



HELLENIC REPUBLIC
Ministry of Migration & Asylum

The Minister

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Vice-President of the European Commission

Ylva Johansson

European Commissioner for Home Affairs

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Minister for Migration
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Head of the Federal Department of Justice and Policy
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Dear Vice President, dear Commissioner,

Following the letter, dated June 1st, sent by my esteemed colleagues in copy regarding the movement of refugees – lawful residents within the European

Union, allow me to offer some comments on the important topics that are raised and touch upon the core of the CEAS policy.

The timing of the letter coincides with a period of increased migratory pressure for the MED5 countries. It also comes at a time when the Council and the European Parliament are discussing the new Pact on Migration and Asylum, aiming at finding sustainable and effective European solutions to a collective European problem, in line with our joint commitments.

I need to underline from the outset that, clearly, the situation described in the letter is not one of secondary flows of asylum seekers, as provided in the framework of the Dublin III Regulation. It is about the mobility of persons that have been granted a legal refugee status by an EU Member State on the basis of its obligations under the 1951 Geneva Convention and the EU acquis.

It is to be stressed that Greece is fully compliant with its obligations regarding border control, registration of irregular arrivals, reception, asylum process and integration programs. And we are not responsible for any “irregular” secondary flows, as we ensure that only passengers with appropriate travel documents can travel out of Greece.

We should be mindful that Greece has been at the forefront of irregular arrivals since 2015, although we are currently managing to substantially reduce flows, by 80% in 2020 and by an additional 73% so far in 2021. By applying a firm but fair migratory policy, Greece is safeguarding the EU’s external borders in an active way, reducing the primary flows reaching the Greek territory. Through this policy and by intensifying our border management cooperation, we can significantly work, in partnership, to also reduce secondary movements.

Our principled position, as expressed on many occasions at the JHA Council, is that the focus needs to be placed on preventing primary flows. Should smugglers beat us at the external borders, inevitably they beat us at our internal borders too. We need to work more closely with FRONTEX and support the agency in its critical role to protect our external borders.

Greece has also made a great effort in respect of its asylum system. Specifically, 2020 saw the authorities process 106,065 cases on both instances, reducing the backlog by 40% in the span of a year. This feat was also made possible through the support offered by EASO based on an agreed

Operational Plan. We would therefore like to refute the implication made in the letter that asylum procedural guarantees may be lacking in Greece.

Actually, the contribution of Greece is far above its fair share, considering our respective capacities. As I said last week at a LIBE Committee meeting, frontline Member States cannot be expected to single-handedly patrol and control our external borders, register and process applications for international protection, offer reception conditions, integrate beneficiaries of protection and return third country nationals not in need of protection. This is a practice and a policy directly opposing the concept of European solidarity, as enshrined in our Treaties. In a similar vein, the screening regulation, as it stands today, will perpetuate these same problems.

Regarding specific concerns raised, please note the following:

First, as far as reception conditions are concerned, we need to understand that different rules apply for asylum seekers and different rules for recognized refugees. Asylum seekers are hosted in reception centers or residential flats and are provided with food (in camps) and cash stipend. New reception facilities are now being built in Samos, Kos and Leros and a tender has now been launched for Lesbos, Chios & Fylakio. For recognized refugees we operate the “Helios program” a state-of-the-art program implemented through the International Organization of Migration (IOM). We also provide access to the welfare state, in line with programs offered to Greek citizens. Further actions to streamline and strengthen integration are to be taken with technical support from the European Commission (DG REFORM). Programs for asylum seekers and recognized refugees are at risk given substantial reduction to funding, as we have noted in writing both to Coreper and Council when discussing the relevant financial regulations.

Second, my esteemed colleagues speak of a ‘flagrant abuse of refugee travel documents’ and of a need to put an end to it. However, issuing travel documents to recognized refugees is an obligation on the state of refuge under the 1951 Geneva Convention, as well as the European asylum acquis. The freedom to travel within the Schengen area for 90 days is also clearly regulated in the acquis. If we are taking fundamental rights seriously, there is very little space for measures restrictive of refugees’ right to a travel document. The problem -it seems- is not the document or the freedom of movement; the problem lies in structural imbalances between Member States as regards the prospects of integration and the level of benefits associated

therewith, as well as the prospects of access to the labor market considering the persisting high unemployment rate in Greece. We wonder whether the solution to the situation described in the letter is more mobility, as it were, as opposed to less. If we want to create a system based on solidarity, then the right to mobility of refugees would be the way forth.

Third, it is imperative that any solutions operate based on parity. First and foremost, any material or pecuniary assistance/benefit to recognized refugees cannot exceed the assistance/benefits available to Greek and EU citizens. Second, integration programs are available to all, and should not discriminate between refugees present in Greece and refugees readmitted from EU Member States, as these could spark movement by beneficiaries. Overall, Greece cannot be asked to offer more than what it can afford or to offer more than what it would be fair of it to offer in the context of our European asylum system. We had however, since 2010, to restrict our welfare state provisions, in line with our commitment to the European Commission, ECB, IMF and the Member-States who supported the financial assistance programs to Greece. We are still under surveillance and rules apply which restrict our ability to offer more services to all Greek and non-Greek residents.

We stand ready to work together for a fair and viable European Migration and Asylum Pact.

Looking forward to seeing you next week in Luxembourg.

Yours sincerely,

Notis Mitarachi