

## MIGRANT ACCESS TO SOCIAL SECURITY AND HEALTHCARE: POLICIES AND PRACTICE IN GREECE



The study was implemented by the Institute of International Relations (IIR) of Panteion University of Social and Political Studies

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The European Migration Network (EMN) was established in 2003, originally as a preparatory action of the European Commission, with the aim of providing the European Commission and the Member States with objective, reliable, comparable and up-to-date data on migration and asylum, to build policymaking in the European Union and hence their national policies in these areas. Subsequently, the Council of the EU in 2008, with the No. 381/2008/EK Judgment founded the EMN, as permanent structure that will operate within the European Commission, with the participation of member states in order achieve these goals.

More information on the EMN and its work can be found on the website <http://emn.intrasoft-intl.com/html/index.html> or on the Greek website <http://emn.ypes.gr>

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## **MIGRANT ACCESS TO SOCIAL SECURITY AND HEALTHCARE: POLICIES AND PRACTICE IN GREECE**

### ***Executive Summary***

The Report for *Migrant access to social security and healthcare: Policies and practice*, of the European Migration Network (EMN) deals with one of the most crucial aspects, considering that social security systems, including access to healthcare, are among the most powerful tools to reduce poverty and inequality and to promote social inclusion and dignity. By providing individuals' security against specific social risks, including unemployment, sickness and invalidity, social security systems aim to enhance productivity, boost employment and foster sustainable economic growth. In these terms, policymakers in Europe have to respond to the growing phenomenon of population ageing and increasing volatility in labour markets.

This National Report identifies rules, institutions and administrative practices that affect access to social security and healthcare of third-country nationals. In particular, the social security system in Greece is contributory and characterized by a differentiated pattern in terms of the financing scheme followed. Having been frequently amended according to European standards, the scheme is quite complex since contribution rates vary and depend on the professional affiliation (class) of the insured person concerned. Unlike other EU countries, the system is not based on residence and does not foresee a minimum residence period to qualify for the relevant social security benefits. To the contrary, conditions eminently concern number of insurance days.

A basic principle of the Greek social security system is that according to the "principle of equality of treatment"<sup>1</sup>, social security law does not differentiate between workers, whether they are third country nationals that reside legally in Greece or Greek nationals. However, for certain benefits, such as a family benefit, as far as third-country nationals are concerned, in addition to the general requirements, their payment is also subject to the condition that children reside in Greece and parents have a work residence permit.

Extremely important is the fact that the general principle of equality and non-discriminatory treatment among Greek workers and third-country nationals established by the constitutional provision of the right to social security<sup>2</sup> is the legal basis for the insurance coverage of all workers, regardless of the type of their

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<sup>1</sup> See Stergiou A., The principle of equality of treatment in social security, 4.2.2013 accessible through <http://www.constitutionalism.gr/site/2480-i-arhi-tis-isotitas-stin-koinwniki-asfalisi/> (in Greek). Also Law 3304/2005 GG 16A /27-1-05 "Application of the principle of equal treatment irrespective of racial or ethnic origin, religion or belief, disability, age or sexual orientation"

<sup>2</sup> See Article 22 § 5 Hellenic Constitution: "*The State shall care for the social security of the working people, as specified by law*", as well as Article 25, par. 1 Hellenic Constitution stipulating that: "*The rights of man as an individual and as a member of the society, as well as the principle of the social rule of rule, are guaranteed by the State and all agents of the State shall be obliged to ensure the unhindered exercise thereof; such rights shall also apply to the relevant relations among individuals; any restrictions to such rights under the Constitution shall be provided for either directly by the Constitution or by law, in case of a saving clause, and shall respect the principle of proportionality*".

employment or their nationality. In fact, the applicable Constitution explicitly foresees under the provision of Article 5 par. 2 the non-discrimination between Greek citizens and third-country nationals or among third-country nationals; furthermore, as regards in particular those fundamental social rights interpreted to fall within the scope of Article 2, par. 1 of the Hellenic Constitution that requires respect to the human value and Article 5, par. 1, 2 of the Constitution, i.e. principally rights to health and social security in general, do not allow to exclude from their scope no less that all people legally present in the Greek territory.

The relevant laws on social security, access to health care for third-country nationals as outlined in the Report include a number of conditions that, although applicable on all workers without exception, may expose third-country nationals to an increased risk of losing their rights and privileges at their country of origin, lacking relevant bipartite agreements or if they are faced with bureaucratic hindrances or delays in the renewals of the residence permits or their naturalisation.

Besides the economic crisis experienced by the country, the shrinking of the social state, including phenomena such as high unemployment and non-registered employment, applicable equally for Greek citizens, seem to make third-country nationals particularly vulnerable, a fact that is being increasingly taken into account in the Greek law and practice, particularly as regards reforms that are about to be adopted (minimum income guaranteed, new Immigration Code).

According to EU official statistics there is not much difference in the rate of recruitment of domestic, third country nationals and nationals of EU Member States. In particular, the rates were as follows: 45% of people recruited in 2012 were nationals of third countries, while 55% were nationals of EU Member States and Greeks. The former hold a slight advantage. Of these the greater proportion were men (60%).

A considerable difference exists in the unemployment rate: 25% are Greek and EU nationals, but the rate blasts off to 35% for third country nationals. We should also note that Greece has one of the major differences in Europe between nationals and non-nationals. The inactive population of non-nationals is close to 30-35%.

A setback connected in general with immigrants' social integration in Greece has to do with the long delays in issuing or renewing residence permits that among others impede access to public health services for extended periods<sup>3</sup>.

In conclusion, except for certain specific benefits, due to the complexity of the social security system and the variations depending on occupational category and resulting contributions, third-country nationals may face adverse treatment in terms of participating in or enjoying certain social security benefits, but this is not owed to legislative steps or practices by the Greek administration.

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<sup>3</sup> MIGHEALTHNET, Report on immigrants' health in Greece, March 2009, p. 27-28. Accessible at: [http://mighealth.net/el/images/3/30/Εκθεση\\_για\\_την\\_υγεία\\_των\\_μεταναστών\\_στην\\_Ελλάδα\\_17Μαρτίου2009.pdf](http://mighealth.net/el/images/3/30/Εκθεση_για_την_υγεία_των_μεταναστών_στην_Ελλάδα_17Μαρτίου2009.pdf) [last log-in 2/11/2013]

## **1. INTRODUCTION: OBJECTIVES, METHODOLOGY AND DEFINITIONS**

### **1.1 Objectives**

The European Migration Network (EMN) Steering Board approved the selection of a study on *EU Member State policies and practice related to social security, health and housing* as part of the EMN Work Programme 2013. It was subsequently decided to remove housing from the scope of the study, in order to focus particularly on the already complex issues affecting third-country national access to social security, including healthcare. In order to better capture the study's emphasis on the policies and practices that determine access to social security benefits by migrants, the title of the study was changed to: *Migrant access to social security, including healthcare: policies and practice*.

Social security systems, including access to healthcare, constitute one of the most powerful tools to reduce poverty and inequality and promote social inclusion and dignity. By providing security for individuals against specific social risks, including unemployment, sickness and invalidity, social security systems aim to enhance productivity, increase employability and support sustainable economic growth. In these terms, policymakers in Europe have to respond to the growing phenomenon of population ageing and increasing volatility in labour markets. Consequently, both of these challenges require adjustment of social security and healthcare systems in order to meet increased demands for growing retired populations and to meet the needs for income maintenance of displaced workers in the near future.

Migration from third countries is regarded as one part of the solution to meet labour and resource needs to support Europe's changing populations, but such migrants are particularly exposed to cyclical economic downturns and may face complex national rules on the conditions for entitlement to benefits. Because even if EU Member States share a common commitment to ensuring the well-being of their populations (including nationals and legally residing third-country nationals) through effective social security systems, their rules on who is entitled to social security and healthcare, which benefits are granted and under what conditions vary significantly.

For the above-mentioned reasons, national policy-makers in charge of developing social security and healthcare regulations face conflicting pressures. On the one hand, as labour migration increases and takes more complex forms (including temporary, circular and cross-border migration), there is growing acceptance that social security and healthcare systems must be adapted in order to address the needs of migrant workers. These adaptations can in turn play a role in EU and Member State strategies to attract migrant workers and maximise the contribution they can make to European

economies. On the other hand, budgetary constraints and a popular perception of immigrants as excessive users of benefits make it financially and politically difficult to extend social security and healthcare entitlements to new groups.

The overall objective of this report is to map the policies and administrative practices that shape legally residing third-country nationals' (excluding asylum-seekers, refugees, victims of human trafficking, tourists and other types of visitors) access to social security, including healthcare. There are substantial discrepancies in how third-country nationals experience the social security system in EU Member States, considering the complex administrative rules and practices related to nationality, periods of employment, contributions, residency or transferability of social security, including healthcare among migrant groups. By investigating the policies and administrative practices that shape migrant access to social security and healthcare, this report represents a necessary first step towards understanding how social security, including healthcare policies work for third-country workers and their families, within a managed migration system.

In this context, the specific aims of the Greek National Report are to:

- Outline the formal national rules that shape entitlements to social security and healthcare for third-country nationals in Greece;
- Examine how these entitlements compare to the entitlements of Greek nationals;
- Investigate the administrative practices that determine how the formal rules on eligibility for third-country nationals are applied in concrete cases, especially when implementing eligibility rules that contain a discretionary element;
- Review the reciprocal agreements that exist between Greece and third countries that affect the entitlement to social security and healthcare of certain groups of immigrants.

The report will concentrate on two categories of third-country nationals in particular: third-country nationals holding long-term residence permits, and third-country nationals holding time-bound (or fixed-term) residence permits. The first includes two sub-categories: long-term residents as provided for under Articles 4 to 7 of Council Directive 2003/109/EC, and long-term residents as defined by national legislation. The second over-arching category (those holding time-bound or fixed term residence permits) will be further distinguished by their 'status' as: workers (including EU Blue Card-holders, researchers, seasonal workers, frontier workers and workers with any other type of time-bound or fixed term residence status), the self-employed, unemployed persons and family members of third-country nationals. The report will attempt to clarify any differences stemming from national laws as regards the various categories of third-country nationals.

Mobile third-country nationals, including cross-border workers and those who have been posted and transferred from one Member State to another, are excluded from the scope of the report (they are covered by the EU's social security coordination rules / Regulation (EU) No 1231/2010). The report will also not focus on students because their rights to social security, including healthcare, have been analysed in the context of another recent EMN report on 'Immigration of International Students to the EU' (April 2013). The benefits available to asylum-seekers, refugees and victims of human trafficking will not be covered in the report, as they are governed by a specific regime. The social security and healthcare entitlements enjoyed by tourists and other types of visitors from third-country nationals are also not included in the scope of the report. The report also does not cover the entitlements of irregular migrants, as their particular case is the object of other studies.<sup>4</sup>

The report does not assess immigrants' contribution to various social security payments available, nor compare contributions by nationality grouping, but rather investigates the national policies and institutional structures which may influence the patterns of such contributions. The aim is to identify best practices on third-country nationals' access to social security among Member States.

This report should be useful for policymakers in national as well as EU level who may use the resulting "snap-shot" of access across the EU to find more effective ways of meeting the basic needs of migrant workers while ensuring that immigrants do not become a burden for the Member States. More precisely, the Greek National Report could be a useful tool for policymakers, stakeholders and policy officers of the Ministries of Interior, Health, and Employment, with developing and implementing social security rules within a managed migration system; for national experts including scholars, research institutions and think-tanks working on the interaction between migration and social security / welfare policy; for practitioners providing legal and social assistance to migrants –especially non-governmental organisations (NGOs) and NGO networks which are very active in Greece- as well as for the media who recently showed a particular interest in migration and social policies in the light of the present economic crisis and the growing phenomenon of racist violence in Greece.

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<sup>4</sup> <sup>4</sup>FRA, Migrants in an irregular situation: access to healthcare in 10 European Union Member States, 2011 <http://fra.europa.eu/en/publication/2012/migrants-irregular-situation-access-healthcare-10-european-union-member-states>; FRA, Fundamental rights of migrants in an irregular, November 2011, <http://fra.europa.eu/en/publication/2012/fundamental-rights-migrants-irregular-situation-european-union>; FRA, *Migrants in an irregular situation employed in domestic work: Fundamental rights challenges for the European Union and its Member States*, 2011; FRA, *Handbook on European law relating to asylum, borders and immigration*, June 2013 <http://fra.europa.eu/en/publication/2013/handbook-european-law-relating-asylum-borders-and-immigration>



## 1.2 Definitions

**'Benefits in respect of accidents at work and occupational diseases'** refer to benefits that are provided to persons, or their survivors, who have conducted an economic activity which by its nature is likely to cause the said disease. (Source: European system of integrated social protection statistics (ESSPROS) Manual, 2008 Edition, Eurostat).

**'Cross-border worker'** is someone who is employed in one (Member) State but resides in another, where he/she returns at least once a week. (Source: Eurofound).

**'Deciding officer'** is the government official in charge of scrutinising and adjudicating benefit claims.

**'Discretionary conditions'** in this study refers to eligibility rules for particular social security benefits which cannot be easily defined. Eligibility rules that have a discretionary element require the deciding officer in charge of scrutinizing individual applications to make a judgement – usually by means of an interview – about whether the applicant has met the conditions, taking into account the applicant's particular circumstances. An example of a discretionary condition is the 'habitual residence test'.

**'Employed persons'** are persons aged 15 year and over (16 and over in ES, IT, UK and SE (1995-2001); 15-74 years in DK, EE, HU, LV, FI and SE (from 2001 onwards); 16-74 in IS and NO), who during the reference week performed work, even for just one hour a week, for pay, profit or family gain, or, who were not at work but had a job or business from which they were temporarily absent because of, e.g., illness, holidays, industrial dispute or education and training. (Source: Eurostat)

**'Family benefits'** refer to benefits that provide financial support to households for bringing up children; provide financial assistance to people who support relatives other than children; and provide social services specifically designed to assist and protect the family, particularly children (Source: ESSPROS Manual, 2008 Edition, Eurostat).

**'Family member'** generally means persons married to a migrant, or having a relationship legally recognised as equivalent to marriage, as well as their dependent children and other dependants who are recognised as members of the family by applicable legislation. (Source: EMN Glossary 2.0).

**'Frontier worker'** refers to someone who is employed in the frontier zone of a Member State but who returns each day or at least once a week to the frontier zone of a neighbouring (third-country) in which they reside and of which they are nationals. (Source: EMN Glossary 2.0)

**'Guaranteed minimum resources'** refers to benefits provided to people with insufficient resources. It includes support for destitute and vulnerable persons to help alleviate poverty or assist in difficult situations (Source: ESSPROS Manual, 2008 Edition, Eurostat).

**'Habitual residence test'**, in the context of social security claims, implies a close association between an individual applicant and the country from which a social security payment is claimed. The criteria for 'habitual residence' is deliberately not defined in EU nor national regulations, as it is understood that the precise definition should depend on each individual claimant's particular circumstance. However, the European Court of Justice has developed case-law that should be taken into account

by deciding officers when applying a ‘habitual residence test’.

**‘Healthcare’** refers to medical care provided in the framework of social protection to maintain, restore or improve the health of the people protected.

