



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL MIGRATION AND HOME AFFAIRS

Directorate E – Migration and Security Funds  
Unit E1 – Programming

Brussels,

**Subject: Observations on the second version of the multiannual national programme under the Asylum, Migration and Integration Fund for Greece**

Dear ,

Thank you for the second version of the national programme under the Asylum, Migration and Integration Fund for Greece, submitted on 15 May 2015, following the official observations made by the Commission on 19 December 2014.

Following the re-examination of the national programme by the Commission, we would like to provide you with additional observations on this amended version, and invite you to present us with a modified programme as soon as possible.

The period of six months set for the approval of the multiannual national programme by the Commission, referred to in Article 14(7) of Regulation (EU) No 514/2014, is hereby suspended until a revised version of the programme is submitted.

Yours sincerely,



Head of Unit

Encl.: Annex: Observations on the proposed national programme

**ANNEX**  
**Observations on Greece's draft NP for AMIF submitted on the 15 May 2015**

**General**

Although considerably improved if compared to the first version, we note that substantial work is still required before the programme can be considered ready for approval. We regret to note that in this 2nd version (formally submitted) you do not address many of the important issues we have raised in our assessment of your last informal draft of 4 May 2015, which we sent on 8 May 2015. These issues include two crucial points, already raised in December 2014, concerning the funding for (a) open accommodation centres for applicants for international protection and (b) integration measures.

As regards Specific Objective (SO) 2 (Legal Migration/Integration), the draft does not provide yet a sound justification that would allow the Commission to accept the deviation from the minimum percentage of 20% established in article 15 of Regulation n°516/2014 (funding foreseen for this SO amounts to approximately 12.5% of the programme's total resources), including a clear indication of how much money is expected to be mobilised from other sources like for instance ESIF to cater for Greece's integration needs, which are quite significant. The justification provided remains the same as in the version informally sent on 4 May 2015, which was considered insufficient.

We note also that the size of funding for SO1 (Asylum) has been increased to some 38.2% (previous version was 33%) of the programme's resources. However, we still fail to understand your strategy for ensuring a minimum of 2500 places in open centres for applicants for international protection which constitutes a firm and long-standing political commitment by Greece. Considering that AMIF funding will not be sufficient to cover all the costs for the setting up and running of those centres for the 7-year period, please provide an estimate of the overall funding you plan to mobilise both from AMIF and from other sources. In particular, the programme needs to specify the amount of funding secured under ESIF (Structural Funds), whose substantial financial resources have been made available by the European Commission to cater also for such pressing needs (reception of applicants for international protection). Although, as explained in the videoconference held on the 5<sup>th</sup> May, a budgetary earmarking by the regions of ESIF resources for the development of the 2500 places is not a prerequisite for the approval of the national programme, we must have in the national programme a clear commitment by the Responsible Authority (RA) that ESIF funds will be duly mobilised for this purpose, with a clear breakdown of the planned allocation of funds between the different funding sources.

Moreover, the terminology and acronyms used should be consistent throughout the text. In addition, actions already included in the Greek Roadmap should be accompanied by a clear timetable.

**Identification of the designated authorities**

1. We are seriously concerned that no formal designation of the Responsible Authority (RA) has taken place yet, neither provisionally nor fully. Although expenditure is eligible for support under the Fund when it has been incurred as of 1 January 2014, please note that any payments made to beneficiaries as of 1 January 2015 by a Responsible Authority which is not yet formally designated (fully or provisionally) are not eligible for reimbursement under the Fund. We would like to furthermore draw your attention to Article 35 of Regulation (EU) N°514/2014 in which it is stipulated that the initial pre-financing payments by the Commission following the approval of national programme can only be paid to the designated RA.

2. Moreover, should the RA be provisionally designated, we invite you to inform us about the duration of the provisional designation and, in line with article 31 of Regulation (EU)

N°514/2014 and to allow the Commission to have a clear view on the reasons leading to the provisional designation as well as the content of the action plan, to transmit also the respective audit reports (including the conclusions i.e. non-compliances, the timeframes to address these non-compliances, etc.).

3. We also note that one of the Delegated Authorities (DA) is not yet clearly identified (no name given, although e-mail address provided).

4. The Management and Control System (MCS) is too summarily described. In accordance with article 2 of Delegated Regulation (EU) N°1042/2014, Greece should transmit via SFC 2014 detailed information on the MCS covering the three points in Art. 2.4, notably the main division of responsibilities between the organisational units of the Responsible Authority, its relationship with the Delegated Authorities, the activities to be delegated and the main procedures for supervising these delegated activities, as well as a summary of the main procedures for processing financial claims from beneficiaries and for authorising and recording expenditure. It would be useful if Greece could also provide an organogram of the institutional set up in these policy areas.

