

PIREAUS SAT

A PILOT-POLICY
REGARDING THE
ALTERNATIVES
TO IMMIGRATION
DETENTION



1. Introduction:

Detention is the commonly accepted policy that the state of Greece exercises when dealing with undocumented people, asylum seekers that apply for asylum, irregular migrants and even migrants that live and work in the country for many years but are in the process of renewing their documents. Detention is the daily reality that migrants/refugees face in Greece, a reality that begins the minute you enter the country irregularly and continues in everyday life for migrants/refugees. The self-Advocacy Team (SAT) of Piraeus decided to engage this advocacy topic based on the argument that immigration detention has to be addressed first before jumping into topics such as integration, document renewals, among others. This topic was unanimously agreed upon and gives merit to the members of the team in the sense that all members already have a status and could easily choose a topic that affects their current life issues. Instead, the team chose a topic that affects everyone, newcomers and long-term residents alike, acknowledging it as the first milestone to reach in order to have any coherent future discussions on other topics.

Alternatives such as regular appearance before the authorities, the deposit of an appropriate financial guarantee, the filing of documents or the obligation to stay in a certain place are some of the alternatives foreseen by Law no. 3907/2011 Article 22 that are not being put into good use leaving detention as the sole approach exercised by the State that in turn leads to violations of rights. Greece has been condemned twelve (12) separate times, in a time span from 2001 to 2021, for violations of rights connected to detention.

In this document the SAT identifies the strengths and weaknesses of the current system and propose an innovative approach regarding immigration detention in Greece. Although this document was not co-created with the joint effort of the SAT and the policymaker group that took part in project DEPART, the collaboration and meetings held between the two entities gave the SAT all the information needed to draft this pilot policy.

2. Immigration Detention in Greece: The Challenges

In Greece, which is one of the major entry points into Europe, the migration crisis has presented a number of difficulties. To deal with the large amount of migrants and asylum seekers, the country has turned to the use of immigration detention as a way of managing the situation. Unfortunately, this practice has been met with

much criticism due to the human rights violations it causes. This section will account the issues attached to immigration detention in Greece.

The challenges of the immigration detention policy in Greece can be summed up as follows:

1. Overcrowding and Inadequate Conditions: Greece has experienced difficulties in ensuring appropriate living accommodations and circumstances for detained migrants. Overcrowding often leads to the infringement of basic human rights, including access to proper medical care, sanitization, and acceptable living conditions. The custody of certain individuals over long periods of time, particularly vulnerable groups such as unaccompanied minors and expectant mothers, further aggravates the burden on resources and facilities.

2. Inadequate Legal Representation: A lot of migrants in custody are not able to receive appropriate legal counsel. Scant resources and language issues impede people from taking advantage of their rights and comprehending the court proceedings they are part of, which results in biased treatment and prolonged confinement.

3. Mental and Physical Health Concerns:

- Prolonged confinement of migrants and asylum seekers can have catastrophic impacts on both mental and physical health, resulting in heightened levels of depression, anxiety, and PTSD.

- With limited access to proper medical care, any pre-existing medical issues are intensified, and detainees face additional health risks.

4. Lengthy Detention Periods: The lengthy duration of detention is another issue. Because of the backlog of asylum applications and the limited ability to process them, those in custody typically face extended stays, which can irreparably compromise their rights and lead to mental health concerns.

5. Insufficient Living Conditions: The detention centers in Greece are widely condemned for their inadequate living standards, including inadequate hygiene, healthcare accessibility, and recreational opportunities. These circumstances can really harm the mental and physical health of those in custody.

6. Vulnerability and Protection: The detention setting presents a problematic situation in accommodating the particular requirements and ensuring suitable safety measures for vulnerable groups of people that are in confinement, such as unaccompanied minors, women, survivors of torture, and victims of trafficking, who are especially vulnerable.

7. Lack of Alternatives: Greece's limited resources, lack of infrastructure, and legislative constraints make it difficult to fully implement alternatives to detention, which has been proven to be a more effective and humane practice. As a result, detention remains the main tactic utilized for immigration control.

8. Integration and Reintegration: Upon leaving detention, individuals often have difficulty assimilating into Greek society or returning to their home countries. Unfortunately, there is limited access to resources and assistance that would help the detained transition back into normal life, causing further social exclusion and risk.