(Source: ESSPROS Manual, 2008 Edition, Eurostat).

**‘Inactive persons’** are those who are not in the labour force so are neither classified as employed nor as unemployed. This category therefore does not include job-seekers. (Source: Eurostat)

**‘Invalidity benefits’** refer to benefits that provide an income to persons below standard retirement age as established in the reference scheme whose ability to work and earn is impaired beyond a minimum level laid down by legislation by a physical or mental disability; provide rehabilitation services specifically required by disabilities; provide goods and services other than medical care to disabled people. (Source: ESSPROS Manual, 2008 Edition, Eurostat).

**‘Long-term care benefits’** are cash allowances, which enable the standard of living of persons in the need of care to be improved as a whole, so as to compensate for the additional expense brought about by their condition. They cover additional costs for people who frequently need the help of another person due to their old-age or disability. (Source: European system of integrated social protection statistics (ESSPROS) Manual, 2008 Edition, Eurostat).

**‘Long-term resident’** is any third-country national who has long-term resident status as provided for under Articles 4 to 7 of Council Directive 2003/109/EC or as provided for under national legislation. The study specifications distinguish between these two categories and EMN NCPs are asked to do the same in their national reports.

**‘Maternity and paternity benefits’** refers to the compensation rates paid to female or male workers who take leave from work on the birth or adoption of a child.

**‘Migrant worker’** refers to foreigners admitted by the receiving State for the specific purpose of exercising an economic activity remunerated from within the receiving country. Their length of stay is usually restricted as is the type of employment they can hold. (Source: OECD Glossary of Statistical Terms)

**‘Mobile third-country national’** refers to third-country nationals who move from one (Member) State to another (Member) State normally to stay for more than 3 months in the other (Member) State and principally for the purpose of work. (Source: EMN Intra-EU mobility study Advisory Group)

**‘Old-age pensions and benefits’** *cover benefits that provide a replacement income when the aged person retires from the labour market; and guarantee a certain income when a person has reached a prescribed age* (Source: ESSPROS Manual, 2008 Edition, Eurostat).

**‘Researcher’** refers to a third-country national holding an appropriate higher education qualification, which gives access to doctoral programmes, who is selected by a research organisation for carrying out a research project for which the above qualification is normally required. (Source: EMN Glossary 2.0)

**‘Seasonal worker’** is a (third-country national) worker who is resident in a third country but is employed in an activity dependent on the rhythm of the seasons in the territory of a Member State on the basis of a contract for a specific period and for specific employment. (Source: EMN Glossary 2.0).

**'Self-employed persons'** are persons who are the sole or joint owner of an unincorporated enterprise (one that has not been incorporated i.e. formed into a legal corporation) in which he/she works, **unless** they are also in paid employment which is their main activity (in that case, they are considered to be employees). Self-employed people also include unpaid family workers; outworkers (who work outside the usual workplace, such as at home); and workers engaged in production done entirely for their own final use or own capital formation, either individually or collectively. (Source: Eurostat)

**'Sickness cash benefits'** refer to cash benefits that replace in whole or in part loss of earnings during temporary inability to work due to sickness or injury. (Source: ESSPROS Manual, 2008 Edition, Eurostat).

**'Student'** refers to a third-country national accepted by an establishment of higher education and admitted to the territory of a Member State to pursue as his/her main activity a full-time course of study leading to a higher education qualification recognised by the Member State, including diplomas, certificates or doctoral degrees in an establishment of higher education, which may cover a preparatory course prior to such education according to its national legislation. (Source: EMN Glossary 2.0)

**'Survivors' benefits'** refer to benefits that provide a temporary or permanent income to people who have suffered from the loss of the spouse or a next-of-kin, usually when the latter represented the main breadwinner for the beneficiary (Source: ESSPROS Manual, 2008 Edition, Eurostat).

**'Third-country national'** refers to any person who is not a citizen of the European Union within the meaning of Article 20(1) of the Treaty on the Functioning of the European Union, and who is not a person enjoying the Union right to freedom of movement as defined in Article 2(5) of the Schengen Borders Code. (Source: EMN Glossary 2.0)

**'Unemployment benefits'** refer to benefits that replace in whole or in part income lost by a worker due to the loss of gainful employment; provide a subsistence (or better) income to persons entering or re-entering the labour market; compensate for the loss of earnings due to partial unemployment;

- replace in whole or in part income lost by an older worker who retires from gainful employment before the legal retirement age because of job reductions for economic reasons; and contribute to the cost of training or re-training people looking for employment (Source: ESSPROS Manual, 2008 Edition, Eurostat).

**'Unemployed persons'** are persons aged 15-74 (in ES, IT, SE (1995-2000), UK, IS and NO: 16-74), who were without work during the reference week, but currently available for work, or who were either actively seeking work in the past four weeks or who had already found a job to start within the next three months. (Source: Eurostat)

### **1.3 Methodology**

With regard to methodology, the Greek National Report was produced through research on primary as well as secondary sources (particularly reports on social security, access to healthcare and immigration in Greece). To be more exact, information was drawn from:

A) primary sources: relevant Greek legislation, directives, and administrative practices, as resulting from the various IKA or Ministry circulars, as well as bilateral agreements on social security between Greece and third States;

B) secondary sources: published research on social security in Greece, on health access of third-country nationals, as well as NGO reports (Doctors without Borders, Doctors of the World). A list of relevant research (in Greek):

C) Important information was also found in relative manuals on the rights of migrant workers in Greece.

D) Organisations/institutions consulted to draw different data were IKA (Institute of Social Security), Ministry of Interior, Ministry of Health, and NGOs such as Doctors without Borders.

E) Internet sites of official organizations, research institutes and NGOs

When drawing statistics, a problem encountered in finding information was the fact that people insured are not always divided by nationality<sup>5</sup>.

The current National Report will complement relevant existing research, available, providing a comprehensive picture of social security rights for third country nationals to the best possible extent, allowing policymakers to consider eventual changes and adjustments to the laws and the practice of all competent Ministries and Directorates.

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<sup>5</sup> See however IKA Report, Employment Data for December 2011 [in Greek], available at <http://test.taxheaven.gr/news/news/view/id/10926>

## **2. OVERVIEW OF THE NATIONAL SOCIAL SECURITY SYSTEM AND HOW IT APPLIES TO MIGRANTS FROM THIRD COUNTRIES**

### *Introductory remarks: Migration policy and legal instruments*

Until 1991, the basic legislation regulating the status of alien immigrants was law 4310/1929. The first immigration law, following Greece's accession to the – then – European Economic Community and the wave of migrants arriving from post-communist eastern European states, was Law No 1975/1991, on the “Entry, stay, work, expulsion of aliens, procedure of recognizing refugees and other provisions”<sup>6</sup>. This legislation focused mainly on migration control, especially police control of border entries, rather than integration of migrants. On another level, the main characteristic of the Greek nationality law<sup>7</sup> is the commitment to the principle of *jus sanguinis*.

The first programme of integration and regularization of illegal immigrants was carried out from 1998 to 2001, by virtue of Presidential Decrees No 358/97 and 359/97, which laid down for the first time “the conditions and procedure for the legal residence and work of third-country nationals in Greece”.

Furthermore, in 2001 a major breakthrough took place through the transfer of the responsibility of immigration from the Ministry of Public Order, i.e. the police, to the Ministry of Interior. Indeed, this marked a shift in the mentality of the administration as to the management of immigration, pointing towards a more comprehensive management of the problem and not just policing and deterring migration flows. Law No 2910/2001 on the “Entry and residence of aliens on the territory of Greece. Acquisition of Greek citizenship by naturalization and other provisions”<sup>8</sup> established the General Secretariat of Population and Social Cohesion within the Ministry of Interior (art. 51)<sup>9</sup> and canvassed the modern immigration policy framework, initiating the 2<sup>nd</sup> programme of illegal immigrants' regularization and recognizing for the first time formally the protection of fundamental civil and social rights of immigrants. It also established favourable conditions for the acquisition of Greek nationality by stateless persons or political refugees in implementation of article 6 §4g of the European Convention on Nationality (1997)<sup>10</sup>.

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<sup>6</sup> As amended by Law No 2452/1996. Government Gazette A 184, 4.12.1991.

<sup>7</sup> Law No. 3284/2004, Government Gazette A 217, 10.11.2004.

<sup>8</sup> Government Gazette A 91, 2.5.2001. Amended by law 3013/2002.

<sup>9</sup> For an overall account of the legislation in certain European states, see *Commission Internationale de l'Etat Civil*, Les personnes dépourvues des documents d'identité et d'état civil. Note de synthèse sur les législations et pratiques dans les Etats membres de la CIEC, 2009, accessible online <http://www.ciec1.org/Etudes/Fraude/DT8-Synthese7-SansPapiers-FINAL%2031.3.10.pdf>.

<sup>10</sup> The naturalization process takes place through the Naturalisation Committees operating in the Regional Authorities of the Ministry of Interior. For the requirements see article 5 §2 of the Greek Nationality Code. See for a brief account, *Papassiopi-Passia Z.*, The New Greek Nationality Code: an introduction, 60 RHDI, 2007, p. 283-288.

Law No 3386/05 on the entry, residence and social integration of third country nationals in Greece<sup>11</sup> was the next attempt of the national administration for an effective management of the immigration phenomenon following the evaluation of all previous legislation, the historical experience and the need for new modern and updated policies. The main pillars of this law are:

- The rational planning of the entry of immigrants into the Greek territory, on the basis of specific capacities and taking into consideration the conditions and needs of social and economic life.
- Ensuring working conditions for foreigners who come to Greece to work in conditions of a modern rule of law.
- The introduction of a modern system of social integration of migrants.
- To ensure, in particular, conditions conducive to the full exercise of all rights of aliens, especially those relating to the free development of their personality, free participation in economic and social life of the country under conditions of social justice and respect for their specificities, first and foremost those resulting from their origin.
- Simplification of procedures, most notably the consolidation of work and residence permit in one single act adopted accordingly by the Minister of Interior or the Secretary of the Region.

In particular, the abovementioned law regulated for the first time the social integration of third country nationals into the Greek society, marking a point where immigration policy turned from conservative to realistic. This law contains various provisions including inter alia the special visas needed for third country nationals coming to Greece as well as the residence permit from the municipality if he/she's to stay more than a few days (art. 70), for employment (art. 14-23), for victims of human trafficking (art. 46-52), for family reunification (art. 53-60), for exceptional humanitarian reasons (art. 44), residence permits of indefinite duration (art. 91 §2), residence permit to third country nationals who are long-term residents in Greece (for the first time in Greek law, art. 67-69) etc. Of course the most innovative element of this law is the introduction of the Integrated Action Plan for the social integration of immigrants both in the labour market and in general broader social, economic and cultural activities.

From 2005 and onwards, due to the potential of migration and ongoing developments at both international and national level, parameters for adapting legislation to new conditions, a whole array of legislation has been implemented additional to law 3368 / 2005. Most recent amendments concern provisions (law 3801/2009) for further simplification of procedures (direct access, without specific authorization, for holders of autonomous residence permits to employment, the possibility of extension, under the same conditions, of the residence permit issued to parents of underage children, nationals of the country, for five more years after the age of maturity), harsher sanctions for individuals involved in criminal networks of trafficking or smuggling of persons (Law No. 3875/2010), expansion of the cases of issuance of residence permits

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<sup>11</sup> Government Gazette A 212, 23.8.2005. For a first approach see *Papassiopi-Passia Z.*, The legal position of migrants in Greece, 59 RHDI, 2006, p. 425-448.

for humanitarian reasons (to include victims of racial discrimination, victims of trafficking in human beings or smuggling of migrants, minors of families of third-country nationals etc. (Law No. 3875/2010), establishment of a National Committee for the Social Integration of Immigrants (Law No. 3536/2007) etc.

Currently, the Ministry of Interior has prepared a draft Code for Immigration and Social Integration of immigrants, which integrates in a single instrument the existing provisions and introduces improvements for the issuance and renewal of residence permits. The public consultation on the draft of this Code was completed on 30.10.2013 and will be submitted to the Parliament.

It is important to note that refugees and persons who have applied for recognition of the refugee status are explicitly excluded from the *ratione materiae* scope of the legislations in question (article 2, Law No 3386/2005).

### *Social security*

One should also mention Article 71, paragraph 1 of law 3386/05, which stipulates that third-country nationals residing legally in Greece are insured with the appropriate insurance agencies and enjoy the same rights as nationals. Also, in paragraph 2, it is spelled out that the provisions of Legislative Decree 57/1973, as applicable, for social protection, apply to third-country nationals residing legally in Greece.

The Constitutional recognition of the right to social security is provided for in article 22 (5) stipulating that: *“The State shall care for the social security of the working people, as specified by law”*. This provision, as interpreted by the Greek courts, constitutes the basis for the social security of all workers, irrespective of their type of occupation. The constitutional principle of the social state is found in article 25 (1), which stipulates that: *“1. The rights of man as an individual and as a member of the society, as well as the principle of the social rule of rule, are guaranteed by the State and all agents of the State shall be obliged to ensure the unhindered exercise thereof; such rights shall also apply to the relevant relations among individuals; any restrictions to such rights under the Constitution shall be provided for either directly by the Constitution or by law, in case of a saving clause, and shall respect the principle of proportionality.”* In addition to the right to social security, the Greek Constitution guarantees all fundamental social rights, such as right to education, work and health. The relevant provisions in the Constitution are specified through laws, decrees and administrative directives.

As regards the laws, the national social security system is characterized by a differentiated geometry as far as the financing system is concerned. This is quite complex, since the contributions' rates vary and depend on the professional affiliation (class) of the insured person concerned.

However, for the purposes of this study what is important is that, pursuant to the fundamental social security principle of equality of treatment<sup>12</sup>, social security law does not differentiate between workers, whether they are third country nationals that reside legally in Greece or Greek nationals.

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<sup>12</sup> See Stergiou A., The principle of equality of treatment in social security, 4.2.2013 accessible through <http://www.constitutionalism.gr/site/2480-i-arhi-tis-isotitas-stin-koinwniki-asfalisi/> (in greek). Also Law 3304/2005 GG 16A /27-1-05 «Application of the principle of equal treatment irrespective of racial or ethnic origin, religion or belief, disability, age or sexual orientation”

In particular, as far as financing is concerned, there are two social security schemes that fall in two (statutory and occupational) pillars with different regulations, especially regarding the contributions of employers and employees<sup>13</sup>. First pillar schemes are financed according to a tripartite model in case of private employees (employers contributions, employees contributions and state subsidies) and a bipartite model in case of self-employed, independent professionals, farmers and civil servants (insured persons contributions, states subsidies) and civil servants (insured persons contributions, contributions of the employer for healthcare and state subsidies).

Occupational schemes are financed by employers and employees contributions.

### *1. Statutory first pillar schemes*

The various social security schemes are financed by contributions from employers and/or employees (or other insured people), by “social financing sources” (e.g. indirect taxes), by general or extraordinary state subsidies out of general taxation and by the proceeds of the exploitation of the capital owned by the social security institutions. The system is particularly burdened; social insurance expenditures have increased dramatically, firstly since most funds are used to finance the payment of first pillar pensions, and secondly because of the curtailing of available funds of insurance institutions due to the Greek PSI (Private Sector Involvement – 2012).

