

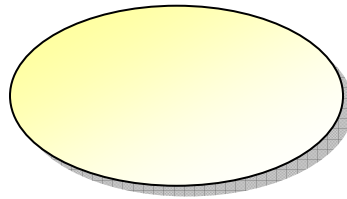


ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ  
Υπουργείο Εσωτερικών  
Αποκέντρωσης & Ηλεκτρονικής Διακυβέρνησης

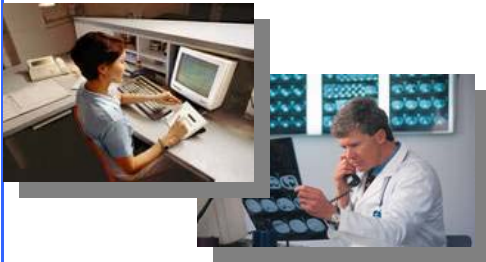
HELLENIC REPUBLIC

Ministry of Interior

Decentralization & e-Government



## «Annual Policy Report 2009»



*Athens, February 8<sup>th</sup> 2010*



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# ***European Migration Network***

## **Annual Policy Report 2009**

**EMN National Contact Point for the  
HELLENIC REPUBLIC**

***Athens, 08/02/2010***

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The problem of illegal immigration consists for Greece a major National issue which is not only Greek but also European. 24% of immigrants entering or remaining illegally in European territory were arrested in 2009 by the Greek authorities.

On the basis of the above, the immigration policy of Greece is developing towards the direction of adopting strict measures for control and repression of illegal immigration always with respect to human dignity.

In particular, Greece has developed and applied a pack of measures for the prevention and combating of illegal immigration which may be summarized in four (4) levels such as: the assurance of visas issuance, the bilateral and international cooperation with countries of descent and origin of immigrants, the measures at the external borders with the support of FRONTEX, the control within the country in combination with effective expulsions.

The seasonal employment and the unskilled labor are the core labor opportunities for immigrants, however, efforts are being made to attract workers of high qualification.

Important efforts are made from Greece for the social integration of immigrants, focusing mainly, on education in Greek schools for children of immigrants irrespective of their residence status, on informing immigrants and training them through educational programs – seminars, etc.

The key statute of the Hellenic immigration policy remains L. 3386/05, which in 2009 was amended by L. 3772/09, that introduced stricter provisions against traffickers and L. 3801/09, which introduced more favorable provisions for family reunification of immigrants, long-term residents, etc.

The new government, as a result of the elections of 4-10-09, according to statements of the new prime minister will no longer use a police-oriented approach for the issue of illegal immigration and will change the operation framework of Asylum.

Of the first statutes of the new government which will be submitted for voting in Parliament is the bill for the acquisition of the Greek Citizenship with the aim of opening the door to children of immigrants born in Greece, that is, second generation immigrants.

Regarding the improvement of the procedures of admittance and examination of asylum requests and in order for Greece to increase its low rates of recognition, a working group has been established with the aim of the creation of an autonomous central asylum office for an effective and fair asylum procedure, as well as, the creation of an ad hoc group for the examination of pending demands of previous years.

Moreover, the Government is proceeding to the creation of an institutional system which will provide the right to vote and be elected to immigrants in elections of local authorities.

The Greek Police Force, which by the Ministry of the Interior has been brought under the jurisdiction of the newly established Ministry Citizen Protection, has been assigned with the responsibility for the surveillance of land and air borders, the control of illegal immigration within Greece and the management of asylum requests. The Port Authority, which now falls under the jurisdiction of the Ministry Citizen Protection, is still responsible for the surveillance of sea borders.

The Ministry of the Interior, Decentralization and e-Government (former Ministry of the Interior), remains with the responsibility for the formulation of immigration policy, management of legal immigration and social integration.

At an institutional level it should be noted that no significant community legislative acts were in due for integration in the areas of immigration and asylum during 2009.

This report includes an overview of legislation in the area of immigration and asylum and focuses on the most important political and legislative developments on specific issues during 2009.

## **1.- General structure of the political and legal system in Greece.**

### **1.1. - Description of the political system.**

In Greece the legislative framework for immigration entered into force during the last some twenty years due to the numerous admissions of immigrants in our country. Until today four basic laws have been enacted and two presidential decrees governing the issues of immigration and asylum. The national policy follows the separation made also by the community immigration policy between the legal and illegal immigrants. Common area of the laws is the favorable treatment of the first (legal immigrants), the application of the principle of fair treatment resulting from the principle of 'equal treatment' of community citizens, the recognition of the right to integration in the country and the provision of preventive measures for illegal immigration.

The legislative texts of the first period i.e. L. 1975/1991 and the P.Ds. 358/1997 and 359/1997 moved along a dissuasive logic and had as a main objective the reduction of the disproportion between legal and illegal immigrants. Following, L. 2910/2001 attempted to regulate matters of social integration of immigrants, especially as regards education, health, family situation and labour. L. 3386/2005 has tried to rationalize the framework by focusing on the triad "legitimacy-rights-social inclusion", taking into account that the national policy is now harmonized with the Directives and Regulations of the 'communitarized' immigration policy of E.U.

The main axes, on which L. 3386/2005 moved along for the establishment of the immigration policy, are the following:

The coordination and monitoring of the immigration policy in Greece by an Inter-ministerial committee consisting of the co-responsible for this issue Ministries

The planning of the entry of immigrants in the Greek Territory, taking into account the conditions and the needs of the social and economic life of the country

To ensure the working conditions for immigrants who come to Greece, in order to work under conditions suitable to a contemporary state of law.

The introduction of a modern status quo for the social integration of immigrants.

The institutionalization of the appropriate guarantees for the effective implementation of the rules of the Greek legal order in order to avoid phenomena of illegal entry and exit of immigrants in Greece.

An important development is the initiative of the new government to introduce to Parliament a bill for granting citizenship to children of immigrants which have been born in Greece (estimated at 250,000) and for the right to vote for long-term residents in the country.

Regarding the asylum procedures the Ministry of Citizen Protection, is proceeding to a radical reform of the Greek asylum system and to this end a working group has been established headed by the Secretary-General of the Ministry of Citizen Protection, and the participation of representatives of the UN High Commissioner for Refugees, NGOs, the Greek Ombudsman, the Bar Association of Athens, Academics, the National Committee for Human Rights, the Ministry of Health and Social Solidarity and the Ministry of the Interior, Decentralization and e-Government.

The main ministries, organizations and bodies involved in the management of immigration are: the Ministry of the Interior, Decentralization and e-Government, the newly founded Ministry of Citizen Protection, Ministry of Finance, Ministry of Foreign Affairs, Ministry of National Defense, Ministry of Education, Lifelong Learning and Religious affairs, Ministry of Employment and Social Insurance, Ministry of Health and Social Solidarity, Ministry of Rural Development and Food, Ministry of Justice, Transparency and Human Rights, Ministry of Culture and Tourism, the National Intelligence Service, United Nations Commission on Human Rights, the Ombudsman of the Citizen, the Bar Association of Athens, the National Committee for Human Rights and various NGOs.

