

Η ΔΙΑΚΥΒΕΡΝΗΣΗ ΤΗΣ ΜΗ ΝΟΜΙΜΗΣ ΜΕΤΑΝΑΣΤΕΥΣΗΣ
IRMA
GOVERNING IRREGULAR MIGRATION
ΚΕΙΜΕΝΟ ΠΟΛΙΤΙΚΗΣ
POLICY PAPER

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Background

The loss of over a thousand human lives in an effort to cross the Mediterranean during April 2015 has once again drawn media and political attention to the challenges that the EU is facing in governing irregular migration and asylum in the region. However, what seems to be still missing is our (experts' and policy makers') understanding of what drives people to put their lives at risk in search of a better future.

Policy questions

What are the motivations that are so strong or what is the information migrants have? How do they organise their journey and how do they respond to control policies? How much do they know and how accurate is their information? In a nutshell, how do they navigate restrictive policies and enforcement? Answering these questions is crucial to our understanding of irregular migration dynamics in general, and in the Mediterranean in particular. Casting light to these issues contributes to assessing the effectiveness of current policies and to the development of more effective as well as more humane policy approaches.

Key Messages for Policy Makers

With the current increase in new arrivals, the Greek state should ensure that there are sufficient **reception centres** with adequate facilities to accommodate newcomers. **Mobile units** should also be prioritised to deal with rapidly shifting flows.

Early information: Migrants mostly rely on the often inaccurate information provided by relatives and smugglers. The authorities could invest instead in early information regarding available options, rights and procedures targeting different types of migrants or asylum seekers in different countries. Such information could be distributed through information centres created in the countries of origin and transit zones in cooperation with local civil society organisations. Telephone lines providing information for free and internet sites are also important. International experience has shown that tailored approaches by ethnicity/nationality and geographic location are essential in reaching the target audience.

Temporary and circular migration: The policy regulating seasonal entries should become more flexible. Permits could be issued for six months regardless of labour market sector and region. Three year multiple entry permits could also be used so that what is now legal circulation as tourists and informal work could be regularized. This would be mutually beneficial providing protection to the migrants and welfare payments to the state.

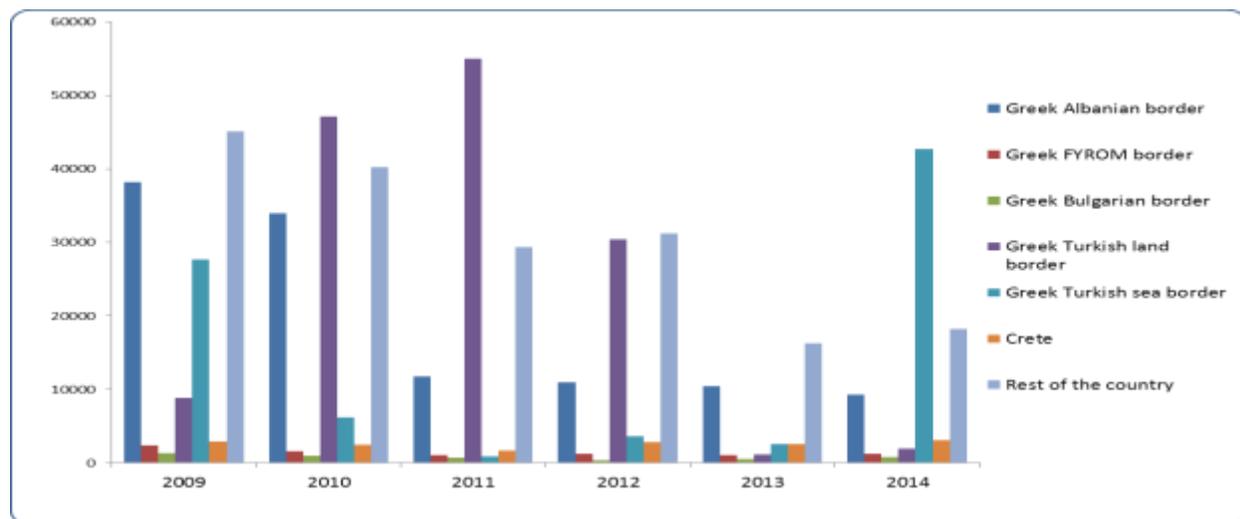
Access to labour market for low-skilled migrants: There could be a sectorial approach to low skill migration aiming at filling jobs in care, domestic work, agriculture and construction through bilateral agreements with the countries concerned or through the more flexible "sponsor" scheme where the interested family or other employer can sponsor the entry of the migrant through a simplified procedure (return ticket, health insurance, provision of accommodation) so that what is now irregular chain migration managed through migrant networks can become a formal way of managing migration legally.

