey Report, "exposing all human rights violations in Libya and pushing factors for migration to Europe. What is your opinion on this?

In the next questions, we attempt to focus on the freedom of movement, specifically as a human right in the European ground and Greece.

1. The UN Special Rapporteur, in 2013, stated among other, that "The Union has invested, since the beginning of the refugee crisis to a migration policy that will primarily provide security to its Borders, the concept of a humane and effective Migration and asylum policy – and in line with the Charter of Fundamental Rights, was not the priority of the EU migration Agenda. Do you think that the Member states national migration policies are mostly oriented towards security and border management rather than respecting human rights?
2. According to the Decision 805/2018 of the Country of state on 17 April 2018, the restriction on movement is mainly applies to the six islands receiving refugee/migration flows (Lesvos, Chios, Kos, Rhodes, Samos, Leros).Considering the large flows arriving, especially in the past years daily in the Eastern Aegean islands,

how do you think this restriction affects migrants/refugees or the local society of the islands?

3. The Greek National Commission for Human Rights (GNCHR) in September and October 2019 stated its position for the "urgent termination of the entrapment of the asylum seekers in the Eastern Aegean islands and the lifting of geographical limitations imposed on them. Do you agree with this statement?

Detention conditions in Greece

1. On August 2020, the European Commission decided to provide funding for creating three Closed Temporary Reception Facilities in Samos, Leros, and Kos Island, despite the scepticism that has before upon the issue of closed facilities. What is your opinion on this?
2. How would you describe the detention facilities in Greece?
3. Since 1 January 2020, that the new IPA was set into force, there is an imposition of initial 50-day duration for asylum detention, which can be prolonged up to 18 months. The new IPA had received criticism before and after was implemented by national actors and international human rights bodies, including the Greek Ombudsman, the Greek National Commission for Human Rights (GNCHR), UNHCR, and several civil society organizations, as it extended the detention period and the alterations create punitive measures. What is your opinion on the new asylum law and the extension of the detention period?

Future Objectives

1. The European Commission published on 29 January 2020 the new program on migration. The New Pack on Asylum and migration's lancing is under the fifth priority - 'Promoting our European Way of Life.' Many believe that The New Pack gives the EU a unique opportunity to turn the tide and stand up for values it has been founded upon – to protect those in need and support human rights and human dignity in its cooperation with member states and other actors. Do you believe that the New Pack can be a window of opportunity for the EU to show that it understands the importance of a more humane migration system and the protection and promotion of fundamental rights?