### **1.2. - Description of the legal system.**

The main law regulating immigration issues (legal and illegal) is L.3386/05 (Official Gazette A'212) as amended by laws: L.3448/2006 (Official Gazette A' 57), L.3536/2007 (Official Gazette A' 42), L.3613/2007 (Official Gazette A' 263), L. 3731/2008 (Official Gazette A' 263), L. 3772/2009 (Official Gazette A' 112), L.3801 /2009 (Official Gazette A'163).

For the acquisition of Greek citizenship by immigrants or aliens of Greek ethnic origin the L.3284/04 (Official Gazette A'217/10-11-04) is being applied.

As regards asylum procedures, are applied: the Geneva Convention of 1951 on the Status of Refugees (ratified by the Legislative Decree 3989/1959) and the N. York Protocol of 1967 on the Status of Refugees (ratified by the N. A. 389/1968), the European Convention on Human Rights (1950), the International Covenant on Civil and Political Rights (1966), the Convention against Torture (1984), Regulation (EC) No 343/2003, Regulation (EC) No 1560/2003, Regulation (EC) No 2725/2000, Regulation (EC) No 407/2002, L. 1975/1991, L. 2452/1996, L. 3386/2005, the Presidential Decree 80/2006 which transposed Directive 2001/55/EC, Directive 2003/9/EC (Admission Conditions) was transposed with No 220/2007 (Official Gazette (A' 251) Presidential Decree, which was published in the Government Gazette on 13-11-2007, the Directive 2005/85/EC (Asylum Procedures) was transposed with No 90/2008 (Official Gazette A' 138) Presidential Decree, which was published in the Government Gazette of 11-07-2008, as amended by Presidential Decree 81/2009 (Official Gazette A' 99/30-6-2009), Directive 2004/83/EC of the Council (minimum requirements for the granting or withdrawal of refugee status or subsidiary protection) was transposed with No 96/2008 (Official Gazette A' 152) Presidential Decree which was published in the Government Gazette of 30-07-2008 and Directive 2003/86/EC (Family reunification) was transposed with No 167/2008 (Official Gazette A' 223) Presidential Decree, which was published in the Government Gazette of 04-11-2008.

For the overall management of immigration and asylum, the following ministries and bodies are in cooperation.

**A. - The Ministry of the Interior-Decentralizations and e-Government - Regions.**

The above Ministry is responsible for the immigration policy of Greece and the social integration of immigrants.

The above Ministry along with the Regions, according to L. 3386/05 as in force, are competent for:

a. The issuance – renewal of residence permits of nationals of third countries, for occupation, for an independent economic activity, for special reasons, for family reunification, for indefinite duration and for the long-term residents. The above permits are granted by the regional Directorates of Immigrants and immigration or the Ministry (*more information concerning the procedure of the issuance of residence permit and the categories of residence permits you can seek in the Annual Policy Report 2008*).

b. According to the provisions of L. (Official Gazette 3284/04 A' 217/10-11-04) the Minister of the Interior at central level confers the Greek Citizenship to nationals of third countries as well as aliens of Greek ethnic origin and in some cases, particularly aliens of Greek ethnic origin, the Greek Citizenship is awarded also by the Secretary - Generals of Regions at a regional level.

The Ministry is also responsible for:

c. The operation of the illegal immigrants centers is regulated from projects “Balkanio” and “Posidonio”. The ministry of Interior, Decentralization and e-government, has the authority to look after the administrative support of those centers, especially food expenses, purchase of daily commodities, drugs, clothing along with the transportation and temporary accommodation of immigrants. Relative funds will be given from Local Prefectures.

d. The supervision the relevant Provincial Administrations' establishment and operation of the Temporary Residence Centers.

**B. - The Ministry of Citizen Protection.**

Under the newly established Ministry of Citizen Protection the (P.D. 184/2009 Official Gazette A' 213/7-10-09) are ranked, the Greek Police Force, the National Intelligence Service and the Port Authority.

The Departments of the Greek Police Force according to L. 3386/05 as in force are competent for:

a. The Passport control of people entering and exiting the statutory border points of the country.

b. The application of administrative measures against domestic and immigrants (prohibitions of entry/exit and withdrawals thereof). The decisions are made at a central level.

c. The surveillance of land borders and implementation of the development of policy regarding the combat of illegal immigration with the Border Guard Sections and the other in whole Hellenic Policy Services in operation.

d. The passing of sentence for the detention – expulsion of immigrants and their recording in the list of unwanted, also the examination of appeals against expulsion decisions. The decisions are taken by the regional services.



- e. The guarding of immigrants in police detention centers, in special places of detention and the transfer of immigrants (expulsion, hospitals, consulates, etc.).
- f. The receipt and examination of asylum applications of immigrants, as well as the asylum seeker immigrant's Special card, the residence permit and the special immigrant identity card to known refugees and the residence permit to immigrants who have been granted subsidiary protection. The above permits are granted by the competent regional services. The decisions for the identification of refugee status or the granting of subsidiary protection till the placement into force of P.D. 81/30-06-09 were taken on a central level. According to the provisions of P.D. 81/09 decisions are taken at regional level by committees set up for this purpose. Finally, the special travel documents (T. D.V) for refugees to whom subsidiary protection has been granted and stateless persons, are granted by the Central Office of the Ministry.
- g. The reception of requests and the granting of Special Identity Cards of Albanian and former USSR natives who have Greek origins, as well as Uniform Format for Residence Permits.
- h. The granting of non-expulsion certificates concerning the naturalization process.
- i. The issue of permits for a few-day residence, registration certificate of E.U. citizens for the exercise of self-employment-service rendering, for the exercise of salaried activity, when they are family members of a E.U. citizen, for study, and finally, document certifying permanent residence of E.U. citizen.

**The Port Authority.**

According to P.D. 184/2009 (Official Gazette 213 A'07 - 10 - 2009), article 1, par. 1b item (cc), the Port Authority (P.A.) and its Departments fall under the newly established Ministry for the Protection of the Citizen instead of the abolished Ministry of Merchant Marine, Aegean and Island Policy.

The responsibilities of the Port Authority in the management of migration are defined in L.D. 444/70 and in L. 3386/2005, as in force today. In these statutes, areas of the Port Authority Offices' exclusive responsibility are defined to be the territorial sea, ships - navigable craft and the country's ports, which include the classified as land area ports.

In addition to the above, the Departments of the Port Authority, and the responsible regional Offices (Port Authorities) are daily engaged daily with the control and surveillance of maritime borders of Greece giving emphasis on the prevention of illegal entry of immigrants of third countries.