Irregular Migration in Greece: What is at stake?

An overview of the main size of stocks and flows of legal and irregular migrants and asylum seekers shows that approximately 8.5% of Greece's total population are foreigners. Greece has been characterised by relatively high irregular migrant population stocks and flows during the past 25 years. Since the mid-2000s, it has been an important first country of arrival in Europe for irregular migrants and asylum seekers that are heading west and north. During the period 2009-2012, the Greek-Turkish corridor has absorbed the brunt of irregular migration and asylum seeking pressures. The main bulk of such flows towards Europe, during the period 2009-2012, was arriving through the Greek-Turkish land border in the north-eastern corner of Greece, across the Evros River.

However, irregular migration and asylum seeking routes have been shifting in the last two years (2013-2014), with the outflows from Syria turning to the Aegean islands. Thus, while in 2012-2013, Italy carried the brunt of these developments, during 2014 and the first months of 2015, numbers of arrivals at the Greek Turkish sea borders have increased dramatically from just over 2,500 in 2013, to 42,000 in 2014. A fourfold further increase is registered if we compare the first three months of 2014 and the first three months of 2015 (3,324 apprehensions at the Greek Turkish sea border in January to March 2014 compared to 12,643 apprehensions during the same period in 2015). By contrast, the Greek Turkish land border has been largely abandoned by irregular migrants and their smugglers who choose to head towards central-western Europe through Bulgaria, FYROM and Serbia. Indeed the available figures show that when entries through the land border drop, arrivals through the maritime borders rise and vice versa. These trends are strongly influenced by geopolitical developments in the region since the Arab spring in 2011 and particularly the implosion of the Libyan regime, the conflict in Syria as well as the overall instability and conflict in the Middle East which have reshuffled the irregular migration and asylum seeking routes in the Mediterranean.

Figure 1: Apprehensions of irregular migrants, per border, 2009-2014



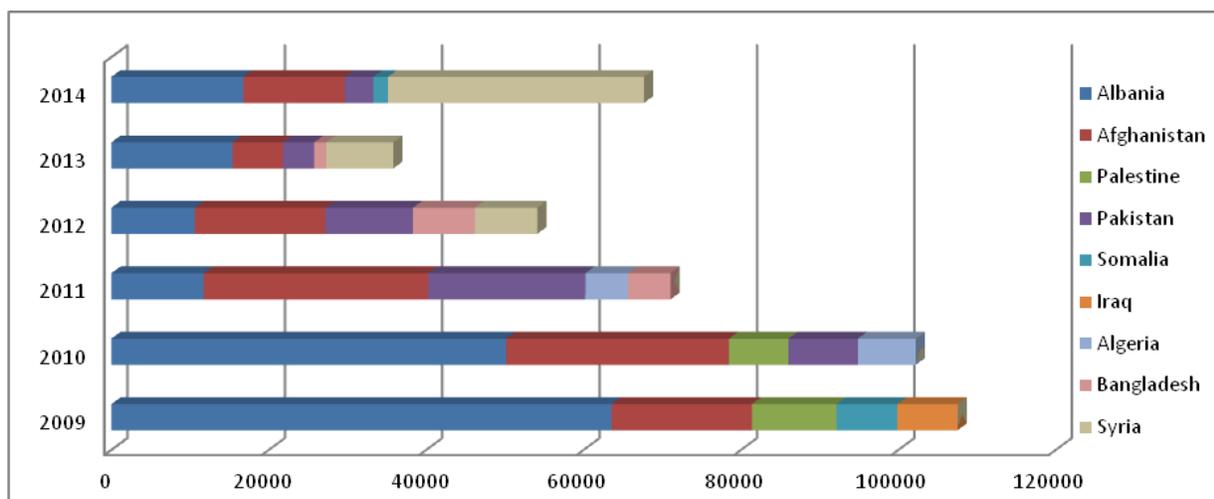
Source: Greek police data¹, 2015

¹ http://www.astynomia.gr/index.php?option=ozo_content&lang=%27..%27&perform=view&id=50610&Itemid=1240&lang.
 Accessed on 23 June 2015.