9. Ineffectiveness and High Cost: The ineffectiveness and high cost of immigration detention have been demonstrated, as people persist in their efforts to enter by irregular means. The expenditure of resources on detention centers and the paperwork connected to them stress the necessity of identifying more economical alternatives.

Upholding the basic human rights and taking a more compassionate and respectful approach to managing migration necessitate the need for implementing alternatives to immigration detention. Prioritizing a humanitarian and rights-based approach to migration is essential for Greece in order to uphold human rights, protect vulnerable individuals, promote integration, comply with international obligations, and prevent discrimination and stigmatization. By doing so, a more compassionate, effective, and inclusive system for migrants and asylum seekers can be created that respects their dignity and well-being.

In order to combat these issues, cooperation between national and local governments, civil society groups, migrant/refugee-led organizations, solidarity movements and international associates is essential. Focus should be on enhancing living conditions, shortening the length of detention, implementing viable alternatives, granting access to legal representation, and providing necessary services for detainees. Additionally, enhancing coordination between the European Union's member countries can help reduce the obstacles associated with immigration detention.

3. Immigration Detention in Greece: The Alternatives

The SAT of Piraeus has followed the letter of the Greek Law regarding administrative detention and, through its research, has identified alternatives compatible with the law. The research conducted by the SAT led to the creation

of its advocacy plan regarding ATD's.

The objective of the SAT's advocacy plan is to move away from the conventional tactics of immigration detention and favor humane and successful substitutes, making sure that human rights are secure and that migration management in Greece is approached with goodwill and empathy.

The SAT, through its advocacy plan, suggests the following alternatives to detention:

1. Individual Assessments: Carry out a thorough individual evaluation for all migrants and asylum seekers. Determine whether or not detention is needed based on the individual situation, with special attention to vulnerability, chance of escape, and potential danger to public security.

2. Community-based Alternatives: Strengthening and enlarging community-based alternatives instead of detention is proposed, such as providing case management programs through NGOs, as well as Migrant/Refugee-led Organizations, with access to legal, medical, and mental health assistance; creating foster care or shelters for unaccompanied minors; initiating host family or sponsorship programs; and providing temporary housing and financial aid to migrants released from detention.

3. Efficient Asylum and Immigration Procedures: Speed-up the processing of asylum applications, reducing any unnecessary delays or backlogs. Also, improve access to professional advice and interpreters to guarantee fair and correct transactions. Additionally, implement efficient immigration procedures, including the option of a quick-track for qualified instances.

4. Non-custodial Supervision: Design a system of specific, individualized non-custodial supervision for suitable cases excused from detention, requiring regular updates to relevant authorities. Utilize technological solutions (like electronic monitoring) only as a last resort, considering its effect on individual privacy and dignity.

5. Coordination and Collaboration between Institutional Bodies & Civil Organizations/Initiatives:

- Make sure there is efficient collaboration between all relevant parties, including government authorities, Decentralized Administrations and Municipalities as well as international associations, activist/solidarity groups, and local/migrant communities.

- Encourage the exchange of data, enhancing of capabilities, and collective activities to create and apply alternatives to being detained.

6. Alternatives for Vulnerable Individuals: Provide alternatives for those who are in vulnerable positions, such as individuals affected by human trafficking, pregnant women, families with young offspring, people with mental or physical health issues, and people who have been through torture or a traumatic event. Make sure to offer specialized care and services to meet their special needs and shield their rights.

7. Monitoring and Evaluation: Periodic monitoring and evaluation should be carried out to gauge the success of alternative detention methods. Engaging regularly with stakeholders, including migrants and asylum seekers, in order to receive their feedback is a must. This feedback should be utilized in the continuous refinement of policy.

If Greece were to adopt these suggested alternatives, it would be showing its dedication to managing migration with even more consideration for human rights. The successful application of alternatives to detainment would not only safeguard the rights of migrants and asylum seekers, but also lead to a quicker and more effective migration system.

A major issue that was identified between the collaboration between the SAT and the policymaker group that the project “DEPART” is based upon, was the inability of the country to fund the ATD’s. In the next section one can find funding opportunities that could support a policy aiming at the alternatives to administrative detention.