**The National Intelligence Service**

It is active in the search of valid and specific information on movements of illegal immigrants and actions of smuggling networks within and outside the Greek territory and informs the competent for taking timely dissuasive measures authorities.

**C. - The Ministry of Justice, Transparency and Human Rights/ Directorate of Legislative Coordination**

Responding for the legal procedures concerning illegal immigrants and traffickers.

**Furthermore,**

- a. The criminal courts may order the expulsion of immigrants from the country according to articles 74 and 99 of the Penal Code.
- b. The Minister of Justice may authorize the admission of immigrants in the country after the lapse of three years or five years from the passing of the judicial decision for expulsion. The decisions are taken at central level.

**D. Ministry of Finance / Directorate General of Customs,** responsible for monitoring the country's entry points against cross-border financial crimes

**E. Ministry of Foreign Affairs / Directorate of Justice, Internal Affairs and Shengen Agreement** responsible for issuing, renewing and recalling short and long-term visas, circulation of related documentation, representing the country in EU, on international for a or on bilateral or multilateral consultations on similar issues.

**F. Ministry of National Defence / Military Services,** that helps the police authority on the surveillance of borders.

**G. Ministry of Employment and Social Security / Directorate of Employment,** responsible for the registration of labour market needs and supply, for inspections on cases of legal employment and on making agreements with third countries for seasonal employment.

**H. Ministry of Health and Social Solidarity/ Directorate of Social Welfare**, responsible for the reception and care of illegal immigrants, asylum seekers and other vulnerable categories of citizens coming from the third world.

**I. United Nations Commission on Human Rights.** It has an important role legislation development and on practical level.

## **2.- Political, institutional developments, legislative developments.**

### **2.1.- Political developments.**

The Panhellenic Socialist Movement, better known as PASOK, which is a Greek centre-left political party and a member of the Party of European Socialists and the Socialist International, won the parliamentary elections of October 4<sup>th</sup> 2009 and undertook the governance of Greece for the next four (4) years.

Until 3-10-09 the Ministry of the Interior had the overall management of immigration in Greece (legal - illegal and asylum).

The new government renamed the Ministry of the Interior, hereinafter referred to as the Ministry of the Interior, Decentralization and e-Government, which with its competent Services shall be responsible for the immigration policy of Greece in issues of legal immigration - social integration and citizenship. For the best coordination of the Services, it was decided, for the first time, the establishment of a General Secretariat of Immigration Policy and the appropriate the regulatory administrative acts were addressed.

Also the Government introduced the Ministry of Citizen Protection, (P.D. 184/09 Official Gazette A' 213/7-10-09) to which was transferred from the former Ministry of the Interior, the General Secretariat of Public Order under which the Greek Police Force falls which is responsible for the management of matters of illegal immigration, surveillance of borders and asylum. From the former Ministry of Merchant Marine, Aegean and Island Policy, the Port Authority Offices, responsible for the surveillance of maritime borders, were transferred. The newly established Ministry will now have the responsibilities of the transferred Services.

### **2.2.- Overview of the main political and/or legislative discussions.**

During the past years, immigration has constituted for Greece a matter of high priority and crucial issue for common opinion. For this matter, both the printed, as well as the electronic press, maintain the migration issue high on the agenda.

In the Greek Parliament plenty of questions have been submitted that are focused mainly on the protection of refugees, the conditions of detention, illegal immigrant labor and general measures taken by Greece for the management of the phenomenon.

The previous government with the aim of dealing effectively with illegal immigration and combating the networks which traffic immigrants, amended the existing legislative framework and in particular articles 76 to 79 and 84 to 88 of L. 3386/09, with L. 3772/09 where the maximum time limit for the detention of immigrants for whom expulsion decisions has been issued until its execution has been doubled, to six from three months foreseen until today.

At the same time, there is the possibility of extension of up to 12 months of the detention time of the abovementioned immigrants, in the case where the expulsion delays because they refuse to cooperate or the receipt of the necessary documents for the expulsion from the country of origin or provenance is delaying.

Also, provision is made for penal, financial and administrative sanctions against individuals, officials, legal persons, bodies, notaries and carriers which provide services to third-country nationals who are not legally residing in Greece, as well as to the detriment of employers who employ immigrants with no legal documents or those providing accommodation.

In particular against carriers which facilitate in any way the entry of third country nationals that do not fulfill the relevant entry preconditions, more stringent sanctions of criminal nature have been enacted, the appeal has been foreseen not to have suspensive effect, as well as the confiscation of their assets and the removing the secrecy status is applied.

According to statements of the then Prime Minister Mr. KARAMANLIS, on the Congress of the European People's Party which took place in Athens on 29-06-09, the acceleration of reforms and the tackling of illegal immigration constitute priorities of the Greek Government.

Given that malfunctions that had been observed during the period of application of P.D. 81/09 with which was transferred to the Greek legislation the Directive 2005/85/EC and especially the problem of time-consuming handling of asylum requests, and after the report study of a common working group of the UNHCR of the UN for Refugees and the competent asylum service of the Headquarters of the Greek Police Force, entitled 'Towards a fair and efficient procedure of recognition of refugee status in Greece', the abovementioned P.D. was amended with P.D. 81/09 (Official Gazette A' '99/30-06-09).

With the new institutional framework, i.e. the decentralized system and the provision for setting up committees in each prefecture and in particular in the Departments of Immigrants of Attica and Thessaloniki, where the decision will be taken in A' and last level, it was attempted to upgrade, accelerate the admission, interview and decision-making on asylum requests procedure, ensuring high quality guarantees of examination in relation to the previous regime, both with the composition of the members of Committees and their support with Secretariats and interpreters.

For this new process, the UN High Commissioner for Refugees expressed its concerns that the institutional changes adopted with Presidential Decree 81/2009 do not sufficiently ensure a fair and effective procedure for recognition of refugee status in Greece according to the international and European law, noting that the new Presidential Decree centers decision-making on asylum requests at first instance on more than 50 police departments per territory, which are facing serious deficiencies in matters of specialized staff, interpreting services and legal assistance. Moreover, it repeals the existing refugee committee, which was the determining authority with decisive responsibility in second degree, maintaining limited judicial review before the Council of State, without thereby guaranteeing the right to a 'real appeal'. Finally, the definition of the Deputy Minister of Public Order as determining authority in second degree for those appeals for whose examination is pending, would not agree with the legislation of the European Union which requires an independent body from that which decides at first degree.

It should be noted that the Greek Council for Refugees (GCR) has tabled on 16/11/09, a recourse to the Council of State against Presidential Decree 81/2009 as well as the radical restructuring of the asylum system in Greece.

In addition Laurens Jolles, the UNHCR Regional Delegate, stated the following: "These new developments are likely to make the protection in Greece even more difficult for those who need it".

