



The Implementation of the Hotspot in Greece

CONDISOBS Policy Paper No. 3
Lorenzo Vianelli (University of Luxembourg)

Executive summary

The implementation of the hotspot approach in Greece has been inextricably linked to the controversial EU-Turkey statement, through which members of the European Council and their Turkish counterparts agreed on returning to Turkey all migrants travelling “irregularly” from Turkey to the Aegean islands.

The EU-Turkey statement transformed the very rationale of Greek hotspots. They stopped operating as transit centres as it became more convenient for Greek authorities to confine newly arrived migrants in the Aegean islands, as from there only they could then be returned to Turkey.

The statement also brought about other important changes in the Greek asylum system, such as the admissibility check and the geographical restriction. The admissibility check has significantly limited access to the asylum procedure based on the assumption that migrants can be safely returned to Turkey. The geographical restriction has obliged migrants to stay in the island of arrival until the end of the asylum procedure.

As the number of returns to Turkey has been limited, these measures have transformed Aegean islands into extended containment zones, where newly arrived migrants have been abandoned for years. Despite this, no changes have been introduced in the way the hotspot approach is implemented in Greece. On the contrary, Greek authorities have intensified illegal pushbacks with the aim of further reducing the number of arrivals.

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Interrupting the Balkan route

Sea arrivals on the Aegean islands, next to the Turkish coast, reached an unprecedented dimension in 2015 when more than [850,000 migrants](#) landed on the Greek shores. This constituted a massive increase compared to [41,000](#) people who arrived by sea the year before. For most of them, Greece was only a transit point, a stop-over in a longer journey whose final destinations were western, central and northern European countries. Migrants' journeys continued along what has been defined as the "Balkan route", also thanks to the initial complicity of most national authorities of the countries along the route, which [let migrants continue their trip](#) towards north. Between 4th and 6th September 2015, this amazing movement of people culminated in the so-called "[March of Hope](#)", when thousands of migrants crossed the Austrian-Hungarian border on foot, after a few days in which they had been stranded at the Budapest Keleti train station. This autonomous march showed once again that restrictive border policies cannot stop migrants' will to look for safety and for dignified living conditions. It exposed the failure of European Union's (EU) border and asylum policies, according to which those marching should have been stopped in the first country through which they entered the EU.

↳ restrictive border policies cannot stop migrants' will to look for safety

The closure of the Balkan route became an imperative for the EU and for member states in Western, Central and Northern Europe where most migrants were directed. The introduction of the [hotspot approach](#) in Greece, following the adoption of the [European Agenda on Migration](#) in May 2015, goes in this direction. This approach involves the deployment of EU agencies, like Frontex, the European Asylum Support Office (EASO), Europol and Eurojust, in designated external border areas (currently in Greece and [Italy](#)), with a view to identifying, registering and fingerprinting all newly arrived migrants. In Greece, the first hotspot centre was inaugurated on 15th October 2015 in Lesbos, where the former "first reception centre" was reconverted into a Reception and Identification Centre (RIC). Other facilities were then set up in the other

Eastern Aegean islands of Chios, Leros, Kos and Samos between February and June 2016.

At the same time, other steps were undertaken to interrupt the Balkan route. Only a few days after the inauguration of the hotspot in Lesbos, a key [meeting](#) took place in Brussels between EU institutions and the heads of state or government of the countries along the route (Albania, Austria, Bulgaria, Croatia, Republic of North Macedonia, Germany, Greece, Hungary, Romania, Serbia and Slovenia). Here, the participants agreed on a list of operational measures aimed at strengthening border management in the Western Balkans. A crucial objective of the [action plan](#) agreed upon at the meeting was that of discontinuing the practice of letting migrants transit through the countries along the route, thereby blocking their movements towards north.