The contribution rates vary, depending, among others, on the professional affiliation (class) of the insured person concerned. Thus:

a) Private employee schemes (IKA – ETAM) are financed by a tripartite system introduced as early as 1992. As far as pensions are concerned, employers pay 13.33%, the employees 6.67% of the gross cash earnings and the state 10% for those that are insured for the first time since 1/1/1993 and henceforth; as far as the sickness insurance is concerned, employers pay 5.10%, the employees 2.55% of the gross cash earnings and the state 3,80% for those that are insured for the first time since 1/1/1993 and henceforth; supplementary pensions are equally financed by the employers and the employees, each 3%.

Law No. 2874/2000 introduced rather favourable conditions for minimum wage earners. According to its provisions, the employers’ contribution has been reduced by 2%, regarding the pension branch of the Institute for Social Insurance (IKA - ETAM) referring to employees working on a full-time basis on the condition that their monthly compensation does not exceed 587 Euros – overtime not included. The above-mentioned reduction does not apply to employees who are insured with IKA through special regulations (e.g. builders) or to persons working after retirement. Public sector, legal entities of the public sector and public sector companies are not included in this modification.

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<sup>13</sup> See in general, *Gialitaki M., Athitaki K. K.*, Social Security in Greece: history and perspectives, dissertation, Technological Institute of Crete, Faculty of Administration and Economy, Department of Accounting, Herakleion, April, 2011, p. 27-42 (in greek), accessible through [http://nefeli.lib.teicrete.gr/browse2/sdo/log/2011/GialitakiMaria,AthitakiKalliopi/attached-document-1304407325-926337-29749/Gialitaki\\_Athitaki2011.pdf](http://nefeli.lib.teicrete.gr/browse2/sdo/log/2011/GialitakiMaria,AthitakiKalliopi/attached-document-1304407325-926337-29749/Gialitaki_Athitaki2011.pdf). Also, *Ministry of Labour and Social Security*, General Secretariat of Social Security, The Greek Social Security System, Athens, 2002, σελ. 56-62.



b) As far as the schemes for the self-employed and independent professionals are concerned, contribution liability obviously rests only upon the insured people themselves. There is a great degree of inequality between the various groups of the self-employed with regard to the contribution/benefits relationship. In principle, a bipartite system applies for self-employed schemes. The self-employed pays 20% and the State 10% for those that are insured for the first time since 1/1/1993 and henceforth, on the amount of the insurance class of the insured person.

c) Farmers, whose system used to be non-contributory, are obliged to pay contributions for basic pensions and sickness coverage since 1.1.1998 (law 2458/1998) on the amount of the insurance class of the insured person.

d) Civil servants after 1992 pay also contributions for the coverage of the risks of maternity and sickness (2.55% the insured persons and 5,10% the employer), old age (primary pension 6,67% and supplementary pension 3% the insured persons and 3% the employer) and welfare (4%). They pay contributions for the supplementary pension to their competent fund in an average rate of 5%. All civil servants that are employed since 2011 are insured with IKA – ETAM.

## *2. Regular state budget contribution and extraordinary government grant*

The State itself also contributes towards the financing of the social insurance schemes by means of periodical (mostly annual) subsidies to the social insurance institutions. Thus the shortages of the I.K.A. or other statutory schemes are annually made up out of general taxation. In the past few years, state subsidies have gradually increased. The State finances most of the expenditure of the social insurance schemes for civil servants and farmers.

The contribution of the public budget on the funding of social insurance schemes is regulated by law during the 2002 reform<sup>14</sup>, as a result of the social dialogue between government and social partners. Policy makers decided to include a new funding mode in the national strategy of pensions that shall restore stability and viability of social insurance benefits in the near future.

## *3. Social resources*

The ‘social financing sources’ constitute a rather important source within the Greek social security context, particularly as far as self-employed and farmers’ schemes are concerned. Since 1992, the proceeds from the ‘social financing sources’ do not benefit anymore certain social insurance schemes; they feed now a central ‘solidarity account’, which redistributes the money to the poorer social insurance schemes. Social security schemes are also financed through indirect taxes.

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<sup>14</sup> Law 3029/2002, “Reform of the social security system”, Government Gazette A’ 160, 11.7.2002.

#### *4. Property of insurance funds*

The exploitation of the tangible and intangible assets (movable assets and real estate) of the insurance funds was facilitated as from the year 2001, when the insurance funds were allowed to invest up to 23% of their assets in real estate, shares and other securities quoted on the stock exchange, as well as in mutual funds. The curtailing of the bonds held by social security institutions during the Greek PSI in 2012 brought about considerable losses to their property.

Management of property is subject to certain conditions. Even though the legal framework has been simplified by virtue of the law 2042/1992, the administrative bodies of insurance funds do not enjoy unlimited freedom in the way they spend their reserve assets.

#### *5. The funding of occupational schemes*

The funding of pure occupational schemes, introduced for the very first time in 2002, is guaranteed by employers and employees contributions. Funds are obliged to create special reserves, which are managed subject to the following conditions: a) maximum 10% of the technical reserves may be invested in land; b) maximum 70% of the technical reserves may be invested in shares and industries bonds; c) maximum 20% of the technical reserves may be invested in debentures and bank deposits.

### **2.1. Overview of social security benefits and programmes and their financing mechanisms**

The social security system in Greece is basically contributory. Apart from the strictly contributory pensions paid by social security schemes, a new type of supplement for pensioners was introduced in 1996: the Social Solidarity Allowance for Pensioners (EKAS)<sup>15</sup>. This non-contributory allowance is provided to old-age, survivor's or invalidity pensioners by a social security scheme that is monitored by the Ministry of Labour, Social Insurance and Welfare (except from OGA pensioners) and provided they fulfil certain conditions.

The main legal instrument for the broader coverage of the population was adopted in 1934 (Law No. 6298/1934). During the same period first pillar insurance funds for employers and self-employed were established. IKA – ETAM the principal insurance fund for employees was established during that period and is now regulated by Law No. 1846/1951, as amended. Farmers were covered for the first time in 1961 through a compulsory scheme funded out by general taxation. Occupational schemes were introduced in 2002.

The reform process in the field of health care was introduced with the adoption of Law No. 2519/1997 “Development of the National Health System and Organisation of Health Care Services”. Pursuant to Law No. 2646/1998, social care services are provided by public institutions and accredited voluntary or non-for-profit associations, which should be registered in a specific census. Public institutions function at decentralized level, supervised by the central Social Welfare Secretariat of the Ministry of Labour, Social Insurance and Welfare (article 9 of law 4052/2012).

The reform was extended through the adoption of the Law No. 2889/2001 “Improvement of the National Health System” and the Law No. 2955/2001 “Supplies for Hospitals and other Health Care Units of the Regional Health Care Systems”. The

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<sup>15</sup> Article 20 law 2434/96 as amended by article 24 law 2556/97.

Law No. 2889/2001 introduced innovative issues in the administrative organisation of the Health Care System, given that new administrative, decentralised units were established, the Regional Health Care Systems (PeSY). These units function as legal bodies of public law that supervise all public hospitals and public providers of care in their own region. The most recent development was the establishment of the National Organisation for the Provision of Health Care Services – EOPYY (see *infra*).

Another important development is the adoption of Law No. 4093/2012 “Approval of the Mid-term Fiscal Strategy Framework 2013-2016. Urgent measures for the implementation of law 4046/2012 and the Mid-term Fiscal Strategy Framework 2013-2016” which brought about fundamental reforms to the social security system, especially as regards pensions, as well as access to health care.

### **2.1.1 Please provide a narrative overview of the social security system in your Member States including a description of the institutional framework, key institutions involved, their main responsibilities and how they are coordinated.**

In Greece there is no single legal framework that governs all insurance funds. This means that social security benefits, the conditions for acquiring rights and the documents that are required are different for each fund.

#### ***Pension Funds***

Insurance funds in Greece are legal entities of public law<sup>16</sup>.

The main insurance scheme for employees and workers is IKA – ETAM (Social Insurance Institute – Unified Insurance Fund for Employees)<sup>17</sup>. This fund was established in 1936, is regulated by a legal framework adopted in 1951 (as amended) and covers the whole range of traditional social risks for the employees, namely: a) old-age, invalidity and survivors’ pensions, b) health care benefits in cash (sickness and maternity benefits)<sup>18</sup>.

In case of disagreement with a decision taken by an IKA – ETAM office, the applicant may submit a request to the Local Administrative Committee of the competent IKA - ETAM branch within 30 days from the date of notification of the decision. If the decision refers to a pension, the period is three months. If the complainant disagrees with the decision of the LAC, he/she may appeal to the administrative courts within 60 days of notification of the decision.

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<sup>16</sup> The only exception is the Unified Journalists Organisation of Supplementary Insurance and Welfare (EDOEAP) which is a legal entity of private law and the State Treasury which is an agency of the Ministry of Finance.

<sup>17</sup> Until 2002 more than 50 insurance funds for each category of employees were operative. The legislation integrated most of them with IKA – ETAM, while IKA – ETAM became competent for the insurance of other categories of employees (e.g. the insured persons of the Hotel Employees Fund), see law 3655/2008 (GG A’ 58, 3.4.2008) “Administrative and organisational reform of the social security system and other social security provisions”.

<sup>18</sup> See in detail *Lanaras K.*, The insurance with IKA – 2013 edition, Sakkoulas Publ., Athens-Thessaloniki, 2013 (in greek).

Self-employed people (craftsmen, freelancers, hoteliers, tour operators, motorists etc.) are insured with OAEE (Social Security Organization for the Self-Employed)<sup>19</sup>.

Those that work in the field of health (doctors etc.), lawyers and civil engineers are subject to ETAA (Insurance Fund for Independent Professionals)<sup>20</sup>.

Farmers, as well as some other categories (e.g. self-employed and craftsmen that live in villages with less than 2.000 inhabitants, breeders, fishermen in case they are not insured elsewhere etc.) are subject to the OGA scheme (Agricultural Insurance Organisation). Since 1.1.2004, OGA is also competent for the insurance of persons (excluded from IKA – ETAM insurance) that are employed in rural activities of the primary agricultural sector, in rural farms or agricultural cooperatives, regardless of their legal form and size, even if they are only occasionally employed (unskilled labourers, employed fishermen etc.)<sup>21</sup>.

IKA – ETAM today covers most of the population. The majority of third country nationals, given that they are employed mainly as workers (builders etc.), are insured with IKA – ETAM. Moreover, certain number is also employed in agricultural activities (harvest etc.) and is therefore insured with OGA. Finally, certain portion is insured with OAEE as independent professionals.

Those working in the media (i.e. in the industry delivering newspapers, photographers, publishers, journalists etc.) are insured with ETAP-MME (Unified Insurance Fund for Mass Media Personnel)<sup>22</sup>.

Seafarers are insured with NAT (Mariners' Insurance Fund).

Civil servants are insured with the State Treasury that functions under the aegis of the Ministry of Finance. Since January 2001 persons that are employed in the public sector are insured with IKA – ETAM.

There are also branches of supplementary insurance (supplementary pension and lump sum payments), operating under either the insurance funds that provide basic pension or as independent funds.

Furthermore, there is a supplementary second pillar insurance scheme that operates on a voluntary basis and contains nine occupational pension funds.

Each insurance institution is regulated by a different legal framework. Usually, the provision of benefits, their conditions and relevant matters differ significantly among insurance institutions. These differences were to a large extent limited with laws 2084/1992, 3655/2008, 3863/2010<sup>23</sup> and 3918/2011, adopted in the framework of the reform of the social security system, that contain provisions harmonizing the conditions for all insured persons.

This new legal framework can be considered the result of a long-running social dialogue between the government, the political parties and the social partners

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<sup>19</sup> OAEE was established by virtue of law 2676/1999 “Organisational and functional restructuring of the social security institutions and other provisions” (GG A’ 1, 5.1.1999) and became operative on 1.1.2007 after the merger of the three major funds for self-employed: Fund for Professionals and Craftsmen (TEVE), Merchants’ Fund (TAE), Pension Fund for Motorists (TSA).

<sup>20</sup> After the merger of the Insurance Fund for Engineers and Public Works Contractors (TSMEDE), the doctors’ fund (TSAY), the lawyers’ and notaries’ funds, see law 3655/2008.

<sup>21</sup> Article 7 of law 3232/2004.

<sup>22</sup> EDOEAP is a different institution. It is a legal entity of private law and insures journalists.

<sup>23</sup> “The new pension system and related legislation, regulations on labour relations”, GG A’ 115, 15.7.2010.

regarding the social protection scheme in the country. The overall objective of the legal framework in question is the reform of the social security system, by emphasizing the protection of the public, universal, compulsory and redistributive nature of social security and protection and ensuring the social justice of the system and its long-term viability.

To ensure the prospective (after 2019) financing of pension branches of social security institutions and in the framework of solidarity between generations, AKAGE (Intergenerational Solidarity Fund) was created, whose funding began on 1 January 2009.

### ***Unemployment fund***

The labour employment office in Greece is OAED (Manpower Employment Organisation) is competent for unemployment benefits as well as family benefits. However, the contributions to OAED are received by IKA-ETAM, OAEE and ETAP-MME for the unemployment risk of their insured persons (employees). For self-employed and independent professionals (OAEE, ETAP-MME and ETAA) the contribution is paid by the insured persons themselves.

### ***Sickness benefits in kind***

Before 1/1/2012, each insurance fund had its own health branch. In January 2012 a single body for the provision of health care services, primary and secondary care was established. In this institution the health care branches of the larger funds (public, employees and self-employed) were integrated. In the future it will incorporate the health care branches of all remaining funds. It is EOPYY (National Organisation for the Provision of Health Care Services), the organization that is competent for the provision of sickness benefits in kind and functions since 1/1/2012 under the aegis of the Ministry of Health and Social Solidarity, as well as the Ministry of Labour, Social Insurance and Welfare<sup>24</sup>. EOPYY incorporated – and will continue to do so – the sickness branches of all insurance funds. The sickness benefits in kind that are provided to insured persons are described in detail in the Integrated Health Care Benefits Regulations<sup>25</sup>. For the sickness benefits in cash the insured persons remain subject to their primary insurance funds.

The above-described benefits apply equally to Greek citizens and third country nationals if they have access to the labour market, work and residence permits. In particular, third countries are divided into the following categories:

#### ***- third-country nationals holding long-term residence permits***

##### ***- long-term residents as defined by Articles 4 to 7 of Council Directive 2003/109/EC***

Long-term residence permit Presidential Decree 150/06. Transposition of the Directive 2003/109/EC, 25.11.2003: it refers to third country nationals residing in Greece legally and continuously for five years preceding the date of application for a long-term residence permit.

*Long-term residence permit Presidential Decree 150/2006*: it refers to third country nationals residing in Greece legally and continuously for five years preceding the date of application for a long-term residence permit. The necessary requirements is that

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<sup>24</sup> Law 3918/2011 «Structural changes in the health system and other provisions», GG A', 31, 2.3.2011.

