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Motivations, experiences and consequences of returns and readmissions policy: revealing and developing effective alternatives



Executive Summary

Alternative policy approaches to RR: regularisation and other recognised statuses

Case Study: **Greece**

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This document provides a concise summary of the key findings from the MORE Project WP2 in Greece. For detailed analysis, evidence, and comprehensive insights, please refer to the full report. The information in this summary should not be considered complete or fully representative of the entire study.

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1. Introduction

Greece has faced significant challenges in implementing effective return and readmission policies, with a growing need for alternative approaches. Traditional return mechanisms, including forced and voluntary returns, have been hindered by financial costs, legal complexities, and difficulties in cooperation with third countries. In response, Greece has explored alternative policies, such as suspending removal orders, granting specific residence permits, and facilitating access to legal remedies. These measures aim to balance migration management with the protection of migrants' rights. This report analyzes the effectiveness of these alternative policies and provides recommendations for their enhancement.

2. Main findings

Evidence Analysis

In Greece, numerous return decisions are issued, yet, except for assisted voluntary returns organised by the IOM, research conducted within the framework of the project has shown that these returns occur only exceptionally. The primary reasons for this are the high costs, complexity and necessity of cooperation with countries of origin, which is often difficult. When such returns do occur, they frequently violate migrants' rights.

Alternative policy approaches to returns and readmissions in Greece include the suspension of third-country nationals' (TCNs) removal order, the exercise of legal remedies against the removal order, as well as the possibility to apply and receive certain types of residence permits available for third-country nationals irregularly residing in Greece.

Regarding the suspension of TCNs removal order, it may be granted based on certain grounds. Some of them are obligatory while others optional. Obligatory grounds include humanitarian reasons, such as non-refoulement and medical conditions, the submission of an appeal against the return decision, pregnancy and postpartum status, minors with legally residing guardians, parents of minors with Greek nationality who fulfil custody or maintenance obligations, adults over 80 years old and minors under juvenile court rehabilitation measures. Optional grounds include the physical or mental condition of the third-country national and technical obstacles to removal, such as lack of transport or verification of nationality. Additionally, TCNs who are victims of human trafficking, pimping,

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sexual acts with a minor for a fee may have their removal suspended until a final decision against the offender is rendered.

The legal remedies TCNs can exercise against the removal order include: (a.) the appeal to the Ministry of Citizen Protection if there is an independent return decision or the application for a remedy and request the revocation or amendment of the decision if the return decision is included in the decision rejecting an application for the issuance or renewal of a residence permit or in the decision revoking an existing permit, as well as (b.) the application for annulment before the administrative courts, along with an application for suspension of the enforcement of the return decision and an interim order.

TCNs irregularly residing in Greece may apply for and receive residence permit for humanitarian reasons or exceptional reasons or the new type of residence permit for TCNs irregularly residing in Greece with employment or service access rights, provided they have a job.

TCNs whose removal has been suspended are entitled to certain rights covering their immediate living needs, such as: access to decent temporary accommodation, primary health care and public-school education for minors. Those who obtain residence permits are granted additional rights, including employment, family reunification, freedom of movement and settlement throughout the country, social protection and insurance rights.

The most effective approach towards irregularly staying TCNs seems to be facilitating the process of regularisation/legalisation and making it a stable option.

3. Alternative promising practices

A widely used practice in Greece, as an alternative to return, is detention for administrative reasons, a practice that is used to discourage people from seeking asylum and residency rights in Europe. Reports by experienced organizations that are active in providing legal aid for migrants and refugees, show that detention is frequently applied in a manner that contradicts human rights obligations. Instead, alternative measures such as community-based housing and supervised release should be expanded to ensure compliance with legal principles and improve migrant welfare.

Another promising initiative that has been introduced as a new type of residence permit for irregular migrants who have been integrated in employment, was enacted in late 2023. It





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provides TCNs residing irregularly in Greece the right to obtain legal status if they meet the employment and residency requirements. This policy provides both migrants with a pathway to regularization while it also addresses Greece’s labor shortages. However, experts suggest that such an initiative should be improved by extending its duration and facilitating broader access to legalization.

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