4. How to Fund the Alternatives to Immigration Detention in Greece

It is essential for Greece to protect human rights and develop a more compassionate approach to managing migration by utilizing alternatives to immigration detention. Nevertheless, finding the necessary funding for this purpose can be a difficult task. In this section we will examine different approaches that Greece could take to secure resources for facilitating alternatives to immigration detention, including taking advantage of EU funds, involving international collaborators, adapting the national budget, even investigating new financing methods.

The suggestions for funding regarding the ATD are the following:

1. Restructuring the National Budget: Consider restructuring the national budget to focus on providing alternatives to immigration detention. This can be done by readjusting already existing funds or based on the results of a comprehensive

analysis of budgetary allocations. Such a shift in focus would allow for adequate resources to be allocated for support services within communities, improved access to legal aid, and better reception conditions outside of detention settings. This necessitates a strategic review of budget priorities, as well as a dedication to the security and welfare of migrants and asylum seekers.

2. Making the most of EU Funds: Greece, as a member of the European Union, has the potential to take advantage of a variety of funding sources from the EU in order to carry out initiatives to replace immigration detention. These funds include the European Asylum Fund, the Asylum, Migration and Integration Fund, and the Emergency Support Instrument. It is essential for Greece to be in close contact with the right EU bodies to make sure they can make the most out of the available funds and be in line with EU policies.

3. Engaging International Partners: Greece has an opportunity to secure funding for alternative solutions to immigration detention by looking to international organizations and donor countries. Engaging with the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), and bilateral donors can provide financial assistance as well as the benefit of their technical knowledge. Collaborating with these international partners can also be utilized to improve capacity building, exchange of information, and policy development.

4. Collaboration with Civil Society: Greece should work together with NGOs and civil society groups to get financial aid from foundations, private donors, and other philanthropic entities. Creating close ties with these organizations can further increase the success of alternative initiatives and mobilize additional resources. Moreover, civil society can be counted on to be active in advocating for migrant rights and supporting migrants.

5. Advocacy for Increased International Aid: Greece should strive to advocate for increased international aid specifically directed to providing alternatives to immigration detention. Greece can emphasize the advantages of these alternatives, such as being cost-effective, enhancing the outcomes of migrants and asylum seekers, and meeting human rights obligations in order to attract international aid. Advocacy efforts should focus on international and regional forums, including the EU, in order to raise awareness and drum up financial backing for establishing alternatives to immigration detention.

6. Innovative Funding Mechanisms: Exploring innovative funding models like public-private partnerships (PPPs), social impact bonds, and crowdfunding can provide ways of securing necessary funds to pursue alternatives to immigration detention. PPPs can bring in the private sector's expertise and resources to back

such initiatives. Social impact bonds make it possible for investors to attach rewards on predetermined social objectives, therefore providing a motivation to achieve beneficial results. Crowdfunding also allows the general public to become involved and help finance programs that replace detention with more humane and successful options.

Greece faces a challenge when it comes to financing alternatives to immigration detention, however, it can still look into a number of different strategies to acquire the resources it needs. By using European Union funds, enlisting external partners, reallocating domestic budgeting, exploring innovative funding solutions, asking for more international aid, and working together with civil society, Greece can finance projects that prioritize humane and rights-based approaches to migration management. Not only will providing appropriate funding for options that go beyond detention have Greece uphold its international obligations, it would also allow for better outcomes for migrants and asylum seekers, ultimately encouraging a more diverse and compassionate social environment.

5. The Integral role of the Greek Municipalities regarding the alternatives to detention

Greece's municipalities can be indispensable in helping to introduce alternatives to the act of detaining migrants by joining forces with involved parties and introducing local support programs. To make the substitution of detention successful, these municipalities have a few roles to take on, which include aiding in the foundation and development of alternatives to detention.

The most prominent actions that Municipalities in Greece can undertake regarding the topic are the following:

1. Partnership and Collaboration: Municipalities should collaborate with national and international organizations, NGOs, and civil society groups that focus on migration and asylum matters. By joining forces, they can bring together their resources, knowledge, and connections to formulate and carry out successful alternatives.

2. Identification of Local Resources: Municipalities should make the most of their local amenities, including community buildings, schools, healthcare facilities, and social institutions, to give aid to migrants and asylum seekers. Utilizing the pre-existing infrastructure and services can ensure that alternative programs are carried out in a proficient and successful manner.