<sup>25</sup> GG B' 3054, 18.11.2012.

they have an income of 8,500 euros per year increased by 15% for every family member for the two previous years, as well as an adequate knowledge of the Greek language, history and culture. The income limit of 8,500 euros is considered extremely high, in times of economic crisis, and there are on-going debates in the new immigration code to calculate a new limit based on the revenue of an unqualified worker. The entry fee costs 600 euro, but it is not paid if the person concerned has already been granted a residence permit with duration of ten years or of indefinite duration. The long-term residence permit lasts for five years. In renewal the person concerned must submit copies of passport and prior long-term residence permit (without entry fee). However, the person concerned cannot leave the EU territory for a period exceeding one year. The long-term residence permit is renewed after its expiry, but in the meantime there is no right of access to the labour market. If the long term resident status is lost due to absence from the EU territory, can be regained only if the income requirements of the law are fulfilled. Also, the applicant may be subject to another residence permit status, if he/she fulfils the respective conditions.

- *long-term residents as defined by national legislation*

*Long-term residence permit, Law No. 3731/2008 (article 40 §7).* For children of third country nationals, aged 18 years, born and residing in Greece and having completed primary and secondary education.

*Long-term residence permit (for children of legally residing third country nationals):* it covers children of legally residing migrants that have been born in Greece (law 3731/08). The necessary requirements are that the person in question holds a baccalaureate of Greek elementary and secondary school and that his/her parents (if alive) are legally residing in the country. The entry fee costs 600 euros and the duration of the permit is of 5 years. For the submission of the application a valid residence permit is not required. For its renewal the person concerned must submit a passport copy and the previous long-term resident permit. For the renewal entry fee is not required.

*Ten year residence permit:* It covers adults, aged 21 years old, that have completed 10 years of continuous legal residence regardless of the type of residence permit. Necessary condition is that the person concerned has public insurance for full medical coverage unless he/she is a student, where there is a special insurance scheme. The entry fee is 900 euros. Its duration is ten years, on condition that the person concerned resides continuously in Greece, with a possible interruption of no more than two consecutive years, and has full insurance for medical and hospital care. If the person concerned is absent for more than two consecutive years during the decade he/she may renew the permit only for another kind of residence insofar as he/she satisfies the appropriate conditions.

*Residence permits of indefinite duration:* Since 2008 this type of permits is not any more issued. They cannot be renewed.

***Other types of residence permits***

*Independent:* It covers children of legally residing migrants, once they become adults. The necessary requirements are: a) a prior family reunification permit, and b) private or public insurance for costs of hospitalization and medical care. The entry fee is 150 euros. Its duration is one year and it may be renewed every year, under the same conditions until the child reached 21 years of age.

*Study permit:* It covers children of legally residing migrants that study in Universities, Technological Institutions, Vocational Training Institutes or other types of colleges. The necessary requirement is that the child has been registered in the University or Technological Institution or the Vocational Training Institute etc. The entry fee costs 150 euros and its duration is annual. It can be renewed for as long as the person concerned is still a student.

*Residence permit for humanitarian reasons:* It covers adults that have been born in Greece or graduates of at least six classes of the Greek school before adulthood. Necessary requirements are the birth certificate or a certificate that the person concerned has completed six classes of the Greek school and public documents that prove permanent residence in Greece. The entry fee costs 150 euros, the duration of the permit is one year and it can be renewed according to the conditions of L. 3386/2005, as it stands today.

- ***Third country nationals holding time-bound (or fixed-term) residence permits***

The legislation (Law 3386 / 05, as amended) provides for the following residence permits :

A) Residence permit for work (Dependent employment or provision of services or work, corporate executives, Temporary travel for service, Athletes, Coaches, Members of artistic ensembles, Intellectual creators, Members of foreign archaeological schools )

B ) Residence permit for independent economic activity (Independent economic activity, investment activities )

C ) Residence permit for special purposes (Education, Training, Scholars of Special Programs Scholars, Studies in military schools, medical specialty, Financially independent people, adult children of diplomatic staff, service staff of diplomatic missions, foreign press correspondents, officers of known religions, Athoniada School, study, knowledge and practice of monasticism, organized tourist group leaders, researchers)

D ) Residence permit for exceptional reasons (Humanitarian, Public Interest) D3). Victims of human trafficking or smuggling<sup>26</sup>

E) Residence permit for family reunification (family members of a third country national, independent permit for family members of a third country national)

E3. Family members of a Greek or EU citizen )

**Table 2.1. Overview of the national social security system presented in the MISSOC national guides as it applies to third-country nationals (benefits and programmes available, financing mechanisms and accessibility).**

'Branch' of social security	Benefits and programmes included in each branch	Financing mechanisms (contributory/ non-contributory/ mixed)	Accessibility by third-country nationals
I. Healthca	They are listed in the Integrated Regulation of Health Care Benefits-EKPY (Joint Ministerial	Mixed	Third country nationals that hold the following residence

<sup>26</sup> Replaced by article 4, par.4 of law 3875/2010.

re	<p>Decision of the Ministers of Finance, Labour and Social Security and Health). The purpose of EKPY is to guarantee equal access for all members of E.O.P.Y.Y. to a unified system of health care services, which aims to prevent, retain, promote, enhance, restore and protect health. They include: 1. prevention and promotion of health, 2 . primary health care - medical care - diagnostic medical acts, 3. paraclinical tests, 4. physiotherapy - Occupational therapy - Speech therapy - psychotherapy, 5. pharmaceutical care, 6. dentistry - mucosal care 7. special treatment 8. other types of care, 9. hospitalization, 10. exclusive nurse 11. travel costs of patients , 12. obstetric care - childbirth , 13 . hospitalization abroad, 14. restoration , 15. provision of remedies and prostheses - extra care, 16. allowances for thermal treatment, aerotherapy and special food.</p> <p>The EKPY provisions covers the insured persons of the insurance funds health branches that are integrated in E.O.P.Y.Y. in accordance with the provisions of Law 3918/2011, as well as the members of their families, as defined in the respective regulations.</p> <p>More particularly:</p> <p>A. – the insured persons of the health branch of I.K.A. – E.T.A.M.</p> <p>– the insured persons of the health branch of O.A.E.E.</p> <p>– the insured persons of the health branch of O.G.A.</p> <p>– the insured with O.P.A.D. and the Health Section of Municipal and Community Employees of OPAD</p> <p>– the insured with the Seafarers’ Fund.</p> <p>– the insured persons of the health branch of T.A.Y.T.E.K.O.</p> <p>– the insured persons of the health branch of E.T.A.A. and KAP-DEI.</p> <p>– the insured of E.T.A. M.M.E. since 1/12/2012</p> <p>– the insured persons of the health branch of any other insurance fund that will be integrated in the future in EOPYY.</p> <p>B. the family members of all the abovementioned insured persons.</p>		<p>permits are covered provided that they work and are insured:</p> <p>employed activity</p> <p>self-employed/independent activity</p> <p>children that hold:</p> <p>independent residence permit, permit for studies</p> <p>permit for humanitarian reasons</p> <p>permit for victims of trafficking or smuggling of migrants</p> <p>long-term residence permit as defined by p.d. 150/2006</p>
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II. Sickness cash benefits	<p>For sickness cash benefits the competent organization is not EOPYY, but the funds of primary insurance through their account of cash benefits.</p> <p><b>IKA – ETAM</b> envisages five sickness cash benefits:</p> <ul style="list-style-type: none"> <li>- pregnancy-postpartum allowance</li> </ul> <p>IKA – ETAM subsidizes directly its insured women for 56 days before birth and 63 days postpartum. To qualify for these bonuses the insured must have completed 200 days of work during the previous two years of the possible or actual day of birth and must not work at the time of grant. Requirements: Insurance booklets for the last two years or employer's certificate validated by the IKA – ETAM Office which controls the employer, health booklet (individual, family), Certificate of EOPYY obstetrician for the possible day of labour, Statement by employer that the insured woman stopped working – Her own statement for the day she stopped working(the form is given by IKA - ETAM ) , birth certificate of the child (after the birth for the postpartum maternity allowance )</p> <p>Also under the provisions of Article 35 of law 2676/99 persons insured successively in more than one fund or health branches belonging to the competence of the General Secretariat of Social Insurance that grant maternity allowances are entitled to these allowances from the entity in the insurance of which the insurance risk occurred, provided that the insured woman has fulfilled the necessary prerequisites under the legislation of the last fund, with totalisation of the insurance periods of the other funds.</p> <p>Maternity benefits are paid entirely by the agency in the insurance of which the birth occurred, according to its legislation, without the participation of the other funds in the subsidy expenditure.</p> <p>These provisions apply only to organizations that grant maternity benefits, such as TAISYT, TATTA, Provident Fund of Lawyers, TAPETE and therefore working days made in the sickness branch of insurance funds that do not grant maternity benefits, like OAEE, cannot be calculated.</p>	Mixed	<p>Third country nationals that hold the following residence permits are covered provided that they work and are insured:</p> <ul style="list-style-type: none"> <li>employed activity</li> <li>self-employed/independent activity</li> <li>children that hold:</li> <li>independent residence permit, permit for studies</li> <li>permit for humanitarian reasons</li> <li>permit for victims of trafficking or smuggling of migrants</li> <li>long-term residence permit as defined by p.d. 150/2006</li> </ul>

	<p>Necessary requirement is the submission of a certificate by the former insurance fund, stating:</p> <ul style="list-style-type: none"> <li>a) the insurance period per month and year in the health branch of the fund, as well as the mixed remuneration for this year,</li> <li>b) that it pays maternity allowances</li> <li>c) that maternity allowances have not been paid.</li> </ul> <p>- sickness benefit</p> <p>Directly insured persons are entitled to sickness benefit if found temporarily incapable for work (4 days or more) by the treating physician of IKA - ETAM. After 15 days an opinion of the Higher Medical Committee (AYE) is required. Necessary requirement if the completion of 100 working days in the previous year or in the last 15 months, without counting the last three months and by 1/1/2009 the working days will increase by ten (10) and up to one hundred and twenty (120).</p> <p>The amount of the allowance depends on the remuneration of the last 30 days that the employee received in the previous year. But especially for the first 15 days of the grant of each year after the three-day waiting time the amount of the sickness benefit is equal to 50% of the daily sickness allowance of the insurance class fixed with the last 30 days of the previous year, except for builders that remaining to 50% of the notional wage of their insurance class.</p> <p>The maximum grant limit for the same ailment is 720 days and for different diseases in the same year 182 days, provided of course that the appropriate temporal conditions are met.</p> <p>The grant for the same ailment follows the following stages : a) 182 days if the necessary temporal requirements are met i.e. 100 working days in the previous calendar year or 15 months and from 1/1/2009 they will increase by ten ( 10) and up to one hundred and twenty (120 ) B. After completion of 182 days and up to 360 days there have to be 300 working days in the two years immediately preceding the announcement of the ailment or in 30 months and C. After completion of 360 days the increased conditions of Article 28 paragraph 4 of law 1846/1851 (disability retirement) should be met to continue the subsidy until 720 days.</p>		
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	<p>Requirements: Copy of the Individual Insurance Account or Employer's Certificate validated by the IKA – ETAM Office controlling the employer, health booklet (individual and family), certificate that the persons stopped working, incapacity opinion of the treating doctor/opinion of the health committee</p> <p>- occupational disease benefit</p> <p>The directly insured and pensioners who work are entitled to an allowance of occupational disease when are sick from chronic disease manifested after a certain period of working in certain professions.</p> <p>These occupations and ailments are set out in the Sickness Regulation of IKA - ETAM art. 40.</p> <p>- accident benefit</p> <p>Accident is the death or disability of the insured caused by a violent incident.</p> <p>An accident at work occurs when the abovementioned occur during labour and because of this. Accident that happens for instance when the insured goes to work or returns from it is considered accident at work.</p> <p>An accident out of work is any other incident (violent, external and accidental event)</p> <p>In cases of accident at work, no time conditions for the grant are required. The insurance on the day of the accident is enough (Circulars 104/88 and 29/91), while in accidents out of work the fulfilment of half of the number of days required for the sickness benefit is enough.</p> <p>Period of notice: The announcement of the accident is considered timely when made within 5 working days from the day after the accident. In special cases only the period of notice may be longer. When the accident results in total disability the notification time is extended for one year and when it results in the death of the insured up to two years. When hospitalized, the announcement of the accident shall take place within 5 days after exiting the hospital.</p> <p>- death grant</p> <p>IKA – ETAM provides the expenses for the funeral of the directly insured or old age , disability and death pensioner. In order to provide the death grant,</p>		
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	<p>the insured should have completed 120 days of work in the previous year. The death grant is paid to the person that had taken up all the funeral expenses following submission of the relevant documents.</p> <p>Requirements: application, Individual health booklet of the deceased, copy of the Individual Insurance Account or Employer Certificate validated by the IKA Office controlling the employer if the deceased was actively insured, Excerpt of the Death Registration , Duplicate proof of service for funeral expenses, funeral Certificate, certificate of the cessation of pension for deceased pensioners. Special cases : Certificate regarding the withholding of 4% for the health branch for pensioners of special funds, certificate regarding the withholding of 8,5% for greek nationals pensioners of third countries.</p> <p><b>OAEE</b> grants only two kinds of sickness benefits in cash: a) accident at work, b) death grant. The major difference with the employees fund is that it does not provide maternity benefits to its insured women.</p> <p>- death grant</p> <p>OAEE provides death grant in cases of death of a directly insured person or pensioner.</p> <p>a) In case of death of the directly insured person OAEE pays a lump sum of 1.200,00 € as funeral expenses. Funeral expenses are paid regardless of the insurance status of the insured if: 1. The death occurred after the registration with OAEE. 2. He/she was insured at the time of his/her death or less than a year had passed since the cessation of practice.</p> <p>b) Also, in case of death of the pensioner , the OAEE pays a lump sum 762,00 € as funeral expenses , which shall be ( it corresponds to the quintuple of the pension branch contribution of the PO1 insurance class at the time of death of the pensioner and adjusted according to the current amount) . Funeral expenses for a pensioner are paid only if : 1) the pension or allowance covered the health care branch. 2) no pensions should be received from the date of death and beyond. 3 ) the bank account to which the pension was paid should not be canceled. In both cases (A and B ), if the body is transferred for burial in another city</p>		
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	<p>cemetery over 100 km from the place of death, expenses of transporting the body are paid to the amount of 205,00 € while if the city is more than 200km expenses are paid up to 380,00 €. Documents for funeral expenses: A) Application of the displayed as “customer or client” at the invoice Funeral. B) Death certificate C) Original Invoice of the Funeral Office of or original Proof of Service D) Sickness Booklet and A.M.K.A. of the deceased. E) A photocopy of the identity card of the recipient F) Photocopy of the first page of the booklet of the Bank Savings Account, which will indicate the number I.B.A.N. and the name of the beneficiary or the person who is granted the right to receive the benefit.</p> <p>The death grant is paid to the person that had taken up all the funeral expenses following submission of the relevant documents.</p> <p>- accident at work</p> <p>In case of an accident caused by violent event, occurring after the registration of the insured with OAEE, during the exercise of the profession and because of it , the fund grants a benefit regardless of whether the business of the insured still works.</p> <p>For the entitlement the accident should be announced to the competent service of OAEE within one ( 1) month from the day took place.</p> <p>To receive the allowance, the duration of the incapacity should exceed thirty ( 30) days according to a decision by the relevant Health Committee.</p> <p>The amount of the monthly allowance amounts to three times the monthly contribution of the sectors in which he is insured on the day of the accident.</p> <p>The announcement of the accident shall be in writing and must contain all the elements of the insured about the job and the conditions under which it took place. The benefit for accident at work is paid for as long as the victim is considered by the health committee incapacitated to exercise the profession and up to (4) four months maximum.</p> <p>Any claim of the insured person against the Healthcare Branch of OAEE is barred unless it is brought within the time-limit of one (1 ) year.</p>		
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<p>III. Maternity and paternity benefits</p>	<p><b>IKA – ETAM</b> grants maternity allowance (pregnancy-postpartum) only to its insured women:</p> <ul style="list-style-type: none"> <li>- pregnancy-postpartum allowance IKA – ETAM subsidizes directly its insured women for 56 days before birth and 63 days postpartum. To qualify for these bonuses the insured must have completed 200 days of work during the previous two years of the possible or actual day of birth and must not work at the time of grant. Requirements: Insurance booklets for the last two years or employer's certificate validated by the IKA – ETAM Office which controls the employer, health booklet (individual, family), Certificate of EOPYY obstetrician for the possible day of labour, Statement by employer that the insured woman stopped working – Her own statement for the day she stopped working(the form is given by IKA - ETAM ) , birth certificate of the child (after the birth for the postpartum maternity allowance )</li> </ul> <p>Also under the provisions of Article 35 of law 2676/99 persons insured successively in more than one fund or health branches belonging to the competence of the General Secretariat of Social Insurance that grant maternity allowances are entitled to these allowances from the entity in the insurance of which the insurance risk occurred, provided that the insured woman has fulfilled the necessary prerequisites under the legislation of the last fund, with totalisation of the insurance periods of the other funds.</p> <p>Maternity benefits are paid entirely by the agency in the insurance of which the birth occurred, according to its legislation, without the participation of the other funds in the subsidy expenditure.</p> <p>These provisions apply only to organizations that grant maternity benefits, such as TAISYT, TATTA, Provident Fund of Lawyers, TAPETE and therefore working days made in the sickness branch of insurance funds that do not grant maternity benefits, like OAEE, cannot be calculated.</p> <p>Necessary requirement is the submission of a certificate by the former insurance fund, stating:</p> <p>a) the insurance period per month and year in the health branch of the fund, as well as the mixed remuneration for this year,</p>	<p><b>Mixed</b></p>	<p>Third country nationals that hold the following residence permits are covered provided that they work and are insured:</p> <ul style="list-style-type: none"> <li>employed activity</li> <li>self-employed/independent activity</li> <li>children that hold: <ul style="list-style-type: none"> <li>independent residence permit, permit for studies</li> <li>permit for humanitarian reasons</li> <li>permit for victims of trafficking or smuggling of migrants</li> </ul> </li> <li>long-term residence permit as defined by p.d. 150/2006</li> </ul>
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	<p>b) that it pays maternity allowances</p> <p>c) that maternity allowances have not been paid.</p>		
IV. Invalidity benefits	<p>The Ministry of Health has established 10 programs of financial support for the following types of disabilities: blindness, deafness, severe mental deficiency, thalassemia, hemophilia-AIDS, severe disability, cerebral palsy, paraplegia - quadriplegia - amputation, benefit for those affected by Hansen's disease , fuel allowance.</p>	<p><b>Non-contributory. They are financed through municipal resources</b></p>	<p>The documents required are numerous, thus de facto excluding the access of third country nationals to these programs</p>
V. Old-age pensions and benefits	<p><b><i>IKA – ETAM/OAEE</i></b></p> <p>There are two major categories of pensioners: a) those who were insured with IKA - ETAM for the first time before 1.1.1993 and b) those who were insured with IKA - ETAM for the first time after 1.1.1993. Depending on the category, the conditions for full and reduced pension differ (35 years , 10,000 days of insurance , unhealthy occupations , etc.). For OAEE respectively the 65th or 67th year, 35 or 37 years of contributions, etc. In addition, there are special categories of insured , such as builders , staff of local authorities , blind , paraplegic - quadriplegic, those working in mines etc.</p> <p>Finally, there are disability pensions and disability pensions for accidents.</p> <p><b><i>Allowances</i></b></p> <p>There are three allowances: a) allowance of absolute disability<sup>27</sup>, received by pensioners due to disability or death, and under certain conditions old-age pensioners, provided that they are in a situation that requires constant supervision and support of another person and cannot feed for themselves , b ) allowance of paraplegia - quadriplegia<sup>28</sup> , received by pensioners and members of their family if they suffer from paraplegia or other debilitating diseases that bring about disability 67% or 80 % , c ) social Solidarity Allowance for pensioners (EKAS) <sup>29</sup> , paid under the annual financial criteria determined by Ministerial Decision.</p>	<p><b>Mixed</b></p>	<p>Third country nationals that hold the following residence permits are covered provided that they work and are insured:</p> <p>employed activity</p> <p>self-employed/independent activity</p> <p>children that hold:</p> <p>independent residence permit, permit for studies</p> <p>permit for humanitarian reasons</p> <p>permit for victims of trafficking or smuggling of migrants</p> <p>long-term residence permit as defined by p.d. 150/2006</p>