Based on the above, the UNHCR stated that it cannot participate both in the Expert Opinion Committees on Refugees for the examination of applications for asylum in first degree, as well as in expert opinion committees for the examination of about 40,000 appeals pending in second degree.

Furthermore, it stated that in the event that the Greek authorities move in the future in the direction of structural changes to ensure a fair and effective procedure for recognition of refugee status, the UNHCR would be ready to participate and to take an effective role in the frame of asylum procedure in Greece and that it will continue its close cooperation with the Greek authorities as regards the education and training, the provision of technical expertise and legal advisory, the monitoring of the procedure for the recognition of refugee status as appropriate to its role and the submission of proposals and recommendations to the Government for future improvements<sup>1</sup>.

Also there have been critical comments by the press for the abovementioned Presidential Decree indicating characteristically that, it is not only violating a basic principle of community legislation (abolition of grade II examination of requests) but until today has managed exactly the opposite of the desired: Although the aim was to expedite the examination of applications for asylum, ultimately there have been examined just a few dozen requests. The country is in the 'gateway' for the Court of Justice of the European Communities (ECJ), since the European Commission has sent to Greece a letter of formal notice for serious violations in treatment of refugees and asylum seekers. This was followed by a severe letter to the Commission by the European Council for Refugees (ECRE) and 20 European organizations<sup>2</sup>.

For these issues, in his statement - speech of the 11-06-09, the Leader of the Opposition then, and currently Prime Minister of Greece, accused the government of not exercising a serious, responsible and integrated immigration policy, which protects the right of the Greek citizen for security and freedom, which faces the immigrant, refugee, illegal immigrant through the implementation of rules of a country of Law, International Law.

He also mentioned that he has submitted a specific plan for dealing with the phenomenon of immigration, asylum-seeking and illegal immigration policy, a plan which ensures that the immigrant in Greece, the political refugee, will contribute creatively to the development, prosperity, culture and the presence of Greece in the international landscape.

The plan can be summarized in the following points:

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<sup>1</sup> UNHCR will not participate in the new asylum procedure in Greece unless structural changes are made (English).

<sup>2</sup> [www.kathimerini.gr](http://www.kathimerini.gr)

- 1) Zero tolerance of illegal immigration. The objective is to eliminate illegal immigration.
- 2) Reinforcement of border guards. And in particular tough claim in the EU for further resources and support for the protection of our common borders.
- 3) Implementation of international and bilateral agreements - and in particular the application of the Protocol of Readmission of Illegal Immigrants that we have signed and have been applied in the past with Turkey.
- 4) The formulation of a common humanitarian policy of the EU, which will guarantee the equal commitment of political refugees from all member-states of Europe and not just the countries of entry of refugees. In particular, with the revision of the Dublin Convention II.
- 5) Clarification of the Hellenic policy towards refugees. That is, rapid assessment by the Greek authorities for who are entitled to political asylum and protection from the State, but also, who are non-legal immigrants that must be sent back to their country of origin.
- 6) Integration of legal immigrants to Greek society. With serious policies in the area of education, combat of undeclared work, the performance of the right of citizenship of those who meet the conditions and especially young people of the second generation.
- 7) Formulation and implementation of a planned policy for the attraction of the labour force in the areas where there are large seasonal or permanent needs.
- 8) A special program for the reconstruction of cities, of neighborhoods, especially of neighborhoods which constitute ghettos - with planned and overall interventions. This will come into effect in cooperation with the government and NGOs, with important public investments, with systematic housing policy for the immigrants, with the protection of their legal rights, and the guarantee of a peaceful co-existence and social cohesion.

Moreover, it will continue its initiatives in this field, in cooperation with the government and the NGOs, as well as with the organizations of the immigrants themselves.

Finally, it will launch a dialog with the Church of Greece, which has already played an important role in many urban neighborhoods, for the peaceful co-existence and mutual understanding of different religions, so as to avoid untimely conflicts of religious or cultural character which would wound the Greek society.

Following the rise in power of the Socialist Party on 4-10-09, the new prime minister of Greece, Mr. Georgios PAPANDEOU on his programmatic statements on the 16-10-09 for the issue of immigration he stated that there will be an end to the police-centered approach of illegal immigration and the operating framework of asylum and admission of refugees will change. He also made reference to the suspension of expulsions of second generation immigrants, "until the status quo of acquisition of the Greek nationality is completely rationalized".

The new Minister of the Interior, Yannis Ragousis, heralded wide-ranging changes in the immigration policy in the context of the programmatic statements of the government. Inter alia, the right to vote and be voted for immigrants is foreseen for the local elections (only as city councilor) and the granting of the Greek citizenship to children reared in Greece.

At the meeting of the cabinet on Tuesday, 22 December 2009, the prime minister of Greece, he stressed "We inaugurate a new immigration policy, aiming at a society of security, peace and humanity", where the bill for granting citizenship to second-generation immigrants was put on table.

At the meeting Archbishop Ieronymos was invited, so that the government could honor the charitable work of the Church and in particular its offer to the homeless. Specifying the announcements of the Prime Minister, the Minister of the Interior stated inter alia that the aim is to open the door to children of immigrants which are born in Greece, that is, second generation immigrants.

Moreover, a series of measures to combat illegal immigration was listed by the Minister of Citizen Protection, Michalis Chrisochoidis.

Among other things he referred to the prohibition sending back to their countries second generation immigrants, to the closure of hosting premises that do not satisfy the requirements and measures for guarding the borders. "Greece has secured its borders with patrols. We combat anomy and illegal trafficking", he characteristically stated. Mr. Chrisochoidis added that the government is proceeding with "the complete recording of those illegally residing in Greece". Also he added that "The hosting centres will distinguish between those seeking asylum, the traffickers and those seeking their way to Europe" and heralded the presence of intercultural mediators in police stations in January.

In particular as regards asylum procedures, the Ministry of Citizen Protection, is proceeding to a radical reform of the Greek asylum system and to this end has established a Working Group headed by the

Secretary-General of the Ministry of Citizen Protection with the participation of representatives from the UN High Commission for Refugees, NGOs, the Ombudsman of the Citizen, the Bar Association of Athens, Academics, the National Commission for Human Rights, the Ministry of Health and Social Solidarity and the Ministry of the Interior, Decentralization and e-Government.

The aim of the Working Group is the creation of an independent Central Asylum Service with a regional structure in the frame of the Ministry for the Protection of the Citizen. The priority of the Ministry for the Protection of the Citizen is the operation and procedures of the new Asylum Service to be made fully compatible with international Law and in particular the European Charter for Human Rights and the UN Convention for Refugees.