However, the influx of irregular migrants, as reflected in the number of apprehensions, has been fluctuating across the different border areas. One such striking example has been the drastic reduction in the influx at the Greek-Albanian border as of 2011, though this is closely related to the visa exemption of Albanian nationals who are entering the EU for periods shorter than 90 days as of December 2010.

A closer look at the nationalities of the migrants apprehended in Greece reveals the emergence of Syrians as the largest group by 2014; having registered for the first time in the top-5 arrivals in 2012, they rose to the 2nd place in 2013 and accounted for 3/4s of all apprehensions at the Greek Turkish sea border (32,000 out of 42,000) in 2014. Afghans remain an important group, despite a reduction in apprehensions compared to the period of 2009-2012, with numbers peaking to 12,901 in 2014. Pakistanis have also declined in absolute numbers from nearly 20,000 in 2011 to approximately 2,000 in 2014, though they also remain within the top 5 nationality groups as regards apprehensions.

Figure 2: Apprehensions of irregular migrants in Greece (at the borders and within the country, 5 main nationality groups) 2009-2014



Source: Greek police data², 2015

Since 2009, Greece came under international scrutiny for its failing asylum system which was characterised by the inappropriate processing of the applications and the inability to provide effective protection to asylum seekers arriving at its shores and having to be handled in line with the Dublin II regulation. Greece's detention policy towards asylum seekers was of major concern. Whether intercepted at the border or within the country, undocumented migrants and asylum seekers were routinely detained for shorter or longer periods. The country was heavily criticized both for the inappropriate conditions within the facilities and for the indiscriminate placement in detention. Greece's practices stirred up further controversy in the course of 2014, after the Greek Legal Council published Advisory Opinion no 44/2014, which held that it was legal for the Greek authorities to detain irregular migrants beyond eighteen (18) months – the maximum time allowed under Greek law – and prolong their detention

² http://www.astynomia.gr/index.php?option=ozo_content&lang=%27.%27&perform=view&id=50610&Itemid=1240&lang.
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indefinitely, until the latter consent to return to their home countries (see also [Triandafyllidou, Angeli and Dimitriadi 2014](#)).

The Greek government that took office at the end of January 2015 has clearly signalled its will to stop indiscriminate detention, gradually releasing asylum seekers and irregular migrants that have been detained for long periods, and follow an overall more human-rights oriented approach. Faced with an upsurge in irregular arrivals in the islands, it has prioritised reception, open- and semi-open accommodation facilities and the adoption of integration schemes. Most recently, the deputy minister for Immigration Affairs suggested the distribution of asylum seekers across different municipalities within the country, amid however protests by several mayors. In many respects, the implementation of this new policy remains a challenge and the details still need to be worked out.

Policy Challenges

Balancing priorities concerning the control of the national (and EU) borders, the overall management of irregular migration and asylum, and the protection of irregular migrants' fundamental rights, requires a better understanding of how irregular migration takes place.

What are the driving factors but also how migrants decide to move, mobilise resources, make plans, navigate and often bypass control policies (whether of fencing or gatekeeping nature) and eventually pursue their hope for a better life in Europe? Indeed a fundamental question that touches upon the essence of irregular migration, yet more often than not overlooked in scholarly and policy studies, is how migration control policies affect the plans and actions of irregular migrants and why some policies are more successful than others.

The IRMA project investigates the dynamics of irregular migration (and asylum seeking) and the ways in which different actors and factors affect the nature and direction of the flows within an overall restrictive EU and national migration policy regime. The approach adopted is anthropocentric: it seeks to cast light to the governance of irregular migration starting not from the policies and the government actors, but rather zooming in on the migrant as the main agent in the migration process. It is our contention that such an anthropocentric perspective improves our actual understanding of how migration control and migration management policies affect irregular migration and thus indirectly leads to a better understanding of the governance of irregular migration and asylum. We propose to bypass the typical dichotomies between migration and asylum, between legal and irregular migration, between 'real' and 'bogus' asylum seekers, between legal and informal employment. Instead we concentrate on the essence of mobility, notably the desire and need of the individuals to move, which brings them to navigate a complex environment despite their limited resources and imperfect information.

Key Messages for Policy Makers - What is suggested?

Our findings suggest that repressive migration control policies, whether fencing or gatekeeping, internal or external, are not effective in overall reducing irregular migration nor in distinguishing irregular economic migrants from asylum seekers.