<sup>27</sup> article 42 par. 3 law 1140/81- Circular 111/81, par. 7 of article 5 law 3232/2004, Circular 53/2004, General Document S40/86/30.8.2004, article 60 law 3518/2006

<sup>28</sup> article 42 par.1 law 1140/81, as replaced by par. 1 of article 16 law 2042/92, Circular 67/92, par. 2 article 5 law 3232/2004, Circular 53/2004, article 61 law 3518/2006, Circular 1/2007

<sup>29</sup> article 20 law 2434/96 as replaced by article 24 law 2556/97, circular 55/2002

<p>VI. Survivors' benefits</p>	<p>- death grant IKA – ETAM</p> <p>IKA – ETAM provides the expenses for the funeral of the directly insured or old age, disability and death pensioner. In order to provide the death grant, the insured should have completed 120 days of work in the previous year. The death grant is paid to the person that had taken up all the funeral expenses following submission of the relevant documents.</p> <p>Requirements: Individual health booklet of the deceased, copy of the Individual Insurance Account or Employer Certificate validated by the IKA Office controlling the employer if the deceased was actively insured, Excerpt of the Death Registration , Duplicate proof of service for funeral expenses, funeral Certificate, certificate of the cessation of pension for deceased pensioners. Special cases: Certificate regarding the withholding of 4% for the health branch for pensioners of special funds, certificate regarding the withholding of 8.5% for Greek nationals pensioners of third countries.</p> <p>- death grant OAEE</p> <p>OAEE provides death grant in cases of death of a directly insured person or pensioner.</p> <p>a) In case of death of the directly insured person OAEE pays a lump sum of 1.200,00 € as funeral expenses. Funeral expenses are paid regardless of the insurance status of the insured if: 1. The death occurred after the registration with OAEE. 2. He/she was insured at the time of his/her death or less than a year had passed since the cessation of practice.</p> <p>b) Also, in case of death of the pensioner, the OAEE pays a lump sum of 762,00 € as funeral expenses (it corresponds to the quintuple of the pension branch contribution of the PO1 insurance class at the time of death of the pensioner and adjusted according to the current amount) . Funeral expenses for a pensioner are paid only if: 1) the pension or allowance covered the health care branch. 2) no pensions should be received from the date of death and beyond. 3) the bank account to which the pension was paid should not be cancelled. In both cases (A and B), if the body is transferred for burial in another city cemetery over 100 km from the place of death, expenses of transporting the body are paid to the amount of</p>	<p><b>Mixed</b></p>	<p>Third country nationals that hold the following residence permits are covered provided that they work and are insured:</p> <p>employed activity</p> <p>self-employed/independent activity</p> <p>children that hold:</p> <p>independent residence permit, permit for studies</p> <p>permit for humanitarian reasons</p> <p>permit for victims of trafficking or smuggling of migrants</p> <p>long-term residence permit as defined by p.d. 150/2006</p>
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	<p>205,00 € while if the city is more than 200km expenses are paid up to 380,00 €. Documents for funeral expenses : A) Application of the displayed as “customer or client” at the invoice Funeral. B) Death certificate C) Original Invoice of the Funeral Office of or original Proof of Service D) Sickness Booklet and A.M.K.A. of the deceased. E) A photocopy of the identity card of the recipient F) Photocopy of the first page of the booklet of the Bank Savings Account, which will indicate the number I.B.A.N. and the name of the beneficiary or the person who is granted the right to receive the benefit.</p>		
<p>VII. Benefits in respect of accidents at work and occupational diseases</p>	<p>- accident benefit IKA – ETAM</p> <p>Accident is the death or disability of the insured caused by a violent incident.</p> <p>An accident at work occurs when the abovementioned occur during labour and because of this. Accident that happens for instance when the insured goes to work or returns from it is considered accident at work.</p> <p>An accident out of work is any other incident (violent, external and accidental event)</p> <p>In cases of accident at work, no time conditions for the grant are required. The insurance on the day of the accident is enough (Circulars 104/88 and 29/91), while in accidents out of work the fulfilment of half of the number of days required for the sickness benefit is enough.</p> <p>Period of notice: The announcement of the accident is considered timely when made within 5 working days from the day after the accident. In special cases only the period of notice may be longer. When the accident results in total disability the notification time is extended for one year and when it results in the death of the insured up to two years. When hospitalized, the announcement of the accident shall take place within 5 days after exiting the hospital.</p> <p>- accident at work (OAEE)</p> <p>In case of an accident caused by violent event, occurring after the registration of the insured with OAEE, during the exercise of the profession and because of it , the fund grants a benefit regardless of whether the business of the insured still works.</p> <p>For the entitlement the accident should be</p>	<p><b>Mixed</b></p>	<p>Third country nationals that hold the following residence permits are covered provided that they work and are insured:</p> <p>employed activity</p> <p>self-employed/independent activity</p> <p>interns/stagiaires</p> <p>children that hold:</p> <p>independent residence permit, permit for studies</p> <p>permit for humanitarian reasons</p> <p>permit for victims of trafficking or smuggling of migrants</p> <p>long-term residence permit as defined by p.d. 150/2006</p>

	<p>announced to the competent service of OAEE within one (1) month from the day took place.</p> <p>To receive the allowance, the duration of the incapacity should exceed thirty (30) days according to a decision by the relevant Health Committee.</p> <p>The amount of the monthly allowance amounts to three times the monthly contribution of the sectors in which he is insured on the day of the accident.</p> <p>The announcement of the accident shall be in writing and must contain all the elements of the insured about the job and the conditions under which it took place. The benefit for accident at work is paid for as long as the victim is considered by the health committee incapacitated to exercise the profession and up to (4) four months maximum.</p> <p>Any claim of the insured person against the Healthcare Branch of OAEE is barred unless it is brought within the time-limit of one (1) year.</p>		
VIII. Family benefits	<p>For family allowances some general conditions apply and certain specific for third country nationals. Thus, a prerequisite for receiving the family benefit is, in the previous calendar year of the grant, to carry out a minimum of 50 days of work or at least a two-month regular subsidy for unemployment or at least two months' continuous inability to work or at least a two-month absence from work due to pregnancy-postpartum. The time granted by OAED of the Special Maternity Protection Benefit cannot be considered as a fictional insurance period because there is no legislative provision. The children for whom family allowance is paid must: a) be aged up to 18 years or up to 22 years if studying, b) if unable to work, as long as the invalidity lasts, c) be unmarried, d) reside in Greece or any member state of the European Union.</p> <p>In particular, with regard to citizens of countries outside the EU, their claims are accepted, if the children of the beneficiaries reside in Greece (with the exception of children that study abroad), and they have the necessary documents, namely:</p> <p>a) Residence permit for work or b) certificate of timely submission of the application of paragraph 3 of article 11 of Law 3386/05, as amended and in force today.</p> <p>The beneficiaries, citizens of countries outside the</p>	<b>Mixed</b>	<p>Third country nationals that hold the following residence permits are covered provided that they work and are insured:</p> <p>employed activity</p> <p>self-employed/independent activity</p> <p>children that hold:</p> <p>independent residence permit, permit for studies</p> <p>permit for humanitarian reasons</p> <p>permit for victims of trafficking or smuggling of migrants</p> <p>long-term residence permit as defined by p.d. 150/2006</p>

	<p>European Union should apart from the above present all previous documentation required for Greek citizens.</p> <p>According to law 3731/2008 and No. 15/2009 interpretative circular "all minor children of third country nationals legally residing in the country who are born or were born in Greece, covered by the permit of the parent with whom they reside and from whom they are maintained until an application for granting them a personal residence permit for family reunification is filed". The residence in Greece of children of third country nationals is demonstrated by: a) Residence permit for family reunification in cases where children are pupils or students they will present a certificate of attendance issued by the corresponding educational unit. b) In cases where instead of a residence permit a certificate of submission of an application for issuing a residence permit to work is submitted, the person in question must show a passport and in order to control the entry and exit from Greece of the family members.</p>		
IX. Unempl oyment benefits	<p>For this category of benefits the competent agency is the Manpower Insurance Organization (OAED). Unemployment benefits are the following : a) regular subsidy , b) allowance from interruption of business, c) Allowance of regular unemployment for unemployed migrants within the EU, d) Allowance for long-term unemployed , e) special seasonal grant, f ) special aid after the grant of unemployment , g) special benefit after three months of registration with OAED h) special benefit to those who have served a custodial sentence , i) special assistance due to work retention; j) Allowance for young people from 20 - 29 years old.</p>	<b>Mixed</b>	<p>Third country nationals that hold the following residence permits are covered provided that they work and are insured:</p> <p>employed activity</p> <p>self-employed/independent activity</p> <p>children that hold:</p> <p>independent residence permit, permit for studies</p> <p>permit for humanitarian reasons</p> <p>permit for victims of trafficking or smuggling of migrants</p> <p>long-term residence permit as defined by p.d. 150/2006</p> <p>Third country nationals are not entitled to allowance for long-term unemployed</p>

			The latter category (j) does not cover practically third country nationals, since the completion of military service is required or the lawful exemption from it
X. Guaranteed minimum resources	<p>- OAED: allowance for young people from 20-29 years old</p> <p>- Victims of trafficking or smuggling of migrants have access to medical care and psychological support services provided by the National Health System, Units of Protection and aid and entities that cooperate with the above (Article 50 3386/05)</p> <p>- According to Law 4093/2012 ( Government Gazette A 222 , 12.11.2012 ) , adopted in the context of fiscal adjustment due to the economic crisis , all family allowances are abolished and a single child support allowance is introduced. It is paid by OGA with income criteria . Also , Law 4141/2013 introduced a special allowance in 3-children and 4-children families again with income criteria . Especially for third country nationals it is required that the parents and children reside in Greece and that the children have the Greek nationality.</p> <p>The conditions and mode of payment ( in addition to the tax return ) are implemented by virtue of the Common Ministerial Decision D27/oik.15239/645 ( GG B 1227/21.5.2013 ) :</p> <ol style="list-style-type: none"> <li>1. Civil status certificate</li> <li>2. Transcripts for children studying</li> <li>3. medical certificate for a child over 18 but not 24 years of age , is not a student and has a disability of 67 % or more.</li> <li>4. Residence permit for third-country nationals legally residing in Greece and are parents of children with Greek nationality.</li> </ol> <p>- Housing allowance (housing assistance): this is a rent allowance (362 euros) which is paid to uninsured and financially weak elderly people that are over 65 years of age and do not have their own home.</p>	<p><b>Non-contributory</b></p> <p><b>Non-contributory. It is carried out by the regional administrations.</b></p>	<p>It does not cover third country nationals</p> <p>It covers third country nationals</p> <p>It covers third country nationals legally residing in Greece whose children have the Greek nationality</p> <p>It is not clarified</p>