The Head of the Office of the UNHCR of the UN for Refugees in Athens hailed the constitution of the specific Commission. He set as the basic constituents of the new asylum system, inter alia, the creation of an asylum service as an administrative unit under a Ministry, the establishment of an independent Commission for Refugees which examines the rejected requests, the control of the legality of the decisions of the Commission for Refugees from the Council of State and definition of the role of the police, noting that it should be limited to matters of admission and first contact<sup>3</sup>.

Concerning the law draft of the Ministry of Interior, Decentralization and e-Government for immigrants, which foresees citizenship and voting rights in local elections, it has been on the Internet for public consultation. The suggested provisions of the law draft brought many negative comments from Greek citizens and the government issued an explicative document, principally concerning the meaning of the terms citizenship and nationality. The UN High Commission for Refugees welcomed the bill, since, as noted in its announcement, (14-01-2010) "it contains significant changes in the law for citizenship, which are in accordance with the international and European standards". "These changes enhance the process of integrating long-term residing in the country immigrants, to which, apart from immigrants, refugees, stateless persons and other people with similar needs for protection are included".

"The draft Law creates the conditions for smoothest admission of immigrants and refugees, helps to limit the marginalization and contributes to the smooth social coexistence. This is for the benefit of refugees and immigrants but also for the country itself and its citizens," stated the UNHCR Commissioner in Greece Mr. G. Charmbopoulos.

Moreover, the bill also welcomed the Network for the Rights of the Child. "We believe that legislation constitutes an important first step for progress. Although late, even with many limitations, the Greek State is facing the problem in the right direction and we hope that there will be follow-up" is stated in the organisation's announcement. "Each one of us should support this effort" is noted.

The Greek Migrants' Forum has characterized the government's initiative as an important step, which moves away the country from the vicious circle of the last 20 years.

The Council for refugees is also positive towards the initiative, but asks to be included in the provisions special arrangements for refugees.

Finally, the IMEPO (Hellenic Migration Policy Institute) which is the main government tank of ideas, organized on 26-01-2009 the 5<sup>th</sup> International Conference on "Migratory Partnerships and Procedures: Improving the Development Effects of Migration" with a aim to explore issues for the migration and development in view of the 3rd World Forum which Greece will host.

The opposition parties have different approaches in view of the submission of the bill for immigrants:

- The Opposition Party, via its head, Andonis Samaras, declares that the arrangements of the Governing Party are very favorable for the immigrants. Mr. Samaras, following the line of the French president, will put at issue the more adequate knowledge of the Greek language and culture, so as to be granted citizenship. It is not excluded even to herald abolition of the law, in the event that his party wins the elections.
- The left-wing parties reiterate their fixed point of view on legalization of all immigrants living in Greece and the need for more bold initiatives for the rights of immigrants.
- The People's Orthodox Rally (L.A.O.S.), the Greek right-wing populist and Christian nationalist political party, is against these arrangements and calls for a referendum, quota the presence of immigrants and stricter guarding of borders.

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<sup>3</sup> <http://www.yptp.gr/main.php>

### **2.3.- Institutional developments.**

The new government which emerged after the elections of 4-10-2009, recommended the Ministry of Citizen Protection (former Public Order) under which the Port Authority House is ranked, to be converted into an operational power with high operational capability for coastguard. However, with the new provision of the Ministry, the Port Authority House is gradually exempted from other functions and activities which it had until now and will become a body for the combat of criminality at sea, combat of crime and coastguard for the protection of the sea borders of Greece<sup>4</sup>.

In a common meeting of representatives of the Greek Police Force, the Port Authority House and the National Intelligence Service which took place on 24/11/2009, with the presence of the Political Leadership of the Ministry for the Protection of the Citizen with topic the fortifying of Greece's borders, with emphasis on the key ports of Patras, of Igoumenitsa and Korinthos, it was decided to create a strategic cross-sectoral body with the participation of the heads of the Greek Police Force, of the Port Authority House, of the General Secretaries of Public Order and Safety at Sea, the Chief of the National Intelligence Service and the Special Adviser for Security Issues of Navigation. This cross-sectoral cooperation, will have a permanent character in the issue of illegal immigration.

Finally, for the radical reform of the Greek asylum system a Working Group has been established headed by the Secretary-General of the Ministry for the Protection of the Citizen, and the participation of representatives from the UN High Commission for Refugees, NGOs, the Greek Ombudsman, the Bar Association of Athens, Academics, the National Commission for Human Rights, the Ministry of Health and Social Solidarity and the Ministry of the Interior, Decentralization and e-Government with the aim of creating an autonomous central asylum service for an effective and fair asylum procedure.

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<sup>4</sup> Statement of the Minister for the Protection of the Citizen of 15-1-09, in an executive meeting of the Ministry.

### **3.- Specific developments in the area of asylum and migration.**

#### **3.1 Control and Monitoring of Immigration**

##### **3.1.1 European Pact on Immigration and Asylum**

###### ***3.1.1.a ensure that risks of irregular migration are prevented***

Greek legislation, law 3386/05 (hereafter L),(Official Gazette A' 212) as applicable, Chapter B and C articles 4,5,6,7 and 8, and the Schengen borders code (Regulation (EC) 562/06 of European Parliament and of the Council) explicitly provide the conditions of entry- exit of every individual from and to the Greek territory as well as the procedures and controls of persons entering or leaving the Greek territory.

In articles 9 to 64, of L.3386 /05, are defined the procedures and conditions for granting residence permits to third country nationals for various reasons.

For the prevention of risks of illegal admittance and residence of immigrants, Greece has designed and applied a pack of measures for the prevention and repression of illegal immigration which may be summarized in four (4) levels, and in particular:

1.-Taking measures to ensure the issuing of visas at consular points.

2.- Cooperation with third countries, particularly countries of origin and transit of migrants. Greece has concluded agreements with neighbouring countries of origin and transit of migrants in issues concerning the collection of information, training courses, agreements for cooperation in the management of the common borders with a view to improving security. It is carrying out joint (simultaneous) actions for combating illegal immigration and cross-border crime and, finally, the conclusion of agreements of police cooperation or readmission.

3.- Taking measures at the external borders. For the control of external borders, responsible is the Greek police force and the customs authorities. The Greek police force is responsible for the control of persons crossing the external borders, through the statutory border points (land, sea and air borders; total of 100) and the customs authorities for the control of persons, luggage, goods and means of transportation, tracing illegal drugs, etc. Also, the Greek police force is responsible for the surveillance of land borders.

As regards the surveillance of maritime borders, competent is the port authority.

The Port Authority Offices are occupied - daily and at 24-hour basis- with the control and surveillance of maritime borders of the country, with emphasis on prevention of illegal admittance in them (consequently and in the overall Schengen area) of immigrants, third country nationals, utilizing its human resources and the available operational instruments, and properly exploiting relevant information.

The Port Authority Offices' measures for national planning concern, on the one hand, to the prevention of illegal entry of immigrants in the country from non-statutory points of entry and on the other hand, to identify and arrest immigrants who manage to enter illegally by sea in Greece, to bring them before the competent courts and, finally, to deliver them in the relevant police authorities, for further management (administrative expulsion etc.).