3. Provision of Support Services: Municipalities can collaborate with service providers to ensure access to essential support services, such as language classes, skills training, legal aid, healthcare, and psychosocial support. Coordination with local organizations and volunteers can help create programs that are tailored to the special requirements of migrants and asylum seekers to help them assimilate into local society.

4. Engaging Local Communities: Municipalities should involve local communities in the conversation about alternatives to immigration detention. They can do this through community meetings, advertising initiatives, and discussion forums. This involvement of locals can encourage acceptance, clear up any misunderstandings, and generate enthusiasm for other solutions. Encouraging dialogue with locals will also help migrants and refugees become settled in the community.

5. Needs Assessment and Planning: Municipalities should evaluate the requirements and plan for the unique needs and vulnerabilities of migrants and asylum seekers living in their jurisdiction. This assessment can be utilized to help develop solutions that are tailored to the particular issues this population experiences.

6. Promoting Employment Opportunities: Municipalities can help create job openings for migrants and asylum seekers by engaging local companies, providing vocational training, and connecting job seekers to potential employers. By doing this, it gives migrants and asylum seekers the chance to be in control of their finances and become productive members of the community.

7. Monitoring and Evaluation: Municipalities should set up systems to trace and assess the success of the chosen solutions. This could include eliciting opinions from those who take part in the program, doing routine appraisals, and using the data to inform decisions and create policies. By keeping a close watch on things, it allows for responsibility and permits whatever changes and progress that are needed.

By taking these proactive steps, municipalities can help in implementing different alternatives to immigration detention in Greece. Through working together, collaborating, and cooperating with the community, municipalities can help build systems that are more respectful and tolerant of migrants and asylum seekers, and that protect their rights and honor their worth.

6. Risks in Alternatives to Immigration Detention

Although the alternatives to detention offer a solution to the unnecessary side of detention, it is of utmost importance to be aware of and address the possible dangers that could potentially arise when utilizing the alternatives to the detrimental practice of detention. This section evaluates some of the risks that must be taken into consideration to reach an equilibrium between effective immigration regulation and the protection of migrants' rights.

1. Lack of standardized implementation: The absence of uniform implementation presents a great danger when considering alternative forms of immigration imprisonment. A lack of consistency and uniformity in how these alternatives are applied could undermine the fairness and efficacy of the system. Establishing legal frameworks and rules that promote consistency is of paramount importance.

2. Effective monitoring and supervision: Having reliable monitoring and oversight is essential to guaranteeing that migrants' rights are respected and preserved in the course of ensuring their well-being when under other forms of supervision instead of detention. To ensure accountability and keep abuse from happening, it is important to create independent supervision entities that evaluate the circumstances, care, and welfare of people placed under alternate control on a regular basis.

3. Limited access to legal representation and support: Migrants without legal documentation often struggle to access the legal representation and assistance that they need to correctly deal with the complexities of immigration. In order to guarantee that these individuals are able to defend their right to challenge their immigration detention or decisions, it is essential that alternative resources and support are provided for legal aid services.

4. Risk of re-detention: Programs that involve releasing detained migrants on a conditional basis until their immigration hearings can sometimes cause them to be re-detained if their release conditions, such as their reporting obligations, are not met. To reduce the danger of re-detention, clear protocols and procedures must be established to make sure the chance of re-detention is limited and that choices made are transparent.

5. Disproportionate impact on vulnerable groups: The needs of more vulnerable individuals, like those who have experienced torture, trafficking, and have complex mental or medical issues, must be taken into account and considered

when creating alternative programs. To ensure this population gets proper support and care, comprehensive needs assessments and customized protocols should be in place to avoid exacerbating the vulnerability.

6. Coordination and cooperation among stakeholders: If different stakeholders, such as government agencies, civil society organizations, and international bodies, do not work together in harmony and cooperate, alternative programs can lack effectiveness. To make sure that resources and expertise are maximized to fulfill the intricate needs of migrants, protocols of information-sharing and collaboration should be put in place.