The effects of the meeting were immediately visible. From November 2015, travelling across the route became increasingly more difficult due to tighter border controls, particularly for those not belonging to nationalities that were identified as "legitimate" protection-seekers, such as Syrians, Iraqis and Afghanis. In March 2016, the "humanitarian corridor" to Central Europe that had been tolerated and at times even facilitated until then was thus closed, with great relief of EU institutions and destination countries. The decision taken by [Austrian authorities](#) to accept a maximum of 80 asylum applications per day at its southern border prompted other countries along the route, such as Croatia, Republic of North Macedonia, Serbia and Slovenia, to close their borders. As a result, an increasing number of migrants ended up stuck in Greece, where they gathered in [Idomeni](#) next to the border with the Republic of North Macedonia.

From transit to containment

On 15th October 2015, the same day in which the hotspot in Lesbos was inaugurated, EU institutions and the Turkish government agreed upon the [EU-Turkey joint action plan](#). The objective of the joint action plan was twofold. On the one hand, it intended to support Syrian refugees and their host communities in Turkey. On the other hand, it aimed to prevent further migratory movements to the EU. The plan was activated on 29th November 2015 and contributed to [reducing arrivals](#) from Turkey to Greece. It also paved the way to the adoption of the controversial [EU-Turkey statement of 18th March 2016](#), in which the members of the European Council and

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their Turkish counterparts agreed on ending “irregular migration from Turkey to the EU”.

According to the statement, all migrants travelling “irregularly” from Turkey to Greek islands after 20th March 2016 had to be returned to Turkey. For every Syrian returned, another Syrian should have been resettled to the EU. Turkey also committed to take any necessary measures to prevent migrant crossing to the EU by sea or land. In exchange for this, Turkey obtained an acceleration of the visa liberalisation roadmap, the revivification of the accession process and 6 billion euros under the [Facility for Refugees in Turkey](#).

The emphasis on the return of migrants to Turkey required a substantial transformation of the purpose of the hotspot centres in the Aegean islands. Until the adoption of the statement, hotspots had functioned as transit centres, where migrants were registered before they were generally let go to the Greek mainland. Migrants’ transit from the Aegean islands to mainland Greece was ended by the EU-Turkey statement. Being applicable to arrivals to the Aegean islands only, the EU-Turkey statement made it more convenient for Greek authorities to confine newly arrived migrants in these islands, as from there only they could then be returned to Turkey. Accordingly, as it was clarified by the [European Commission](#) itself, hotspots had “to be adapted” and the “focus on registration and screening before swift transfer to the mainland replaced by the objective of implementing returns to Turkey”. Hotspots, or specific sections within them, were thus transformed into detention facilities in which newly arrived migrants, including asylum seekers, have been confined upon arrival in view of a possible return to Turkey. In this way, the Balkan route has become ever more inaccessible, as newly arrived migrants have been even prevented from reaching mainland Greece, from which they could attempt to move north.

Limiting access to the asylum procedure

The EU-Turkey statement not only transformed the very rationale of Greek hotspots, but it also brought about other important changes in the Greek asylum system. A key one is certainly the introduction of two parallel asylum procedures, involving extremely differentiated treatments: one for people who arrive in the Aegean islands and one for others who arrive in Greece through land borders. Whilst the latter access the regular procedure, the former group is subject to a [fast-track](#)

[border procedure](#) that significantly limits rights, procedural guarantees and access to legal remedies, in an attempt to speed up the process and increase returns to Turkey. Until January 2020, vulnerable cases and applicants who could benefit from family reunification through the Dublin Regulation were exempted from the fast-track border procedure, but this has been changed by law no. 4636/2019.