The Port Authority Offices take every measure to prevent illegal entry of immigrants in Greek territorial waters, acting and operating always guided by absolute respect to human dignity and fundamental rights of immigrants, including the protection of life at sea.

4.- Taking measures within the territory. Strict controls carried out by the divisions for border guarding, immigration division and other police services, in order to identify and arrest illegal immigrants and traffickers.

In articles 84 to 88 of L.3386/05 are provided very severe, criminal, financial and administrative sanctions against individuals, officials, legal entities, bodies, notaries and carriers who provide services to third country nationals who do not legally reside in Greece, as well as against employers who employ immigrants without legal documents or those providing accommodation.

In particular, against carriers, with L. 3772/09 (Official Gazette A 112) which amended L. 3386/09, who facilitate in any way the entry into the country of persons who do not meet the conditions of entry, were introduced more stringent sanctions of felony nature, the appeal of which to have no suspension effect, at the same time are made provisions for the confiscation of assets and removing the secrecy status.



Greece also transposed to national law Directive 2004/82/EC of the Council of 29 April 2004, on the obligation of carriers to communicate passenger data with Presidential Decree (hereafter P.D) 53/2008 (Official Gazette A 84).

In articles 76 to 79 of L. 3386/2005 (as amended by article 47 of L. 3772/2009, Official Gazette A 112) six months is defined as a minimum period of detention (instead of three provided by the previous legislation) with the possibility of extension of six more months when the under expulsion immigrant does not cooperate with the principles for his departure from Greece.

Finally, in respect to the search and rescue, Greece with P. D. 97/2009 ratified these amendments to the 2004 International Convention on Maritime Search and Rescue, 1979, as adopted by the number MSC 155 (78)/20.5.2004 decision of the Maritime Safety Committee (MSC) of the International Maritime Organisation (IMO), (Official Gazette A 124.).

### ***3.1.1.b an Expulsion Decision taken by one Member State (MS) should be applicable throughout the EU and entered into the SIS/ implementation of Directive 2001/40/EC***

Expulsion decisions - always with respect to human rights – are issued in accordance with what is defined in Article 76 of L. 3386/05 (administrative expulsions) and in Articles 74 and 99 of the penal code (judicial expulsions). Also, what is applied without any failure, is the Treaty for the establishment of the European Union, in particular Article 63(3)(b), the European Convention on Human Rights, of 4 November 1950, the Convention of the United Nations against torture and other cruel, inhuman or degrading treatment or punishment, of 10 December 1984, the Geneva Convention on the Status of Refugees of 28 July 1951 and the Protocol of 31 January 1967, the Convention on the Rights of the Child of 20 November 1989, the Charter of Fundamental Rights of the European Union, of 13- 14 October 2000 and Directive 2001/40 (mutual recognition of expulsion decisions).

Moreover, Greece has transposed into national law Directive 2001/40/EC of the Council of 28 May 2001 (OJ L 149) for the mutual recognition of expulsion decisions of third country nationals, with. P.D 214/2004 (Official Gazette A 191). Expulsion decisions are issued in accordance with Articles 76 to 80 of L.3386/05 as in force today. Also, in accordance with Article 82 of the above law, the respective services keep a list of undesirable immigrants. The criteria and the recording on the list process as well as the writing off of immigrants from the list have been defined with by No 4000/4/32-1β´/4-9-06 joint ministerial decision (hereafter J.M.D), (Official Gazette B´1353), taking account of Articles 25, 96 and 112 of the “Convention for the implementation of the Schengen Agreement of 14 June 1985” which has been ratified by L. 2514/1997 (Official Gazette A140). For defining the detailed rules for the implementation of administrative and judicial expulsion decisions of immigrants, the n. 4000/4/46-a´ from 22-07-2009 J.M.D. (Official Gazette B. 1535) was issued.

The period from 01-01-2009 to 24-11-2009 (65.339 ) expulsion decisions were issued in total by the Greek police force services. Of these, (13.452 ) decisions were recorded in the S.I.S..<sup>5</sup> In the relevant list (S.I.S.) immigrants are recorded for which there is certainty as to their identity, resulting from reliable travel documents. Because the vast majority of arrested immigrants under expulsion do not possess identity documents, there is a deviation of those recorded in the S.I.S.

### ***3.1.1.c more effective control of the external land, sea and air borders:***

For facing the phenomenon, Greece, has designed and implements a pack of measures for the prevention and repression of illegal immigration. In particular, it has concluded agreements with neighbouring countries for cooperation in the management of common borders, agreements for police cooperation and readmission agreements, especially with countries of origin and of transit of illegal immigrants. It is in partnership with Albania in the fight against illegal immigration and cross-border crime. It is conducting simultaneous surveillance operations of the common external borders while recently it completed the programme “AINEIAS”.

It is cooperating with Bulgarian Services for tackling illegal immigration and cross-border crime. Already the two countries have signed the 29-04-09 relevant agreements, such as for joint control in relation to the crossing of borders (L. 3780/09 Official Gazette A´ 133/09) and for the establishment and operation of

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<sup>5</sup> The relevant information was provided by the Immigration Department of the Greek Police Force Headquarters.

a contact centre (L. 3779/09 Official Gazette A' 132/09)<sup>6</sup>, which have been ratified by the national parliaments and will soon be implemented.

It has also organized meetings with Turkish officials for improving the efficiency of cooperation, for facing illegal immigration and better implementation of the readmission Protocol. Greece has signed with Turkey a readmission Protocol on 08-11-2001 which has been ratified by L. 3030/2002 (Official Gazette (A-163)). From the available information it appears that Turkey is not cooperating for the implementation of the Protocol and in particular from April 2002, which it has been implemented and until September 2009 Greece has requested the readmission (69.021) of immigrants, Turkey has accepted the readmission (8.184 ) but has delivered (2.365) and this is mainly due to late and out of the foreseen in Protocol deadlines replies, by the Turkish side. In addition the responses are usually negative, despite the existence of significant evidence (e.g. arrestment of Turkish traffickers, visas on passports) or indicative figures (turkish money and tickets of urban transportation means, photographs of illegal immigrants in Turkish sites, etc. Also, the fact that Turkey refuses to activate the port of Smirna (Izmir) as point of delivery of immigrants, makes the situation even more difficult.

For the control and surveillance of external borders, a special Border Guard and Prosecution of Illegal Immigration Office has been introduced. In particular fifty eight (58) Border Guard and Prosecution of Illegal Immigration Offices are operating, staffed with approximately (5.000) border guards. With P.D. 235/07 (Official Gazette A. 273/6-12-07), a provision is made for the creation of six (6) new sections for prosecution of illegal immigration (in Samos, Lesbos, Chios, Rhodes, Kos and Evia) and 200 new posts for border guards. (The above commitment has not been implemented yet).