A rights-based approach to immigration control can be achieved with alternatives to immigration detention. Nevertheless, it is essential to take precautionary steps to guarantee the rights of migrants and the success of the alternative programs. To achieve a balance between maintaining human dignity, protecting rights, and ensuring fair and efficient immigration processes, clear directives, stringent monitoring, and ample support must be enacted.

7. The SAT's proposed Pilot-Policy on the implementation of alternatives to immigration detention

Considering the aforementioned data, the SAT narrowed down the inputs into a functional policy that could work in Greece. The SAT's approach is based on the creation of a national service, spearheaded by the Municipalities, that would facilitate, monitor and evaluate the alternatives to detention that the Greek law embeds.

This service can take the form of an equivalent Citizen's Service Center (KEP) that would specialize in migration issues. Offices like these should be created in all Municipalities throughout Greece, especially in the ones that host a considerable migrant population. Creating such a service in the Municipalities is progressive step towards a more humane and rights-oriented approach to migration issues.

This proposed new service could, first of all, carry out an extensive needs assessment by which local authorities can determine the exact needs and vulnerabilities of refugees and migrants living in their area. This evaluation can help to create tailored solutions to tackle the distinctive issues that this group is facing. Furthermore, Municipal authorities can take advantage of the current local assets, including community centers, universities, healthcare facilities, and social assistance facilities, shelters, temporary accommodation buildings to provide

necessary assistance to migrants and people seeking asylum. By making optimal use of existing infrastructure and services, they can ensure that alternative programs are provided effectively and efficiently.

Another step that this service can adhere to is to help asylum seekers and migrants find employment. This could involve involving local businesses, providing vocational training programs, and linking job seekers with potential employers. Providing these financial opportunities allows asylum seekers and migrants to become financially capable and take part in their communities.

Moreover, this service should establish a cooperation with legal aid organizations or institutions, like the Bar Association of each Municipality and the Alien and Immigration Law Association (ΕΔΑΜ) along with NGOs that provide legal services, in order to make legal aid available and cost-effective for migrants/refugees. This will guarantee their right to a fair treatment regarding their individual cases.

In practice, this service would reinforce the already established mechanisms of social and integration support, meaning that it would work closely with the Migrant and Refugee Integration Councils (MRICs) and the Migrant Integration Centers. This would generate solid programs to provide social and integration assistance tailored to the specific needs of migrants. This could include language instruction, vocational instruction, job aid, healthcare access, mental health care, legal aid support among others. Above all, this cooperation would implement a reliable case management system that should be integrated in order to keep tabs on and provide aid to those who have gone through the process of immigration. By having frequent meetings, referring individuals to the correct services, and confirming that all necessary reports have been filed, there is a lowered potential for detaining individuals and the proper surveillance can be sustained. It would also establish a process for collecting and assessing data to measure the service's efficiency and pinpoint areas that can be improved. Routine observation and assessment will contribute to the success of the service and guide policy determinations. Nevertheless, in order to ensure that no malpractice takes place, especially regarding the collection of all this data, the employees that would work in this new service should go through extensive training on migration issues, comprehend the law and, perhaps most important of all, exercise empathy when dealing with individual cases. Creating a new service that is run by people that do not possess the aforementioned traits would simply not change the current situation in the country.

It is also essential to form collaborative relationships with key players in the migrant community, including migrant/refugee-led organizations, local non-governmental organizations, international organizations, legal aid providers, healthcare centers, and social service providers. This collaboration would build bonds and create agreements to guarantee migrants are provided with

comprehensive assistance.

However, none of these would work if there is no cooperation between the various Greek institutions that are connected to migration. It is essential to recognize the need for collaboration between national and regional authorities in order to develop alternatives to immigration detention. Municipal governments should join forces with government entities to make sure that national protocols and laws are properly observed. The successful implementation of such alternatives necessitates careful preparation, cooperation, and a dedication to ensuring the protection of migrants' rights and welfare. This issue might be solved with the creation of a trans-institutional taskforce that would connect and facilitate aswift communication between the Ministries, the Decentralized Administration, and the Municipalities. By simplifying procedures in order to avoid bureaucracy, using electronic means of communication and creating an extensive database of cases that would include alsothe labor skills of newcomers and long-term residents alike, this taskforce would ensure the smooth operation of the newfound Municipal service that can be called “Municipal Support Services for Migrants and Refugees”



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