↳ migrants’ transit from the Aegean islands to mainland Greece was ended by the EU-Turkey statement

The fast-track border procedure does not only involve shorter time limits for decision-making and most notably appeal, but it also introduces an admissibility check before the actual asylum procedure. The objective of this check is to assess the possibility of returning applicants to Turkey, based upon the assumption that the latter is a safe third country where asylum seekers have access to protection. During the admissibility assessment, newly arrived migrants who are willing to seek international protection are not interviewed about the merits of their asylum claim, but on their conditions in Turkey only. If they are able to prove that Turkey is not a safe country for them, then their claim is considered admissible and the asylum procedure can start. They are thus interviewed on the reasons behind their flight from the country of origin. Instead, those who fail to prove that Turkey is not a safe country for them do not even have their asylum claim examined as it is believed that they can be safely returned to Turkey where they will be granted some sort of protection. Hence, they are transferred to a pre-removal centre where they wait to be deported to Turkey, no matter what the reasons for leaving their country of origin were.

Therefore, the admissibility check works as a filter through which access to the asylum procedure is granted to a limited number of newly arrived migrants. Several [reports](#) showed that most claims are rejected as inadmissible by default, without a thorough assessment of each individual situation. This has been particularly the case for Syrians as they are believed to benefit from the temporary protection regime in Turkey, although this is [far](#)

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from certain. Inadmissibility decisions have often been scanty, repetitive and based on [standardised evaluations](#) that do not seriously analyse the situation in Turkey, where access to protection is not guaranteed at all and cases of further [deportation](#) to Syria have been reported. Furthermore, although Turkey is signatory to the 1951 Refugee Convention, it has maintained the geographical limitation initially included in the Treaty. Accordingly, only people coming from Europe can get the refugee status in Turkey, whilst non-Europeans can only be granted temporary forms of protection. Hence, through the admissibility check, most migrants arriving in the Aegean islands have been prevented from accessing the asylum procedure on the basis of a supposed protection that they could receive once sent back to Turkey.

This exclusionary practice has been systematised by the [Joint Ministerial Decision no. 42799](#) that was issued by the Greek Minister of Foreign Affairs along with the Minister of Immigration and Asylum on 7th June 2021. This decision established Turkey as a safe third country for asylum seekers from Afghanistan, Bangladesh, Pakistan, Somalia and Syria. This means that asylum seekers belonging to these nationalities have now to go through an admissibility screening in which they have to demonstrate that they cannot be safely returned to Turkey. Considering that these nationalities constitute the majority of asylum claims in Greece ([60.5%](#) in the second quarter of 2021), the new decision essentially excludes most newly arrived migrants from the asylum procedure, based on the assumption that they can get effective access to protection in Turkey. Furthermore, Joint Ministerial Decision no. 42799 has extended the application of the safe third country principle to the Greek mainland, regardless of the type of procedure adopted. Hence, the admissibility check is not a characteristic of the fast-track border procedure applied in the Aegean islands anymore.

Islands of containment

The successful realisation of the system conceived by the EU-Turkey statement is heavily depending on the steady and continuous implementation of returns of inadmissible asylum seekers to Turkey. The idea underpinning the whole architecture of the EU-Turkey statement is that migrants are stopped and registered in the Aegean islands, and then either transferred to the Greek mainland if admissible or sent back to Turkey if inadmissible. However, the pace of returns to Turkey has been slow from the outset. Between April 2016 and March 2020,

only [2,140 migrants](#) were returned to Turkey, whereas the total number of rejected asylum applications since 2016 has surpassed [54,000](#).

The situation is even more problematic since March 2020 when Turkish authorities suspended all readmissions from Greece. No returns to Turkey have been implemented ever since. Yet, this has not had any impact on the procedures in the hotspots, where the admissibility check is still conducted. On the contrary, Greek authorities have intensified illegal [pushbacks](#) with the aim of further reducing the number of arrivals. The interruption of returns to Turkey has led to a paradoxical situation in which asylum claims are considered inadmissible based on the assumption that people can be safely returned to Turkey, but applicants cannot be returned because Turkey does not accept them. Inadmissible asylum seekers are thus in a legal limbo: they have no right to stay in Greece, but they cannot leave the country either.