### **Section 1: Executive summary**

5. The executive summary still needs further completion. The strategies for the three Specific Objectives (SO) covered by the programme are summarily presented. Often the "main goals" and "results to be obtained" are the same. Some of the bullet points are vague or wrongly placed. No reference continues to be made to actions under National Objective (NO) 2 of SO1. Also, no explanation is given on the size of funding for each component of the programme.

### **Section 2: Baseline situation in the Member State**

6. The baseline situation remains essentially the same as in the previous version informally sent on 4 May and therefore the observations made to that version remain valid, notably:

a) Information on institutional set up, with clear identification of ministries/departments or services responsible for each policy area covered by AMIF.

b) Data on financial resources, both national and EU funds, allocated to different policy areas (asylum, legal migration/integration and return) and respective components (asylum service, reception, backlog, unaccompanied minors, voluntary and forced returns, etc.) are still not provided: in fact, even the few data provided in the previous version have been deleted from this revised version.

c) Although statistics have been updated, as requested, particular confusion persists as regards total reception capacity, since places for applicants for international protection and unaccompanied minors continue to be put together, with the draft sometimes referring to UASC and sometimes to unaccompanied minors (UAM): the draft should clearly specify whether or not those UAM are asylum seekers, and any reference to the strengthening of open accommodation capacity and the establishment of a sustainable reception system should be accompanied by a clear reference to applicants for international protection (in fact the term "applicants for international protection" is not used in the text). If you want to include UAMs in the number of open accommodation places, this figure **should be additional** to the currently agreed minimum number of places required for applicants for international protection.

d) We would like to stress once again that the increase of open accommodation capacity should be in accordance with the agreement reached in December 2013. From the information provided in the draft, it seems that no reevaluation of the needs in open accommodation for applicants for international protection has taken place.

e) We also note that the draft continues to refer to December 2016 as target date for clearance of the "backlog" asylum cases to be funded by AMIF: as agreed previously and in the

videoconference held last 5 May, the target date as regards funding from AMIF should be May 2016.

f) With regards to the issue of Open Accommodation Centres for applicants of international protection, we still fail to see a comprehensive strategy in your draft programme since:

- There is still no reference to the new public body that will be responsible for these centres. Our understanding following the videoconference of 5 May 2015 is that the competence now lies with this new body which we understand it will be one of the Delegated Authorities to be soon designated. **Please clarify this issue.**

- Regarding the adoption of standard operational procedures (SOPs), **an estimated date is needed**, as well as **information about their content**. In particular, please clarify whether these SOPs include only standards with regards to the infrastructure of the centres or also regarding their operation.

g) We also note that no specific reference continues to be made in this section to actual use of ESIF (Structural Funds), both in the past and in the future, although under the respective SO the draft refers to such complementary funding as important to cater for asylum and integration needs. As noted before, this information is fundamental not only to understand Greece's funding plan to address its weaknesses in terms of reception places and enable it to reach the agreed target of 2500 places by the end of 2015, but also to assess the justification for allocating just 12.5% of AMIF NP resources to integration and legal migration (instead of the normally required 20 %).

h) When referring to the Pilot Project for Syrians and manifestly unfounded applications, reference should be made to the Emergency Assurances under AMIF which have been granted to Greece.

i) We note that whilst the closure of the Komotini Pre-Removal Centre is mentioned in this section, in the Return section of the document Greece states that it is going to maintain the existing Pre-Removal Centres and will convert part of them into open centres for returnees. Clarifications on this subject will be appreciated.

### Section 3: Programme objectives

#### **SO1 – Asylum**

7. Although improvements have been made, the presentation of the national strategy for this SO1 is broadly the same of the previous informal version, so the previous observations remain valid, notably:

a) The general context and strategy are presented very summarily and should be better explained.

b) The main actions are presented but no clear distinction is made between those to be funded through the programme (funding priorities) and the others; even if the ones listed in the draft are those to be funded by the EU, it would still be important to know about other main actions to be funded through other sources.

c) We note that one of the objectives foreseen in previous version "Develop a centralized management information system for the effective and efficient management of illegal immigrants and asylum seekers flows" has been withdrawn. Clarifications on this subject will be appreciated.