Moreover, on a daily basis, planned and unexpected patrols are carried out by the port authority vessels, with priority given to regions which face the most intense illegal migratory pressure by sea (Lesbos, Chios, Samos, Kos, Leros, Farmakonissi, Patmos, Agathonisi) and in the areas where according to the ongoing risk analysis, the appearance of similar threats are expected. For this purpose, and under the national planning for the treatment of the phenomenon, the competent services of the Port Authority take short-term and intermediate measures, according to the extent and the importance of the problem at regional – local level, for the support of the port authorities facing problems of illegal entry of immigrants with operational instruments, other logistical equipment as well as staff.

The measures are not static but are subjected to continuous evaluation and updating in light of the dynamically evolving trends of the phenomenon. Therefore, there are efforts for a continuous reallocation of the available resources of the Port Authority Services (operational instruments, logistical equipment, personnel), for the effective management of illegal migratory flows by sea.

For the internal control of immigration reinforced measures for search investigation and arrest of illegal immigrants, by the police force, by imposing strict penal, administrative and financial sanctions against the traffickers, air and shipping companies, expulsions of illegal immigrants, immediate return of near the border arrested immigrants, according to the readmission and police cooperation agreements.

It actively participates in FRONTEX actions for combating illegal immigration. In particular, during the year 2009 the programme, EPN-POSEIDON, is being applied, which includes the joint action “SATURN”, which takes place at the borders of Greece with Turkey and Albania and Bulgaria with Turkey and aims to combat illegal immigration from these countries through the western Balkan route. The joint action “POSEIDON” which is included in the general programme, is a continuous operation and is conducted in the maritime area of Lesbos, Chios, Samos, Kos and Patmos. The operation began on 16/03/2009 and an extension decision is expected to be taken by FRONTEX until March 2010. In this venture, operational means and special experts are participating from other E.U. Member States. Areas used for the implementation of the operation are those which are subject to more intense illegal migratory flows by sea (Lesbos - Chios – Samos - Leros – Farmakonissi – Patmos – Agathonisi).

In addition, it seeks to create suitable conditions for temporary detention with a view to ensuring the protection of human rights, in accordance with the requirements of the UNHCR and upgrading of existing ones, so as to constitute these Standards as well.

Since 2004, there is in operation in the prefecture of Evros the Post of Kyprinou, a Special Residence Area with a capacity of about (500) people, in Samos with capacity of more than (300) people and Lakonia

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<sup>6</sup> The relevant information was provided by the International Cooperation Department of the Greek Police Force Headquarters.

(Sparti) with capacity of (42) persons. Moreover, in 2008, it was available a specially formed residence area for minors in Amygdaleza of Attica, with a capacity of (40) persons, with the possibility of housing another (14) individuals, which includes, apart from areas of housing and hygiene, special places for children's leisure (closed and open spaces for games, library, area with computers, as well as and surgery-recovery home). Furthermore, the establishment of new centres in Attica, Crete, Dodekaniso, Achaia and Kavala was launched.

Finally, for the management - coping with the phenomenon of illegal immigration, the Greek authorities and in particular the Ministry of Citizen Protection, took the initiative for the coordination of cooperation, of the organizations involved, with a view to drawing up a National Strategic Plan for the overall coordinated management of illegal immigration and protection of external borders.

***3.1.1.d generalise the issue of biometric visas, improve cooperation between MSs' consulates and set up joint consular services for visas:***

The development of the VIS system is at the preparation stage at a pan-European level and its operation is not foreseen before the end of 2010.

Therefore, at present biometric visas are not being granted by the Greek consular authorities. The Greek authorities are in preparation for the development of the system.

As regards the cooperation with other consular authorities of member-states, wherever Greece does not have consular authorities in third countries is represented by other member-states.

At present there are no common consular authorities of Greece with other member-states of E.U.

***3.1.1.e solidarity with MS subjected to disproportionate influxes of immigrants***

Greece, according to data entered in FRAN, (Frontex Analysis Network), in the year 2008, accepted in relation to the other Member States and in a percentage base the largest number of immigrants. In particular, on a total of (596,252) immigrants who were arrested by all Member States for illegal entry and residence, in Greece (146,337) immigrants were arrested, that is, a percentage of 24.54%, compared to 16.88% of Spain, 14.33% of Italy and 13.88% of France. According to information available for the A' Semester 2009, from Greece there were recorded in the FRAN (86,536) arrests of immigrants for illegal entry, while from France (38,614), Italy (40,010), Spain (22,134). Greece has approximately the 26.12% of the arrests. The total number of arrests that occurred in Greece during 2009 are (126,145)<sup>7</sup>

This figure is excessively disproportionate compared with the population data of the country. Greece shall not be able to host hundreds of thousands of immigrants who come each year with effects such as, burden on the national and community economy, an increase in crime, maintenance of the black labour market, development of a climate of insecurity, inability to obtain the necessary conditions for admission and temporary residence etc.

Based on the above Greece, due to the acute problems it is facing, has not up-to-date expressed its solidarity with other member-states. On the contrary, in many cases, has been invoked the solidarity from other Member States. On this matter the former Minister of the Interior, Prof. K. Prokopis Pavlopoulos, on 09-07-09, sent to the Vice President of the European Commission Mr Mr Barrot, a letter in which it requested the practical display of Community solidarity and the support of Greece in its effort for the rational management of the migration phenomenon in the frame of the single European immigration policy<sup>8</sup>.

***3.1.1.f deploy modern technological means for border control:***

For the control of (100) statutory points of entry-exit (land maritime and air) staff responsible for the supervision has at its disposal logistics such as, terminals, computers, U.V. devices, CBN devices, automatic passport recognition devices, Photo phone devices, FOSTER FREEMAN devices for recognition of forgery documents, ACO ELECTRONICS detection devices, SEARCHALERT Metal Objects Detection Devices,

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<sup>7</sup> Data taken from the Directorate of Immigrants – Hellenic Police

<sup>8</sup> No. 143/09-07-09 letter of the Minister of the Interior Prof. Mr. Prokopis PAVLOPOULOS.

Drug Detection Unit 120 TEST, admittance stamps, exit stamps, IRIS SL 34 devices for recognition of forgery documents displayed in suitcases, fingerprinting devices, (CO2) devices, Manuals of original EU documents, Machine Readable automatic reading devices, specimens of original documents of Annexes 11 & 13 K.E.

For the surveillance of land borders, the personnel of (58) for Border Guard and Prosecution of illegal immigration has at its disposal equipment such as, vehicles JEEP-type, vehicles VAN-type, motorcycles, passenger vehicles, buses, day binoculars, thermal imaging cameras, night binoculars, CO2 (43) detection devices.