↳ Greek authorities have intensified illegal pushbacks

Clearly, all migrants whose asylum claim is declared inadmissible cannot be detained in hotspot facilities as these do not have the necessary capacity. This issue has been eluded by Greek authorities through the implementation of the so-called “[geographical restriction](#)”, which is yet another measure that was introduced in the wake of the EU-Turkey statement in order to facilitate its implementation. The geographical restriction limits the freedom of movement of migrants arriving in the Aegean islands by forcing them to stay in the island of arrival until the end of the asylum procedure. This restriction is applied without prior individual assessment of cases and with very few exceptions, such as severe proven vulnerabilities, unaccompanied minors and applicants waiting to be transferred to another EU member state for family reunification. The geographical restriction has no time limit and there is no effective legal remedy to appeal against it.

The confinement of newly arrived migrants in the Aegean islands through the application of the geographical restriction has transformed these islands into extended containment zones, where migrants have been abandoned for years. In all hotspot facilities, [occupancy](#) have systematically exceeded capacity, without any

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corrective measure taken by Greek or EU authorities. This has resulted in appalling living conditions in extremely overcrowded facilities and in the development of massive informal settlements around official hotspots, particularly in Lesbos and Samos. Migrants in the Aegean islands, including unaccompanied minors and vulnerable people, have therefore limited access to healthcare, toilets and basic sanitation, let alone psychological support and care for specific needs. They are forced to live in an extremely unsafe and harmful environment. The effects of the containment policy encapsulated by the implementation of the hotspot approach in Greece do not only affect migrants. This policy has negative implications on local communities and local contexts, which lack the infrastructures, services and resources that are needed to host such number of people for such a prolonged time.

Recommendations

Through the introduction of the hotspot approach, EU institutions have sought to interrupt the Balkan route by blocking newly arrived migrants in Greece and particularly in the Aegean islands. The management of newly arrived migrants has thus been transformed into a Greek issue, although pretty much none of them wants to stay in Greece and is rather resolved to reach other destinations in Western, Central and Northern Europe. This is far from constituting a practicable solution to the challenges deriving from the management of significant numbers of newly arrived migrants at EU's external borders. The implementation of the hotspot approach in the Greek context shows very well the detrimental effects of confining migrants near border points in the country of arrival.

A radical change in EU asylum and border policies is needed. Contrary to the Dublin regulation, which requires asylum seekers to apply for asylum in the first country of entry in the EU, asylum seekers should be free to choose where to file their asylum application. For migrants, arrival in a specific member state, like Greece for instance, should correspond to arrival in the EU and not in that specific member state only. This entails the **possibility of transferring asylum procedures from one member state to another**, without prejudice to the principle according to which individuals can only apply for asylum once, unless new elements in the claim appear. Migrants who arrive and are registered in Greece should therefore be able to bring their asylum case with them in another EU country. Guaranteeing this freedom to asylum seekers would significantly facilitate reunification with

relatives and networks, thus promoting integration in the host country and reducing so-called "secondary movements".

Such a freedom of choice on the part of asylum seekers requires a **compensation system at EU level**, according to which member states receive financial support depending on their contribution to the reception and processing of new arrivals. The compensation should not only take into consideration states' efforts in the field of reception and administrative procedures, but it should also take into account search and rescue operations, disembarkations, first aid and reception, including medical screenings, vulnerability assessments and so on. In other words, the contribution of member states should be assessed by considering all activities involved in the management of newly arrived migrants, as opposed to the processing of asylum applications alone.

↳ asylum seekers should be free to choose where to file their asylum application

The admissibility check that has been introduced in the wake of the EU-Turkey statement prevents most newly arrived migrants from accessing the asylum procedure, based on the flawed assumption that they can be safely returned to Turkey. Inadmissibility decisions are taken in a systematic way, without a case-by-case assessment of each individual application, although the problems concerning the definition of Turkey as a safe country for asylum seekers have been widely reported by non-governmental and academic sources. This practice undermines the right to an individual examination of one's asylum case. It also calls into question the principle of *non-refoulement*, according to which one should not be returned to a country where there is the risk of irreparable harm and serious human rights violations (including further *refoulement* to the country of origin).