This happens because it is not only the flows that are mixed but the motivations; people move for a set of usually complex reasons where the need for security and/or the pursuit of employment and/or lack of better economic prospects interact.

Policy analysis has so far focussed too much on policy categories instead of looking at the motivations of the migrants and the ways they navigate the obstacles.

Migrants' assessment of risk and uncertainty is different than what we tend to assume, since they live under circumstances that are often beyond their control. Hence knowledge that they may be detained or that the journey involves important risks for their lives, or uncertainty as to whether they will reach their final preferred destination is accepted as part of the process and is also largely counterbalanced by the desire and search for a better life.

Policies that do not provide for alternative options for legal migration for both asylum seekers and economic migrants only empower smuggling networks, semi-legal intermediaries (like employment or travel agencies), and the informal economy.

The IRMA project results offer insights into how different groups of apparently homogenous irregular migrant populations can shape their strategies in response to control policies in place. In this context, the following key messages and recommendation for policy makers are proposed with the view of governing more effectively irregular migration:

Mixed flows cannot fit watertight policy categories of legal vs irregular, nor of irregular migrant vs asylum seeker:

For populations that have been for decades on the move, and for whom migration continues to be a livelihood strategy, as is the case of Afghans arriving to Greece, border control policies do not deter the journey. On the contrary, they redirect the journey or extend the period of transit, or increase the price paid to smugglers. Additionally tight control of the borders traps irregular migrants and asylum seekers in Greece, making it impossible to continue their journey onwards to Italy or further north. Continued repression of irregular migration is counterproductive. It proves to drive irregular migrants further underground, thereby empowering smuggling networks, and fostering conditions for exploitation and human rights violations.

It is necessary to separate the root causes of emigration or asylum seeking that depend on structural, long term factors, and the decision making of the migrant that is contextually based, dynamic and responds to shifting opportunities and obstacles.

In addition we need to understand that **shock migration** is a challenge that cannot be foreseen or efficiently planned so it is necessary for Greece and the EU to develop crisis management mechanisms in the field. The most recent such migration and asylum wave in Greece is that resulting from civil war in Syria but the flows of sub Saharan African migrants from Libya, and Tunisians to Italy is also a recent vivid such example.

With the current increase in new arrivals, the Greek state should ensure that there are sufficient **reception centres** with adequate facilities to accommodate newcomers. Upon arrival at sea or land borders, and in collaboration with civil society organisations, they should have access to medical care, psychological support and legal counsel. **Mobile units** should also be prioritised to deal with rapidly shifting flows.

Early information and access to information centers: The IRMA results demonstrate that Greece's policy of deterrence has not significantly diminished the overall population of irregular migrants. In addition, they show that migrants mostly rely on the often inaccurate information provided by relatives and smugglers. The authorities could invest instead in early information regarding available options, rights and procedures targeting different types of migrants or asylum seekers in different countries. **Such information could be distributed through information centres created in the countries of origin and transit zones in cooperation with local civil society organisations. Telephone lines providing information for free and internet sites** are also important information sources that can be priorities, as the case of Ukraine shows. International experience has shown that tailored approaches by ethnicity/nationality and geographic location are essential in reaching the target audience.

Detention is inhuman and does not contribute to a sustainable management of irregular migration

The findings of IRMA confirm that apprehension and temporary detention do not necessarily lead to effective returns, in particular for migrants from Afghanistan and Pakistan, though significant steps have been taken to step up expulsions.

Moreover, the policy of detention does not seem to deter, only to reshape the migratory route or extend migrants' transit stage. As in the case of Afghani irregular migration, the detention policy proved to impact routes, pushed migrants to literally go in hiding by staying indoors and reducing contacts with the outside world to a minimum, limited access to the asylum process and imposed imprisonment on a population that committed an administrative but not a criminal offence.

Screening of cases: Foreigners currently residing in Greece in an irregular manner ought not to be indiscriminately treated as irregular migrants in term of status. Accordingly, the rule of return should not be applied automatically to every foreigner who enters or stays in Greece on an irregular basis. Cases should be screened in an individualized manner.

Training programmes: The Greek authorities must invest in training programs of police officers, border guards, judicial authorities and administrative bodies dealing with irregular migrants and their claims. This would both expedite procedures and render the overall system more effective but also ensure that migrants are treated with respect and sensitivity to their status and vulnerabilities.