XI. Long-term care benefits	There are two such allowances: a) allowance of absolute disability <sup>30</sup> , received by pensioners due to disability or death, and under certain conditions old-age pensioners, provided that they are in a situation that requires constant supervision and support of another person and cannot feed for themselves, b ) allowance of paraplegia – quadriplegia <sup>31</sup> , received by pensioners and members of their family if they suffer from paraplegia or other debilitating diseases that bring about disability 67% or 80 %	<b>Mixed</b>	Third country nationals that hold the following residence permits are covered provided that they work and are insured:  employed activity  self-employed/independent activity  children that hold: independent residence permit, permit for studies  permit for humanitarian reasons  permit for victims of trafficking or smuggling of migrants  long-term residence permit as defined by p.d. 150/2006

*The special case of insurance of higher education students that do their internship<sup>32</sup>*

For students that do internships special provisions for their insurance apply, which are also applicable to third countries nationals (Article 34 § 3 Law 3386/2005) . During the internship, the student is subject to IKA insurance, only for occupational hazard but not for sickness benefits (in kind and cash). The insurance levy is 1% on the imputed wage of the 12th insurance class as adapted and is paid by the employer or educational institution in accordance with the legislation of IKA on the method of collecting contributions. The employer should be addressed to IKA and updated every six months for this change. The interns are registered as insured persons in the records of the institution and provided with insurance booklets, which are on the first page marked “Accident Insurance Risk”. In case of accident at work students, according to the terms and conditions of the IKA relevant laws, will receive the following benefits: a) appropriate medical care; b) accident allowance. For the administration of medical care and sickness benefit, the victim will be supplied a special booklet. Students who do internships are not given gifts and allowance for normal leave and are not entitled to pension coverage.

<sup>30</sup> article 42 par. 3 law 1140/81- Circular 111/81, par. 7 of article 5 law 3232/2004, Circular 53/2004, General Document S40/86/30.8.2004, article 60 law 3518/2006

<sup>31</sup> article 42 par.1 law 1140/81, as replaced by par. 1 of article 16 law 2042/92, Circular 67/92, par. 2 article 5 law 3232/2004, Circular 53/2004, article 61 law 3518/2006, Circular 1/2007.

<sup>32</sup> Circular of IKA – ETAM Administration no. 100/124/29-5-86.

**2.1.2. Please list any additional social security benefits that are not included in the MISSOC national guide, specifying their financing mechanism and whether they are accessible by third-country nationals (*this question is optional*).**

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**2.2. Has a link or nexus between policies in relation to social security and to immigration been established by policymakers in your (Member) State? (e.g. is migrant access to social security linked explicitly to your (Member) State's integration policy? Is migrant access to social security linked explicitly to your (Member) State's policy to attract high-skilled migrants? etc.)**

Third-country nationals legally residing in Greece are insured with the respective insurance agencies and have the same rights as nationals. The provisions of Legislative Decree 57/1973, as applicable, for social protection, apply to third-country nationals residing legally in Greece.

In particular,

- The holder of a residence permit for long time residents shall enjoy equal treatment with nationals as regards social security and key benefits of social assistance and protection, as defined particularly under Law 4051/1960 "On aid of defenseless children" (Government Gazette 68), Legislative Decree 57/1973 "On measures of social protection for disadvantaged groups and the abolition of provisions governing indigence" (Government Gazette A149), Law 1302/1982 "Ratification of ILO Convention no.103/1952" (Government Gazette 133), Law 2101/1992 "Ratification of the International Convention on the Rights of the Child" (GG A192 ), Law 3454/2006 on "Strengthening the family and other provisions" (Government Gazette A75) . (Article 12, Presidential Decree 150/2006 )

- The holder of a researcher residence permit is entitled to equal treatment with nationals as regards branches of social security defined in Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community. The special provisions in the Annex to Regulation (EC) No 859/2003 of 14 May 2003 extending the provisions of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574 /72 to nationals of third countries who are not already covered by those provisions solely on the ground of their nationality shall apply accordingly (Article 14, Presidential Decree 128/2008 )

- The holder of an "EU Blue Card" has the right to equal treatment with nationals as regards national provisions on the branches of social security as defined in Regulation (EEC) No 1408/71. The specific provisions of the Annex to Regulation (EC) No 859/2003 shall apply accordingly. (Article 34, law 4071/2012 (Government Gazette A 85)

- EU citizens residing in Greece under this Law shall enjoy equal treatment with nationals within the scope of application of the Treaty on the Functioning of the EU. This benefit is awarded to members of their family who are nationals of third countries, provided that they have the right of residence or permanent residence, as well as family members of a greek national who are third country nationals and have the right of residence or permanent residence. (Article 64, paragraph 3, Law 3386/2005)

**2.3. Are there recent/planned changes to the eligibility rules for any of the social security benefits and programmes listed in the second column of the table above that may have an effect on access by third-country nationals?**

No



















### **3. NATIONAL RULES ON ACCESS TO SOCIAL SECURITY BY THIRD-COUNTRY NATIONALS**

#### **3.1. Is a minimum residence period attached to any of the benefits that are accessible by third-country nationals under the seven categories listed above?**

In Greece the social insurance system is not based on residence, as in other EU countries. Therefore, there is no minimum period of residence attached to the above-described benefits. The conditions that exist are connected first and foremost with days of insurance.

- Seasonal workers receive health care benefits after entering the country and starting their employment (Article 16, Law 3386/2005).
- When the residence permit is issued for independent professional activity a change of purpose is not allowed before two years have passed from the entry into force of the original permit. After its renewal and insofar as the discontinuance of activity is proven, a change of purpose can take place anytime (Article 25, Law 3386/2005).

#### **3.2. Are any of the benefits that are accessible by third-country nationals under the seven categories listed above exportable once the third country national returns<sup>33</sup> to his/her country of origin?**

Sickness benefits in kind and cash, family allowances and unemployment benefits are not exportable to a country outside the EU, EEA and Switzerland.

Insurance periods of the pension branch can be totalized, insofar as Greece has concluded a bilateral social security agreement with the country of origin of the person concerned. Such agreements have been concluded with Canada, Quebec, USA, New Zealand, Australia, Argentina, Brazil, Uruguay and Venezuela. The bilateral agreements with Egypt and Libya cover only transfer of contributions (see further infra 5).

To continue to receive his pension from IKA - ETAM a pensioner that resides abroad must have a Social Security Number (SSN) and Tax Identification Number (TIN) . If he/she does not have these two elements , the pension is suspended. The data can be stored electronically in a special platform “Information for pensioners that reside abroad”, available at the website [www.ika.gr](http://www.ika.gr). The pensioners should indicate their mailing address in Greece . If they do not have an address, they should indicate the mailing address of the IKA - ETAM Regional Office of Athens, while if the procedure is performed through an authorized person, they should provide his/her residence address . The TIN is issued by the Public Financial Agency for those that reside abroad<sup>34</sup>.

<sup>33</sup> This question is interested in situations where the third-country national's ordinary place of residence changes 'back' to their country of origin (rather than residing ordinarily in your Member State). Short periods of residence in the country of origin, where the third country nationals retain their residence status in your Member State, are not covered in this question. If NCPs have information on the extent to which third country nationals can continue to access a benefit if they move temporarily outside of your country (i.e. the maximum period of time which a third-country national can stay outside of your Member State without losing their right to continue receiving one of the benefits) this information can be provided on an optional basis.

<sup>34</sup> IKA – ETAM Administration Circular, S00/61/26.4.2013.



**3.3. Is a minimum employment period/ minimum contribution period attached to any of the benefits that are accessible by third-country nationals under the seven categories listed above?**

Yes.

*Sickness benefits in kind:*

IKA – ETAM insured persons are entitled to benefits in kind when they have collected 60 working days within the previous year or the previous 15 months (since 1.3.2009). These conditions will increase by ten (10) per year and up to 100 days of work in 2013. When the calculation is done on the basis of 15 months, the last three months are not counted. The same conditions are required for the extension of the personal health booklet.

For the OGA insured persons there are no additional conditions for the entitlement of sickness benefits in kind.

For the OAEE insured persons 4 months of insurance are required since the registration of the insured person. An additional requirement is the payment of all necessary contributions.

ETAA insured persons are entitled to benefits since they become subject to the insurance of their fund.

Insured third country nationals that are long-term residents and their family members are entitled to sickness benefits if they meet the requirements of PD 150/2006 (Government Gazette A 160/31-7-2006, Directive 2003/109/EC) and provided they reside permanently in Greece.

According to Presidential Decree 150/2006 (article 2), as family members are defined third country nationals ( eg Albania , etc. ) residing in Greece , in accordance with the provisions of Presidential Decree 131/2006 “Harmonisation of the Greek legislation with Directive 2003/86/EC on the right to family reunification ” ( GG A 143/13-7-2006).

In particular, according to Article 4 of Presidential Decree 131/2006 as family members of a third- country national residing legally in Greece , are considered the husband or wife, provided that he/she has completed 18 years of age, and their unmarried children that are under 18 years of age, including those adopted.

Therefore for third country nationals, the right to healthcare benefits belongs to the husband/wife and children under the conditions laid down in the abovementioned presidential decrees and not the parents or other family members , since they are not included in family reunification (see the circular No. F.40021 / 11817/1421/19-9-2011 of the Ministry of Labour, Social Insurance and Welfare)<sup>35</sup>.

*Pregnancy-postpartum benefit:*

200 days of work within the two previous years from the possible or actual day of labour are required.

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<sup>35</sup> Circular of the IKA – ETAM Administration no. 75/4.10.2011.

*Sickness benefit:*

A prerequisite is the completion of 100 days of work in the previous year or in the last 15 months without counting the last three months. Since 1.1.2009 these will increase by ten and up to 120.

*Accident at work:*

No temporal conditions are required. Insurance at the day of the accident is enough (Circular of IKA – ETAM Administration no. 104/88 and 29/91)

*Death grant:*

The insured person must have completed 120 days of work within the previous years.

*Family benefits:*

General requirements:

A prerequisite for receiving the family benefit is, in the previous calendar year of the grant, to carry out a minimum of 50 days of work or at least a two-month regular subsidy for unemployment or at least two months' continuous inability to work or at least a two-month absence from work due to pregnancy-postpartum. The time granted by OAED of the Special Maternity Protection Benefit cannot be considered as a fictional insurance period because there is no legislative provision.

Special requirements for third country nationals:

In particular, with regard to citizens of countries outside the EU, their demands are accepted, if the children of the beneficiaries reside in Greece and they have the necessary documents, namely: a) or b) certificate of timely submission of the application of paragraph 3 of article 11 of Law 3386/05, as amended and in force today.

The beneficiaries, citizens of countries outside the European Union should apart from the above present all previous documentation required for Greek citizens

All the above, plus:

1. A certificate that the children live in Greece
2. Residence permit for work of the parents
3. A certificate on the timely submission of the application of paragraph 3 of article 11 of Law 3386/05, as amended and in force today.

*Unemployment benefits:*

- Regular subsidy

If the person concerned receives the subsidy for the first time:

- The insured must have completed 80 days of work for each year in the previous two years before its grant. In the last 14 months he/she must have completed 125 days of work, without counting the last two months.
- Unemployment benefit is also granted to the insured person that has completed 200 days of work within the previous two years before his dismissal (without counting the days of work of the last two months), of which minimum 80 days within a year.

If the person concerned receives the subsidy for the second time or more:  
The insured person must have completed 125 days of work in the last 14 months

before his dismissal, without counting the days of work of the last two months. For insured persons who have been employed in tourism and other seasonal occupations, for two consecutive periods (seasons) 100 days of work in the last 12 months are sufficient.

- special seasonal grant

#### I Builders

They must have completed exclusively in the construction sector 95 to 210 days of work within the calendar year that precedes the payment of the grant. In these days a 20% surcharge is included as well as the corresponding leave days. Basically, the insured person that completes from 73 to 163 days of real work is entitled to the grant.

II Other categories (excluding builders, e.g. actors, tobacco workers, operators of lifting machinery etc.)

Completion of 50 to 210 days of insurance in the calendar year preceding the year of payment of the grant.

For resin and emery collectors of Naxos island, 50 to 240 days of insurance are required.

Employees working in tourism and catering professions must have completed at least 75 and no more than 50 days of work during the period from 1 October to 31 December of the previous calendar year of payment.

For operators of excavation, lifting, road-building etc equipment, 70 to 210 days of insurance are required.

The days of work that they may have completed in other professional sectors in the calendar year preceding the payment must not be more than those that have been completed in their professional sector.

The total days of work completed in the calendar year preceding the year of payment must not exceed 240.

- special benefit after three months of registration with OAED

The insured persons that do not fulfill the requirements of regular subsidy and insofar as they remain unemployed for three months, they have completed at least 60 days of work in the year preceding the beginning of the three months period and are not subject to the categories of article 22 of law 1836/89 (builders, quarry-men, calciners, musicians, singers etc.) are entitled to the special benefit.

- special assistance due to work retention

The beneficiaries are the insured persons that do not fulfill the requirements of regular subsidy in case the company they are working for ceases to operate and the employer cannot terminate the employment, or when the employee is exercising his/her right to work retention (article 325 Civil Code).

Beneficiaries must have remained unemployed for three months and must have completed sixty (60) days of work (unemployment branch) in the year preceding the start of the three months period.

#### *Pensions:*

There are two major categories of pensioners: a) those who were insured with IKA - ETAM for the first time before 1.1.1993 and b) those who were insured with IKA -

ETAM for the first time after 1.1.1993. Depending on the category, the conditions for full and reduced pension differ (35 years, 10,000 days of insurance, unhealthy occupations etc.). For OAEE respectively the 65th or 67th year, 35 or 37 years of contributions, etc. In addition, there are special categories of insured, such as builders, staff of local authorities, blind, paraplegic - quadriplegic, workers in mines etc.

**3.4. Are migration-specific conditions (e.g. requirement to hold a particular residence permit, authorisation of stay or visa, a fixed domicile,<sup>36</sup> requirement to participate in an integration course, etc.) attached to any of the benefits that are accessible by third-country nationals under the seven categories listed above?**

Yes.

For the payment of family allowance to third country nationals, in addition to the general requirements, the children must reside in Greece (except from the children that reside abroad) and their parents must have a residence permit for work.

**3.5. Are any other conditions (not already listed above), e.g. minimum or maximum age, means-tests, etc. attached to any of the benefits that are accessible by third-country nationals under the seven categories listed above? In this question, please only identify any other conditions that are applied to third-country nationals (and not to nationals of your (Member) State).**

No.