The admissibility check should be immediately discontinued. Everyone should have access to the asylum procedure, regardless of the country of origin or the country through which they transited before arrival in the EU. Appropriate, individualised examination of all asylum claims should be reintroduced and every asylum seeker should be offered the same rights, procedural

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guarantees and access to legal remedies, regardless of the country of origin, transit country and place of arrival. Accelerated and border procedures should not be used as deterrence tools through which the rights of applicants are circumvented.

In its current implementation in Greece, the hotspot approach encapsulates a system that is centred around specific external border points. Here, all newly arrived migrants should be stopped, registered and confined, while waiting for their claims to be processed. In recent years, the awful situation in the Aegean islands where hotspots are located has exposed the dangers and impracticability of such a system. The current **emphasis on external borders as key sites of migration management should be abandoned**. Registration should be re-established as the primary objective of hotspot facilities, as it was before the introduction of the EU-Turkey statement.

Hotspots should be re-converted into transit centres where identification procedures are conducted and first aid is provided before migrants are transferred to the mainland. The determination of the legal status of newly arrived migrants should be moved away from border areas and should not be rushed. Appropriate time should be guaranteed for the analysis of individual legal positions, the thorough implementation of vulnerability assessments and the identification of possible mental health issues. These activities should be conducted where appropriate infrastructures (e.g. reception facilities, specialised health centres) and expertise (e.g. psychologists, health professionals, interpreters) are available.


↳ the determination of the legal status of migrants should be moved away from border areas

The introduction of the geographical restriction has turned the Aegean islands of Chios, Leros, Lesvos, Kos and Samos into containment areas in which newly arrived migrants are confined for an indefinite time. Although the rationale of these measures has been to facilitate returns to Turkey, this proved to be a failure as return rates have been significantly below expectations. Yet, no changes

have been introduced to redress the situation. Even after Turkey has suspended readmissions from Greece in March 2020, Greek authorities have continued to declare most newly arrived migrants inadmissible and confine them in the islands, as if the whole architecture underpinning the hotspot approach was functioning.

A pragmatic approach is urgently needed. Illegal pushbacks should not be the answer to the low rate of returns and the latter should not be a dogma that is followed regardless of actual circumstances and feasibility. When returns cannot be implemented for practical reasons (e.g. no cooperation of countries of origin or transit, vulnerability or health conditions of migrants, lack of documentation), migrants should be entitled to legally stay. This would avert migrants' indefinite detention, which is both harmful for them and costly for state authorities. Furthermore, **the geographical restriction should be immediately lifted** in order to end the policy of containment of newly arrived migrants in the Aegean islands. This policy is inhuman towards migrants as advocacy groups, scholars and several media outlets have repeatedly emphasised.

The policy of containment is also unbearable for islands and their local communities. Small islands like the Aegean ones are not equipped to host significant number of migrants for extended periods. Infrastructures are lacking and specialised services that are necessary for the reception of migrants are extremely limited (e.g. psychological support, legal advice, dedicated services for minors, interpretation). Often, islanders have to cope with the difficulties stemming from the condition of isolation and insularity themselves. The current policy of containment is placing further unnecessary pressure on these places. Both migrants and local communities in islands would benefit from ending the containment policy and moving newly arrived migrants away from border areas to the mainland.



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Lorenzo Vianelli is a postdoctoral researcher at the Department of Geography and Spatial Planning of the University of Luxembourg, where he is the principal investigator of the H2020 project CONDISOBS. After he obtained his PhD from the University of Warwick in 2018, he was a postdoctoral research associate in the H2020 project CEASEVAL at the University of Luxembourg and in the ERC-funded project ASYFAIR at the University of Exeter. His research cuts across political and human geography, politics and anthropology, and focuses on border struggles, migration management, reception policies and practices, and 'secondary movements' in the European Union.

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info@condisobs.eu
www.condisobs.eu