8. On National Objective 1 (*Reception / Asylum*), we still fail to see a comprehensive strategy in your draft programme. More specifically:

a) We note that any reference to the funding of open reception/accommodation centres through other sources like ESIF has been withdrawn from the text. As the availability of a minimum of 2500 places by the end of 2015 constitutes a firm and long-standing political

commitment by Greece and considering that AMIF funding will not be sufficient to cover all the cost for the setting up and running of those centres, in line with the comments made above we please provide a clear indication of the size of the overall funding for such centres to be mobilised both from AMIF and from other sources, in particular ESIF, while specifying the share of each funding source. In addition, it should be noted that in light of the number of applicants for international protection in 2014 and the trend for 2015, 2,500 reception places might not be enough, taking into account that applicants for international protection are accommodated on average from four to six months as per the information provided in the document. Please clarify this in relation to the indicator C2 on asylum as well.

b) Regarding the references to alternative ways for the development of open accommodation capacities (e.g. living allowances and rent subsidies), please note that **the Commission does not agree with this option** in case these alternatives are being considered for the implementation of the agreement of the 2500 minimum capacity required for applicants for international protection. Please note that the provision of reception conditions to applicants for international protection does not consist only of financial compensation for accommodation (e.g. allowance) but also includes the provision of certain services in line with the EU Reception Conditions' Directive.

c) As regards asylum procedures, the draft refers both to “additional legal aid for asylum seekers” and “provision of free legal aid and representation at second instance/appeal’s procedure”: clarifications should be provided on these actions.

d) It is also noted that reference to the deployment of Mobile Units as a contingency measure has been deleted from the document. Clarifications on this aspect would be appreciated, as in principle such contingency measures should cover both areas (asylum procedures and reception).

e) On the clearance of the pending appeals, we note that, as in the baseline section, the draft continues to refer to December 2016 as target date for clearance of the “backlog” asylum cases to be funded by AMIF: as agreed previously and in the videoconference of 5 May 2015, target date as regards funding from AMIF should be May 2016.

f) As noted before, there is no mention of the need to have additional Eurodac equipment to complement the new Asylum Regional Offices and Mobile Units that will be established in the Dodecanese and Attica area. This has not been requested under the ISF Borders National Programme either. It will be important to include this if further equipment is needed to fingerprint applicants and migrants on the islands.

g) We note that one of the desired outcomes is “ensure accommodation capacity for the maximum possible number of unaccompanied minors and guarantee efficient guardianship”. Considering that it is placed under SO1 (Asylum), it should refer just to UAM having applied for asylum, as other types of unaccompanied minors should be covered under SO2.

9. On National Objective 3 (*Resettlement*), we take note that Greece does not propose any resettlement measures in the framework of its national programme.

## ***SO2 – Integration / Legal Migration***

10. Although the presentation of the strategy for this SO has been improved, there is still no clear distinction between the main actions to be funded by the programme and the others (funding priorities). Please also note that the draft should systematically refer to “third country nationals” instead of “migrants”.

11. As mentioned above, the draft still does not give an adequate and sound justification, neither in this section nor in section 6, for the non-compliance with the minimum percentage of 20% foreseen in Article 15 of AMIF Regulation (Regulation (EU) N°516/2014) to be allocated to integration measures. Such non-compliance is rather exceptional and, to be accepted, it must

be well justified. This revised draft proposes to allocate to SO2 12.5% of the programme's resources (€32.3 million). Considering that 20% amounts to approximately €51.8 million, there is a gap of some €20 million that needs to be properly justified, namely by showing that at least the same size of funding will be mobilised from ESIF to cater for Greece's important needs in this area. Without such minimum guarantee, the Commission will surely not be in a position to accept the non-compliance with the 20% rule. Currently the draft just gives some information (in section 6) on the share of funding coming from ESIF to support Migrant Support Centres and the guardianship pilot project (which according to our calculations would amount to just some €6-7 million, thus very far from the above-mentioned €20 million gap), but it remains unclear how much funding will be made available for other Integration measures. It would also be useful to have more information on the planned Migrant Support Centres.

12. Please clarify what is meant by "housing of vulnerable groups of migrants including beneficiaries of international protection", since no reference is made to such action in the baseline (please also clarify the target group for this action).

13. As regards Specific Action 8 (*Legal Migration*), reference is made to a proposal lead by Belgium on which Greece intends to participate. Greece should further explain its role in the action and if it will contribute financially for its implementation.

### **SO3 – Return**

14. We note that almost half of the programme's resources (47.2%) are allocated to return policy. Even though we acknowledge Greece's considerable needs also in this area, we would like to point out that this share of funding might need to be substantially reduced in favour of SO1 and SO2, should Greece fail to secure substantial complementary funding from ESIF (Structural Funds) to meet the legal requirements (20% minimum threshold) and to cater for the country's needs in the areas of asylum, legal migration and integration.

15. We would suggest that Greece's commitment to respect the *acquis* of the Return Directive, both on a legislative and practical level, is clearly mentioned when referring to the country's strategy in this policy area. We also note that the draft states that the overall strategic aim as to the numbers of returns is "to maintain the numbers": given the serious increase of irregular migrants at Greece's borders, the efforts put into the return efforts (also with the help of other Member States) and the amount of funding available, we suggest to slightly reformulate the text to identify as objective "to increase or to have at least the same number of returns as in previous years".