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<sup>36</sup> This refers to any method that your Member State may have to register an individual's place of residence.

## Section 4.

### **4. ADMINISTRATIVE PRACTICES AFFECTING THIRD-COUNTRY NATIONALS' ACCESS TO SOCIAL SECURITY**

**4.1. Do any criteria apply that identify administrative law/rules when assessing individual requests for social security in any of the seven sectors of social security in your (Member) State (e.g. the regular residence criterion).**

Yes.

According to the general principle governing legislation in Greece, legally residing immigrants have equal social rights with Greek citizens. Therefore they have equal claim for access to social services. More precisely, according to paragraph 1 of article 71 of the Law 3386/2005 about entry, residence and social integration of third country nationals in the Greek territory: *“Third-country nationals legally residing in Greece shall be insured with the relevant insurance organizations and shall have the same insurance rights as Greek nationals.”* Moreover, the introduction of any discriminatory criterion in the application of social legislation that would have the effect of limiting the access of legally residing immigrants in social services and benefits, either with the form of legislative / regulatory or administrative practices, would be against the Constitution (Article 25 paragraph 2).

However, immigrants are discriminated against in access to healthcare and family allowances, either as a result of direct and indirect laws and regulations or as a result of bureaucracy concerning their permits renewal.

Specifically, the Ministerial Decision 139491/16 November 2006 (Official Gazette B/1747) provides access to nursing and healthcare for low-income uninsured persons. This option applies to Greek citizens, repatriates, expatriates, stateless persons, citizens of the Member States of the European Union, refugees, asylum seekers or foreigners with a residence permit for humanitarian reasons (health). Thus uninsured immigrants are excluded. It should indeed be noted that the percentage of immigrants who have managed to legalize their residence status but remain uninsured because of the fact that many of them work in the informal economy is extremely high. They must therefore pay themselves the entire amount of healthcare, by prepaying 50 % of expenses in case of hospitalization. This arrangement, however, is not contrary to the Constitution which guarantees the right for respect (non-infringement) of health (Article 5 § 5) irrespective of nationality, but guarantees the right to social services and healthcare only for Greek citizens (Article 21)<sup>37</sup>. Moreover the long delays in issuing or renewal of residence permits impede access to public health services for extended periods<sup>38</sup>.

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<sup>37</sup> Poularakis E. & Psomiadi E., *Dikaio Allodapon*, Athens, Nomiki Vivliothiki, 2010, p. 893.

<sup>38</sup> MIGHEALTHNET, Report on migrants' health in Greece, March 2009, p. 27-28. Accessible at: [http://mighealth.net/el/images/3/30/Εκθεση\\_για\\_την\\_υγεία\\_των\\_μεταναστών\\_στην\\_Ελλάδα\\_17Μαρτίου2009.pdf](http://mighealth.net/el/images/3/30/Εκθεση_για_την_υγεία_των_μεταναστών_στην_Ελλάδα_17Μαρτίου2009.pdf) [last connection 2/11/2013]

Also problematic is the compensation for migrant workers victims of labour accidents because of the maintenance of the reciprocity clause of Article 5 of the Royal Decree of 24/7/1920 *codifying the laws for liability to compensate the accidental casualties in the labour workers or employees* (Official Gazette A 191/25-8-20), according to which for certain types of compensation (full or partial temporary incapacity or death) foreigners enjoy equal treatment with nationals, if it is provided by contract between their country of origin and Greece concluded with reciprocity condition (see second phrase) or where the legislation of the country of origin provides, in the spirit of the provision of Article 5, in favor of foreign workers in its territory (see third phrase). This problem is exacerbated by the fact that many countries, including Albania - whose nationals constitute the majority of legal immigrants in Greece - have not ratified Convention N° 19 (1925) of the International Labour Organisation *concerning Equality of Treatment for National and Foreign Workers as regards Workmen's Compensation for Accidents*<sup>39</sup>.

A different issue arises also from the law 3454/2006 on the *strengthening of family and other provisions*, providing for the administration of 2,000 euros for mothers who give birth to a third child and for each child after the third. Article 4 provides that benefits are granted to the Greek and EU citizens, expatriates and recognized refugees, if they reside permanently in Greece, as well as citizens of other states, if they are residing legally and permanently in Greece and they are parents of children with Greek nationality (paragraph f). The latter condition constitutes discrimination against immigrants, excluding them substantially from these benefits, as generally their children do not have the Greek nationality. It is thus a violation of the social right to protection of family and special provision for large families as enshrined in Article 21 § 1 and 2 of the Constitution respectively<sup>40</sup>.

Therefore, the branches foreseen discriminatory treatment of immigrants are I, III, VII and VIII.

The nature of the relevant criteria are mainly related to the:

1. Inability to issue a poverty booklet.
2. Citizenship of the children of beneficiaries.

The deciding officers who must apply their discretion are:

1. Those responsible within the Direction or Health and Public Hygiene of the Prefecture.
2. The officers of organisms responsible for paying the allowance.

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<sup>39</sup> Poularakis E. & Psomiadi E., *Dikaio Allodapon*, Athens, Nomiki Vivliothiki, 2010, p. 894.

<sup>40</sup> Kavounidi Tz. (ed.), *Metanasteusi sthn Ellada. Empeiries, politikes, prooptikes*, Vol. B', Ed. IMEPO, Athens 2008, p. 70-83.

**4.2. Please identify the factors taken into account by the competent administrative employee to confirm whether the applicable fulfils the applicable criteria (e.g. regular stay). If those factor differ depending on the benefit, please specify.**

The essential criterion for benefits under the Joint Ministerial Decision 139491/16 November 2006 (Official Gazette B/1747) concerns the nationality of the applicants or their children, or origin (in the case of returnees or expatriates), or status as a refugee, asylum seeker or beneficiary of humanitarian protection for health reasons.

**4.3. Please describe written circulars or guidelines received by administrative employees to ensure consistent application of the criteria of applicants in your Member State. Please state if they receive relevant training for their work.**

There were no such circulars.

**4.4. Could the claim for social security affect a third-country national's access to the renewal of residence, naturalization or family reunification, when attached to the person's ability to sustain oneself?**

No.

**If yes, please note the issues that may affect a claim for social security and identify the relevant provisions.**

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**4.5. Please specify if translation, interpretation or other forms of support are available to third-country nationals wishing access to social security benefits or other relevant programmes in your (Member) State.**

The complete lack of interpreters in public hospitals and other structures intended for third country nationals restricts the medical staff's ability to safeguard the quality of health services provided to foreigners. Moreover, the lack of qualified staff, expertise and specialized structures (e.g. interpreters, intercultural mediators, leaflets in languages of different nationalities) results in deficient information of migrants on their rights and obligations and procedures for claiming rights that concern them<sup>41</sup>.

Of course, on the internet there are brochures relating to third-country nationals and their rights in Greece, which have been issued at the initiative of non-governmental organizations, in cooperation with relevant Ministries, but beneficiaries are not always aware of this fact<sup>42</sup>.

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<sup>41</sup> Βλ. MIGHEALTHNET, Report on migrants' health in Greece, March 2009, p. 28-29. Accessible at: [http://mighealth.net/el/images/3/30/Εκθεση\\_για\\_την\\_υγεια\\_των\\_μεταναστών\\_στην\\_Ελλάδα\\_17Μαρτίου2009.pdf](http://mighealth.net/el/images/3/30/Εκθεση_για_την_υγεια_των_μεταναστών_στην_Ελλάδα_17Μαρτίου2009.pdf) [last connection 2/11/2013]

Medicins of the World, European Observatory (2007): Without document. Without health?, edited by Medicins of the World. Accessible at: [http://globalsustain.org/files/presskit\\_outlines.pdf](http://globalsustain.org/files/presskit_outlines.pdf) [last connection 2/11/2013]

<sup>42</sup> See Nana Yiaya-Bakirtzi, Immigrant's guide, Athens: Vocational Training Center Akmon, 2004 available at [http://library.certh.gr/pls/rmp/mobility.show\\_details?form=81&id=4426](http://library.certh.gr/pls/rmp/mobility.show_details?form=81&id=4426)

Finally , some NGOs make a significant effort to address discriminating treatment of third country nationals, notably as regards access to healthcare and generally informing them about their rights . Such NGOs are the Day Center “Babel” - Unit of Mental Health for Immigrants and PRAKSIS (Programmes of Development, Social Support and Medical Cooperation ) , which has as its main objective the creation, application and implementation of programmes of humanitarian and medical action, combat social and economic exclusion of socially vulnerable groups and the defense of their civil and social rights.



## **5. EXTERNAL DIMENSION OF SOCIAL SECURITY**

### **5.1. Have bi-lateral agreements on the co-ordination of social security been reached by your (Member) State with any third countries?**

Yes

Greece has concluded bilateral agreements on social security with the following countries:

*“Classical type” Bilateral agreements:*

- Canada<sup>43</sup>
- Quebec<sup>44</sup>
- USA<sup>45</sup>
- New Zealand<sup>46</sup>
- Australia<sup>47</sup>
- Argentina<sup>48</sup>
- Brazil<sup>49</sup>
- Uruguay<sup>50</sup>
- Venezuela<sup>51</sup>

Bilateral social security agreements of “classical type” ensure the rights of those who have completed insurance periods to the contracting states. In particular, they cover eligibility for insurance (e.g. secondments) and provide for the aggregation of insurance periods from the other contracting party with the Greek qualifying period for old age, invalidity or survivors’ pension.

Especially the social security agreement with Australia provides for the aggregation of period of the other contracting party only for old-age pension.

*Bilateral agreements of a special type*

- Egypt<sup>52</sup>
- Libya<sup>53</sup>

The bilateral social security agreements of a “special type” provide for the transfer of contributions from the country of work to the country of permanent residence at the request of the insured person.

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<sup>43</sup> Law 1318/83, GG A’ 4, 11.01.83, revised: law 2492/97, GG A’ 83/16.05.97.

<sup>44</sup> Law 1317/83, GG A’ 4/11.01.83, complementary: law 1588/86, GG A’ 38/03.04.86, revised: Law 3476/06, GG A’ 149/19.07.06.

<sup>45</sup> Law 2186/94, GG A’ 15/08.02.94.

<sup>46</sup> Law 2185/94, GG A’ 14/08.02.94.

<sup>47</sup> Law 3677/08, GG A’ 140/11.07.08.

<sup>48</sup> Law 1602/86, GG A’ 79/18.06.86.

<sup>49</sup> Law 1553/85, GG A’ 98/24.05.85.

<sup>50</sup> Law 2258/94, GG A’ 202/05.12.94.

<sup>51</sup> Law 2259/94, GG A’ 203/05.12.94.

<sup>52</sup> Law 1595/86, GG 66/19.05.86 vol. A

<sup>53</sup> Law 976/79, GG 161/17.07.79 vol. A, revised: law 1909/90 (GG 163/30.11.90 vol. A)

Greece has also concluded agreements with:

- Syria (only in matters of applicable legislation<sup>54</sup>)
- Ontario (only in matters of health care benefits for accidents at work and occupational diseases<sup>55</sup>)

A necessary requirement for the implementation of a social security agreement is the completion of at least 300 days of work in the social security scheme of IKA – ETAM.

Bilateral social security agreements do not cover issues of sickness benefits in kind or in cash.

Pensioners of a foreign fund (Greek or expatriates or nationals of countries with which a bilateral social security agreement exists), who come to Greece for permanent residence and who receive no pension from Greece, are entitled to make voluntary contributions to IKA -ETAM for sickness benefits in kind, paying a monthly fee equal to 8.5% of the foreign pension (taking into account the provisions on the amount of minimum contributions)<sup>56</sup>.

**5.2. Please provide more information about the bi-lateral social security agreements that have been concluded by your (Member) State, indicating whether the agreements:**

**i) allow a worker from a third-country to work in your (Member) State while remaining subject to the social security legislation of the sending state;**

Yes.

- USA

The bilateral agreement with the U.S., on the basis of the principle of territoriality, states in Article 4 § 1 that the employee remains subject to the law of the State in which he/she works. Exceptions to that rule are provided in the same article and cover: 1) Persons seconded from one Contracting State to another, either directly or following a secondment to a third country (e.g. workers in multinational corporations) are entitled to remain subject to the legislation of the sending state for up to five years which may be extended after consultation between the Competent Authorities; 2) the air crews of aviation companies of the Contracting States flying in areas of these States, ship crews, employees in the government sector etc.

Par. 5 of the same article refers to the cases of priests and members of the Board of Directors of Companies registered in the USA. These persons are considered self-employed in the U.S. and are seconded to Greece for employed activity. The abovementioned provision exempts them from compulsory insurance in Greece on the grounds that they reside permanently in the U.S. and work in our country only temporarily as employees.

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<sup>54</sup> Law 2922/01, GG 135/27.06.01 vol. A

<sup>55</sup> Law 1550/85, GG 96/23.05.85 vol. A

<sup>56</sup> See also *Spiegel B.*, Analysis of Member States' Bilateral Agreements on Social Security with Third Countries, European Commission, December 2010.

- *Syria*

The bilateral agreement with Syria only arranges issues of applicable legislations such as equality of treatment in social security, eligibility for insurance and secondments.

In particular, it covers the following:

1) Material scope of application

As far as Greece is concerned, the Agreement shall apply to laws relating to salary-receivers and those enjoying an equal regime (Article 2).

2) Personal scope of application

The agreement covers the nationals of the two contracting states that are subject or have been subject to the social security legislation of the one or other state (article 3).

3) Equality of treatment

The principle of equal treatment of nationals of the Contracting State with the nationals of the other Contracting State is ensured with respect to the rights and obligations provided for by the legislation of both States (article 4).

4) Applicable legislation

Based on the principle of territoriality, governing all bilateral social security agreements, the person is necessarily subject to the laws of the country where he/she exercises his/her activity (article 5).

5) Exceptions (articles 6, 7 and 8)

-With the exception of

a)-seconded employees that remain subject to the legislation of the country where the employer has his seat during their temporary employment in the territory of the other state.

-The secondment period cannot exceed five years.

-Any extension of the secondment should be requested before the expiry of the 5 years period and will be given upon approval of the competent authorities of both Contracting States (for Greece competent authority is the Ministry of Labour, Social Insurance and Welfare, General Secretariat of Social Insurance) (article 8 par. 1).

b) Diplomatic agents and consular officials are insured in the state that accredits them according to the Vienna Conventions on diplomatic and consular relations of 04.18.61 and 04.24.63 respectively (Article 6).

c) Civil servants and other equivalent personnel transferred for the exercise of their functions to the territory of another State are insured by the State of Service, where they are employed (Article 7 § 1).

d) The category of the previous paragraph includes Syrian Civil servants serving in the Syrian Airlines Offices in Athens. For their particular case, exemption from the Greek social security laws also applies to periods of employment prior to the effective date of the Agreement. Following the entry into force of the agreement said public officials are only subject to the social security system of their country (Article 7 paragraph 1).

**ii) guarantee equal treatment in the system of the host state in respect of particular benefits (e.g. reciprocal healthcare arrangements);**

The bilateral social security agreements do not cover matters or sickness benefits in kind and in cash.