Opportunities for legal entry are crucial in reducing irregular migration

The case study on Albania shows that expanding the possibility of legal entry into Greece has had the immediate consequence of limiting irregular border crossings. On the other hand, the visa liberalisation regime for Albanian citizens visiting an EU country has enabled, even encouraged, Albanian migrants to circulate between the two countries working in seasonal jobs in agriculture, construction and tourism, mostly informally.

While this is not an ideal situation for the authorities, it shows that labour market dynamics often regulate migration informally and more effectively than restrictive policies. Naturally geographical proximity and strong ties between the two countries play an important part here in facilitating the circular movement.

Similar dynamics have been confirmed in the case of Ukrainians and Georgians both in the 1990s and 2000s. Faced with poverty and unemployment at home and in the absence of legal migration channels, they undertook the journey to Greece either with a real or with a fraudulent tourist visa and found employment through travel and employment agencies operating at the margins of legality, or through friends and relatives who were already in the country.

The Greek labour market is better served through networks rather than through offer and demand planning

The Albanian case study points to the dynamics of a buzzing informal labour market, which needs cheap and flexible seasonal work in tourism and agriculture. These pull factors and the pre-existing strong networks are critical in shaping the ‘irregular’ migration condition.

The ‘metaklisi’ scheme (assessing the internal labour market needs and inviting foreigners to apply for a labour entry visa from their own country of origin along with the completion of complex paperwork by the employer) does not correspond to the country’s labour market structure which is characterised by sectors with small enterprises (e.g. catering, tourism) and with seasonal labour needs (agriculture, fishing) or where the family is the employer of the migrant (domestic work, private care).

Provide flexible options for temporary and circular migration: The policy regulating seasonal entries should become more flexible. Permits could be issued for six months regardless of labour market sector and region. Three year multiple entry permits could also be used so that what is now legal circulation as tourists and informal work could be regularized. This would be mutually beneficial providing protection to the migrants and welfare payments to the state.

Facilitation of the access to labour market for low-skilled migrants: Economic migrants from Albania, Ukraine and Georgia are absorbed by the Greek labour market even during the crisis, particularly in the domestic work and care sector (women mostly, but also men in seasonal agriculture and construction jobs). There could be a sectorial approach to low skill migration aiming at filling these jobs through bilateral agreements with the countries concerned or through the more flexible “sponsor” scheme where the interested family or other employer can sponsor the entry of the migrant through a simplified procedure (return ticket, health insurance, provision of accommodation) so that what is now irregular chain migration managed through migrant networks can become a formal way of managing migration legally.

Individualised Regularization Schemes: Many migrants who have been legally residing in Greece on a long term basis (in our study this is the case of Albanians, Georgians, Ukrainians and Pakistanis) have lost their stay permits because of unemployment or informal employment that prevented them from collecting the necessary welfare stamps. Stay permits for exceptional and humanitarian purposes should be used more extensively to bring back to legality individuals and families that have been in Greece for five years or more whether legal or undocumented, if they can prove that they are integrated in the country (in the sense that Spain has been offering “arraigo” (rootedness) after only 2 years of residence in the country. Such rootedness involves having a job (even informal), having accommodation, not having committed crimes, sending your children to school, in short living a normal life.



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Project abstract

The IRMA project investigates the dynamics of irregular migration (and asylum seeking) and the ways in which different actors and factors affect the nature and direction of the flows within an overall restrictive EU and national (Greek) migration policy regime. The project seeks to uncover the dynamics of the governance of irregular migration taking as its focus not the policies but rather the migrants, as central actors in the field. It has investigated what migrants do with the policies, how they make decisions and execute their plans, learn about policies and intermediaries, and factor them in, and eventually adopt one pathway or strategy of mobility instead of another. The project has thus concentrated on how migrants make sense of their own needs and wishes and how they conceptualise their (legal or irregular) mobility.

The empirical research undertaken in this project concentrates empirically on three migration systems within which irregular migration is an important component of overall migration towards Greece: the Balkans to the EU migration system with a focus on Albanian irregular migration to Greece; the Eastern Europe to the EU migration system: with a focus on Georgian and Ukrainian migration to Greece; and the Southeast Asia to the EU migration system with a focus on Pakistani and Afghani migration to Greece.

The project has developed along five parallel case studies on the five countries of origin of the migrants and Greece. The comparative analysis of the five case studies focuses on the dynamics of each of the three migration systems as well as the lessons we have learnt about the dynamics of irregular migration governance and the ways in which migrants interact with migration control policies.

For more information visit the project's website: <http://irma.eliamep.gr>