16. We note also that when referring to the main pillars of its Return Policy, reference is made to the establishment of "a reliable and credible evaluation and monitoring mechanism for forced returns": we would suggest aligning the text with the wording of the Return Directive, which refers to "an effective forced return monitoring system".

17. Also in this SO, there is no clear distinction between the main actions to be funded by the programme and the others (funding priorities).

18. More specifically as regards National Objective 1 (Accompanying Measures), we would like to note the following:

a) Concerning pre-removal centers, although this revised version mentions that "part of them will be modified into open centers for the same target group", more detailed indications are needed regarding in particular timing, capacities and locations as well as the costs that will be charged under AMIF. Such information will allow the Commission to assess whether a concrete funding strategy is established on behalf of the Greek authorities to cater for the needs of the country for the 7-year period.

b) Regarding alternatives to detention for returnees, we understand that the pilot IOM programme of an open center for returnees will continue under the support of AMIF. We would

appreciate to have more details on this subject. In particular we would like to know whether you intend to continue the operation of that specific center of 100-120 capacity or whether there will be other buildings used. There is also reference about creating other open centers for returnees. Please make reference to estimated additional capacities and what will be charged under AMIF i.e. whether funding will be allocated only for operational costs or infrastructural works as well.

c) As per comments on the previous informal version, in its request for revision of the 2013 Return Fund annual programme Greece envisages the establishment of a centre which shall coordinate the operation of the pre-removal centres. If this coordination centre is indeed established or planned, please provide the necessary references in the relevant parts of the draft AMIF programme. Additionally, and as requested in the Commission's letter of 18 May 2015, please explain the link between the "Aliens Division" and the "Prosecution of Illegal Migration Directorate" where the new coordination centre will belong to.

d) Regarding training of judicial bodies, and since the Commission was recently informed that it will not be implemented under the Return Fund (2013 AP), please clarify if the relevant action will be implemented under AMIF. If not, please explain how Greece will ensure adequate capacity of these bodies in view of an efficient processing of appeals.

19. On National Objective 2 (Return Measures), regarding the reference to NADRA ("*cost of issuing travel documents directly from embassies or by using intermediary providers' services, such as Nadra*"), we would like to note that NADRA is not a service provider but a national authority of Pakistan. Please correct this part accordingly.

20. As regards Greece's participation in the Specific Actions, we would appreciate if Greece could indicate whether it intends to contribute financially to such actions or not.

#### **SO4 – Solidarity**

21. We take note of the fact that Greece does not present any national strategy nor propose any actions under this specific objective.

#### **Section 3: Indicative timetable**

22. We note that some actions are foreseen to start in 2015. As no formal designation (provisionally or fully) of the RA authority has taken place yet, we alert once again Greece for the urgent need to formalise such designation, as without such designation no initial pre-financing payments can be made by the Commission, and any payments made by a non-designated authority in 2015 to cover costs to be charged to the Fund are not eligible.

#### **Section 5: Common Indicators and Programme Specific Indicators**

23. It would be useful to have further information on the target for C2 of SO2, which seems rather low, for a 7-year period.

#### **Section 6: Framework for preparation and implementation of the programme by the Member State**

24. The draft continues to present a succinct description of the Common Monitoring and Evaluation Framework: we invite Greece to provide more details on such framework.

25. Draft mentions coordination and complementarity with ESIF and EEA grants. Complementarity with ESIF is extremely important, as ERDF and ESF should cover very important needs in terms of open accommodation centres and integration measures. Although the revised draft provides further information on the share of funding from different sources

(AMIF, EEA grants, national budget), it still does not give a clear picture of how much funding will be mobilised from ESIF. As noted above, a clearer picture on the size of funding from such Funds is absolutely necessary, also because Greece proposes to not comply with the minimum percentage of 20% from AMIF for measures under SO2.

26. As regards beneficiaries and direct award, it is still not clear what is meant by MAs. We would also like to draw your attention to the fact that when the RA acts as an awarding body (including direct awards) neither the RA nor a DA may be a beneficiary of the grant.

## **Section 7: The financing plan of the programme**

27. The draft programme proposes to derogate from the minimum percentage(s) established in AMIF Regulation. As noted above, although we appreciate the efforts made by Greece to provide further information on complementary funding from other sources, the justification provided for such derogation is still not sufficient. More clarity/guarantees are needed as regards funding for legal migration & integration measures to be provided through other resources, and in particular ESIF.

28. Please note that the allocations for the Specific/National Objectives will be re-assessed, to ascertain if they are reasonable and correspond to the actions under the funding priorities and the targets set for them, once Greece has submitted a revised version of the programme, in the light of the comments made above.