The agreement with Ontario in particular foresees medical care of insured persons in the contracting states, only for accidents at work and occupational diseases.

Equality of treatment has been included in the agreement with Syria (article 4).

**iii) allow social security benefits (e.g. state pensions) to be exported to the territory of the other state;**

IKA – ETAM pensions are paid to pensioners residing abroad provided that they have filled in and timely submitted their life certificate.

**iv) contain any other provisions of relevance to the coordination of social security systems with third countries.**

No.

**5.3. Please provide any information available on the extent to which third-country nationals have invoked their rights under the bi-lateral social security agreements reached between your (Member) State and third-countries. It is recognised that this information may not be available in all countries.**

No such information has been found.

## **SECTION 6 Case studies**

Case-study 1: Tho and Lien, a married couple holding Vietnamese citizenship, aged 28 and 30, moved to Greece 10 years ago. They hold long-term residence permits (p.d. 150/2006). Tho has worked in a manufacturing company for the last 8 years, paying obligatory insurance contributions throughout this time. Lien has worked as a chef in the restaurant of a large hotel, also paying obligatory insurance contributions, for the last 2 years. Tho and Lien are expecting the birth of their first child in 6 weeks' time. Last week, the manufacturing company where Tho works announced that they were making him redundant. Faced with the loss of Tho's income at a time when Lien would need to take time off work, following the birth of their child, Tho decided to apply for unemployment benefits while Lien applied for maternity benefits.

Tho will receive an unemployment benefit (regular subsidy) from OAED. He has completed 80 days of work for each year in the previous two years before its grant. In the last 14 months he has completed 125 days of work, without counting the last two months.

Lien will receive maternity allowance (pregnancy-postpartum) from IKA – ETAM for 56 days before birth and 63 days postpartum. Lien has completed 200 days of work during the previous two years of the day of birth and will not work at the time of grant. In order to receive the benefit, she must submit: Insurance booklets for the last two years or employer's certificate validated by the IKA – ETAM Office which controls the employer, health booklet (individual, family), Certificate of EOPYY obstetrician for the possible day of labour, Statement by employer that the insured woman stopped working – Her own statement for the day she stopped working (the form is given by IKA - ETAM ) , birth certificate of the child (after the birth for the postpartum maternity allowance )

Case study 2: Jasmine is a single parent, aged 29, holding Filipino citizenship, who moved to Greece 2 and a half years ago. She has a 2-year old child (also holding Filipino citizenship) that lives with her and another child aged five that lives in the Philippines with Jasmine's mother. She holds a temporary/salaried worker residence permit that has been renewed once. Jasmine has worked as a nurse in a residential day-care unit in Greece for 2 and a half years. She sends a small amount of money every month to the Philippines to help support her daughter. Last month, Jasmine's employer announced significant cuts in staff salaries in response to budget reductions. Faced with a significantly reduced income, Jasmine has moved into a hostel as she can no longer afford to rent private accommodation. She has also been forced to halve the amount of money she sends to her family in the Philippines every month. She has decided to apply for family benefits and guaranteed minimum resources.

Jasmine can receive a family benefit, since she has completed 50 days of work, only for the child that resides in Greece. She cannot receive any of the guaranteed minimum resources.

Case study 3: Ahmed is a high-skilled worker from Egypt. He arrived in Greece six years ago with a temporary residence permit arranged through the IT company that employed him. Ahmed is single and does not have children, but has recently succeeded in bringing his elderly mother to the country on the basis of family reunification. Aged 80, his mother is entirely dependent on Ahmed's income. Last week, Ahmed suffered an accident at work that left him incapable of carrying out the work for which he was employed for a period of 3 years. He decided to apply for invalidity benefits, sickness benefits, family benefits and benefits in respect of accidents at work and occupational diseases.

Note: Ahmed could never bring his mother on the basis of family reunification, since parents are not included in it. Family reunification applies only to children. For the same reason he could never insure her with IKA – ETAM as family member (see section 3). Furthermore, he is not entitled to family benefits, since these cover only children.

Ahmed will receive sickness benefit if found temporarily incapable for work (4 days or more) by the treating physician of IKA - ETAM. After 15 days an opinion of the Higher Medical Committee (AYE) is required. Necessary requirement is the completion of 120 working days in the previous year or in the last 15 months, without counting the last three months.

The amount of the allowance depends on the remuneration of the last 30 days that the employee received in the previous year. But especially for the first 15 days of the grant of each year after the three-day waiting time the amount of the sickness benefit is equal to 50% of the daily sickness allowance of the insurance class fixed with the last 30 days of the previous year.

The maximum grant limit for the same ailment is 720 days and for different diseases in the same year 182 days, provided of course that the appropriate temporal conditions are met.

The grant for the same ailment follows the following stages : a) 182 days if the necessary temporal requirements are met i.e. 100 working days in the previous calendar year or 15 months and from 1/1/2009 they will increase by ten ( 10) and up to one hundred and twenty (120 ) B. After completion of 182 days and up to 360 days there have to be 300 working days in the two years immediately preceding the announcement of the ailment or in 30 months and C. After completion of 360 days the increased conditions of Article 28 paragraph 4 of law 1846/1851 (disability retirement) should be met to continue the subsidy until 720 days.

Ahmed will also receive an accident benefit. In cases of accident at work, no time conditions for the grant are required. The insurance on the day of the accident is enough (Circulars 104/88 and 29/91).

Period of notice: The announcement of the accident is considered timely when made within 5 working days from the day after the accident. When hospitalized, the announcement of the accident shall take place within 5 days after exiting the hospital. Although Greece has a bilateral social security agreement with Egypt, it does not cover such issues but only transfer of contributions.

## **SECTION 7**

Statistical data found only concern IKA and pertain to specific months (December 2011 and March 2012<sup>57</sup>). A meeting with agencies of the Ministry of Interior, Labour and Health has been planned, to facilitate the collection of statistical data that will include all insurance bodies and the number of insured Greek and third-country nationals in the period 2007 -2012. The following are required in particular:

7.1. Statistical data on third-country nationals employed, unemployed and inactive, by national grouping.

According to EU official statistics there is not much difference in the rate of recruitment of domestic, third country nationals and nationals of EU Member States. In particular, the rates were as follows: 45% of people recruited in 2012 were nationals of third countries, while 55% were nationals of EU Member States and Greeks. The former hold a slight advantage. Of these the greater proportion were men (60%).

A considerable difference exists in the unemployment rate: 25% are Greek and EU nationals, but the rate blasts off to 35% for third country nationals. We should also note that Greece has one of the major differences in Europe between nationals and non-nationals. The inactive population of non-nationals is close to 30-35%.

7.2 and 7.3. will not be completed by National Groups, but directly by EMN.

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<sup>57</sup> IKA Report, Employment Data for December 2011, available at <http://test.taxheaven.gr/news/news/view/id/10926> or March 2012, available at <http://test.taxheaven.gr/news/news/view/id/10926>

MIGHEALTHNET, Report on immigrants' health in Greece, March 2009. Available at: [http://mighealth.net/el/images/3/30/Εκθεση\\_για\\_την\\_υγεία\\_των\\_μεταναστών\\_στην\\_Ελλάδα\\_17Μαρτίου2009.pdf](http://mighealth.net/el/images/3/30/Εκθεση_για_την_υγεία_των_μεταναστών_στην_Ελλάδα_17Μαρτίου2009.pdf) [last log-in 2/11/2013]

## **SECTION 8. Key Findings**

The Report for *Migrant access to social security and healthcare: Policies and practice*, of the European Migration Network (EMN) deals with one of the most crucial aspects, considering that social security systems, including access to healthcare, are among the most powerful tools to reduce poverty and inequality and to promote social inclusion and dignity. By providing individuals' security against specific social risks, including unemployment, sickness and invalidity, social security systems aim to enhance productivity, boost employment and foster sustainable economic growth.

In these terms, policymakers in Europe have to respond to the growing phenomenon of population ageing and increasing volatility in labour markets. Consequently, both of these current challenges require adjustment of the social security and healthcare systems with a view to meet increased demands for growing retired populations and to meet the needs for income maintenance of displaced workers in the near future, providing in particular protection for the most vulnerable groups, among whom undisputedly third-country nationals.

This National Report identifies rules, institutions and administrative practices that affect access to social security and healthcare of third-country nationals. In particular, the social security system in Greece is contributory and characterized by a differentiated pattern in terms of the financing scheme followed. Having been frequently amended according to European standards, the scheme is quite complex since contribution rates vary and depend on the professional affiliation (class) of the insured person concerned. Unlike other EU countries, the system is not based on residence and does not foresee a minimum residence period to qualify for the relevant social security benefits. To the contrary, conditions eminently concern number of insurance days.

A basic principle of the Greek social security system is that according to the "principle of equality of treatment"<sup>58</sup>, social security law does not differentiate between workers, whether they are third country nationals that reside legally in Greece or Greek nationals. However, for certain benefits, such as a family benefit or other benefits as laid down in Sections 3 and 4 of this Report, as far as third-country nationals are concerned, in addition to the general requirements, their payment is also subject to the condition that children reside in Greece and parents have a work residence permit.

Extremely important is the fact that the general principle of equality and non-discriminatory treatment among Greek workers and third-country nationals established by the constitutional provision of the right to social security<sup>59</sup> is the legal basis for the insurance coverage of all workers, regardless of the type of their

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<sup>58</sup> See Stergiou A., The principle of equality of treatment in social security, 4.2.2013 accessible through <http://www.constitutionalism.gr/site/2480-i-arhi-tis-isotitas-stin-koinwniki-asfalisi/> (in Greek). Also Law 3304/2005 GG 16A /27-1-05 "Application of the principle of equal treatment irrespective of racial or ethnic origin, religion or belief, disability, age or sexual orientation"

<sup>59</sup> See Article 22 § 5 Hellenic Constitution: "*The State shall care for the social security of the working people, as specified by law*", as well as Article 25, par. 1 Hellenic Constitution stipulating that: "*The rights of man as an individual and as a member of the society, as well as the principle of the social rule of rule, are guaranteed by the State and all agents of the State shall be obliged to ensure the unhindered exercise thereof; such rights shall also apply to the relevant relations among individuals; any restrictions to such rights under the Constitution shall be provided for either directly by the Constitution or by law, in case of a saving clause, and shall respect the principle of proportionality*".



employment or their nationality. In fact, the applicable Constitution explicitly foresees under the provision of Article 5 par. 2 the non-discrimination between Greek citizens and third-country nationals or among third-country nationals; furthermore, as regards in particular those fundamental social rights interpreted to fall within the scope of Article 2, par. 1 of the Hellenic Constitution that requires respect to the human value and Article 5, par. 1, 2 of the Constitution, i.e. principally rights to health and social security in general, do not allow to exclude from their scope no less that all people legally present in the Greek territory. The relevant provisions on social rights found in the applicable Constitution being the basic law standards are subject to further elaboration by the Parliament and the administration via legislation and administrative orders.

The relevant laws on social security, access to health care for third-country nationals as outlined in the Report include a number of conditions that, although applicable on all workers without exception, may expose third-country nationals to an increased risk of losing their rights and privileges at their country of origin, lacking relevant bipartite agreements or if they are faced with bureaucratic hindrances or delays in the renewals of the residence permits or their naturalisation.

Besides the economic crisis experienced by the country, the shrinking of the social state, including phenomena such as high unemployment and non-registered employment, applicable equally for Greek citizens, seem to make third-country nationals particularly vulnerable, a fact that is being increasingly taken into account in the Greek law and practice, particularly as regards reforms that are about to be adopted (minimum income guaranteed, new Immigration Code).

For example, the general principle governing the relevant laws in Greece, under which immigrants legally residing in the country have equal social rights to Greek citizens and through equal claim for access to social services, has been specified in terms of social security and health care in par. 1, Article 71, Law 3386/2005 *on the entry, residence and social integration of third country nationals in the Greek territory*: “Third-country nationals legally residing in Greece shall be insured with the relevant insurance organizations and shall have the same insurance rights as Greek nationals.” Besides, it would be contrary to the Constitution (Article 25, par.) to introduce any discriminatory criterion in the application of social legislation, either in the form of legislative / regulatory arrangements or administrative practices, that would result in restricting legally residing immigrants’ access to social services and benefits.

However, in practice immigrants face a different regime and are discriminated against in access to healthcare and family allowances, considering that Ministerial Decision 139491/16 November 2006 (Official Gazette B/1747) that foresees access to nursing and healthcare for low-income uninsured persons restricts such access to Greek citizens, repatriates, expatriates, stateless persons, citizens of EU Member States, refugees, asylum seekers or foreigners with a residence permit for humanitarian reasons (health); thus, uninsured immigrants are excluded. Note that the percentage of immigrants who have managed to legitimize their residence status but remain uninsured because of the fact that many of them work in the informal economy is extremely high, particularly lately. They must therefore pay themselves the entire amount for healthcare, by prepaying 50 % of expenses in case of hospitalization. Although this arrangement does not seem *prima facie* to be contrary to the Constitution, which guarantees the right for respect (non-infringement) of health

(Article 5 § 5) regardless of nationality but foresees the right to social services and healthcare explicitly only for Greek citizens (Article 21), the correct meaning of the term “citizen” in this respect has been construed to concern those legal residing in Greece and participating in the Greek Society<sup>60</sup>.

According to EU official statistics there is not much difference in the rate of recruitment of domestic, third country nationals and nationals of EU Member States. In particular, the rates were as follows: 45% of people recruited in 2012 were nationals of third countries, while 55% were nationals of EU Member States and Greeks. The former hold a slight advantage. Of these the greater proportion were men (60%).

A considerable difference exists in the unemployment rate: 25% are Greek and EU nationals, but the rate blasts off to 35% for third country nationals. We should also note that Greece has one of the major differences in Europe between nationals and non-nationals. The inactive population of non-nationals is close to 30-35%.

A setback connected in general with immigrants’ social integration in Greece has to do with the long delays in issuing or renewing residence permits that among others impede access to public health services for extended periods<sup>61</sup>.

In conclusion, except for certain specific benefits, due to the complexity of the social security system and the variations depending on occupational category and resulting contributions, third-country nationals may face adverse treatment in terms of participating in or enjoying certain social security benefits, but this is not owed to legislative steps or practices by the Greek administration.

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<sup>60</sup> Poularakis E. & Psomiadi E., *Dikaio Allodapon*, Athens, Nomiki Vivliothiki, 2010, p. 893, as well as Stergiou, *The Constitutional entrenchment of social security*, 1994, p. 66 [in Greek]. For the interpretation of the concept of citizen in the said Articles of the Constitution, see Chrisogonos K. “Individual and Social Rights” [in Greek], Sakkoulas Editions, 2002, p 53 et seq.

<sup>61</sup> MIGHEALTHNET, Report on immigrants’ health in Greece, March 2009, p. 27-28. Accessible at: [http://mighealth.net/el/images/3/30/Εκθεση\\_για\\_την\\_υγεία\\_των\\_μεταναστών\\_στην\\_Ελλάδα\\_17Μαρτίου2009.pdf](http://mighealth.net/el/images/3/30/Εκθεση_για_την_υγεία_των_μεταναστών_στην_Ελλάδα_17Μαρτίου2009.pdf) [last log-in 2/11/2013]



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