The Port Authority personnel, responsible for the control and surveillance of sea borders, has at its disposal, means, such as, single-powered aircrafts, two-powered aircrafts, two-powered helicopters (Eurocopter), Search and Rescue helicopters (Super Puma), open sea patrols, patrol vessels, coastal patrol vessels, coastal fast patrol vessels, Search and Rescue vessels, high-speed patrol (rib) and patrol vessels.

Establishment of a FRONTEX Specialized Branch seated in Piraeus, which under the supervision by and the direct cooperation with FRONTEX according to art.16 of FRONTEX regulation will develop best practices and will submit annual activity reports and information to FRONTEX Executive Director regarding the sectors of coordination of operational cooperation.

### ***3.1.1.g intensify cooperation with the countries of origin and of transit in order to strengthen border control***

Greece has applied the Community programme for the “Economic and technical assistance to third countries in the fields of asylum and immigration – AINEIAS” (20/4/2006 19/4/2009), for “Economic and technical assistance to third countries in the fields of asylum and immigration”. The specific programme was based on Regulation (EC) No 491/2004 of the European Parliament and of the Council, which was put into force on 10 March 2004, with the aim of giving specific and complementary financial and technical assistance to third countries so as to support their efforts for more effective management of the various dimensions of migration flows.

The approved programme was titled: "Creation of mechanisms with the aim of effective and sustainable implementation of the readmission agreement between Albania, the European Community and third countries concerned", with the main objective the support of the competent Albanian authorities for the effective implementation of the “Agreement between the European Community and the Republic of Albania on the readmission of persons residing without authorisation”, and with individual objectives, the support of the competent State parties of Albania in the planning and promotion of readmission policy, the identification of good practice in the implementation of bilateral or multilateral readmission agreements and protocols, the promotion of cooperation between Greek and Albanian services directly involved in the implementation of the readmission agreement and the transfer of relevant know-how to the Albanian administration, the promotion of Socio-economic reintegration of Albanian ethnics expected to return to the neighbouring country (or through the Readmission Agreement, either outside its framework), through the upgrading of services provided by the Regional and Local Occupation Services of Albania.

### **3.1.2. Additional/ complementary developments.**

Greece, because of its geographical location, its proximity with countries of transit and of origin of illegal immigrants and the particular nature of its borders, it faces strong migratory pressure, as it is one of the main entry gateways to the E.U.

The distinctive features of extensive land borders (1248) km, of which (997) are land (at several areas forest land and inaccessible), (226) rivers and (25) lakes as well as (18.400) km marine coastline and more than 9.000 islands, small islets and reef areas, creates difficulties for their effective surveillance.

The main points of Greece’s strategy of Greece for the management of the migration phenomenon can be summarised as follows:

Complete guarantees for the respect of Human Rights.

Legality of residence of immigrants.

Smooth social integration.

European and international cooperation for a more rational management of the migration phenomenon.

Cooperation and support of the countries of origin of immigrants, by facilitating those citizens who wish to remain in their country.

Strengthening of the decentralised nature of the management of immigration.

Constant study of the characteristics of immigrants who live and work in our country, for the reinforcement of the effectiveness of policies applied.

Stimulation of employment to attract the workforce necessary for the development of our economy as well as support of the dynamic of the already existing migration force.

Complete management of external borders, under the self-evident condition of full respect for all Human Rights, non-excluded.

For humanitarian and social reasons as well as for facing the problems arising from the conditions of detention, further management of illegal immigrants who are arrested in the territory of Greece, (it is examined if in the country or region where the immigrants come from, civil conflicts or racial or other conflicts occur, or any inability for expulsion to their countries of origin exists) expulsion decisions are pronounced without detention, only for those arrested for illegal entry and residence. They are granted a period of thirty (30) days to depart and they are also informed that Greece is willing to cover their repatriation costs (such relevant action exists subsidised by the Refunds Fund of the E.U.).

In addition, it has been decided that immigrants will not be detained in police barracks except only in Special Areas for Immigrant Hold (S.A.I.H.), so as to ensure humane conditions of residence and living conditions.

In areas of Greece where large ports and airports are operating it has been decided that the authorities re-arrange available forces in order to prevent illegal entry of immigrants, as well as the complete prevention of their illegal exit to the other European countries.

Already for this matter, the Greek Government has submitted in order to implement No E (2007) 3925 final of 27/VIII/2007 of the Commission's decision on the implementation of No 574/2007/EC decision (Commission recommendation of the External Borders Fund, as part of the General Programme "Solidarity and management of migratory flows" of the European Parliament and of the Council) on introducing strategic guidelines for the period 2007-2013 relevant study. Co-beneficiaries of the fund are the Port Authority and the Ministry of Foreign Affairs.

In addition, the government's aim is the re-arrangement of operational action at land and sea borders, with the aim to maximize the surveillance, control for the prevention and combat of illegal immigration. In accordance with P.D. 184/2009 (Official Gazette 213 (A' /07-10-2009), article 1, par. 1b( cc), the Port Authority and its services fall under the responsibility of the newly established Ministry of Citizen Protection and will be transformed into an operational force with high operational coastguard abilities. The government's aim is the Port Authority to become a force to fight against crime at sea, and coastguard for the protection of the maritime borders of Greece which are also Europe's borders.

It was also decided to create a strategic intersectoral body with the participation of leaders of the Port Authority's Police, the General Secretaries of Public Order and Safety at Sea, the Commander of the National Intelligence Service (N.I.S) and the Special Counsellor for Navigation Security Issues. This multidisciplinary structure of operation for the issue of illegal immigration will in essence constitute a guide for all the actions of the Ministry for the Protection of Citizen from now on.

The support of the control project, by common boards of the Greek Police Force and the Port Authority, with characteristics of permanence and not periodicity, but also, by the reinforcement of the Services with the necessary equipment which will contribute both to the identification of illegally migrating people, as well as the identification of forged documents<sup>9</sup>.

Finally, on 13/01/2009 an Agreement was signed in Rome between Greece and Cyprus, Italy and Malta (QUADRO GROUP). The above text contains points which concern the immigration problem the above countries are facing, asylum issues, the great pressure they face, the difficulties of repatriation, etc. The objective of the above initiative was to highlight the problem faced by the southern countries through the European Commission and the other Member States.

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<sup>9</sup> <http://www.yptp.gr>

Also in the frame of dealing with the phenomenon of illegal immigration, aid can be expected to be provided by the pilot project "ATTICA-FRONTEx" as well, the actions of which constitute the procedures for immigrants' recognition by qualified staff, so as, with the cooperation of the Ministry of Foreign Affairs, to attain the objective of moving them to their countries of origin.

Moreover, actions have been taken in order to recruit specialized staff, -interpreters, psychologists and lawyer advisers - as explicitly provided for in Articles 12 and 13, under No 2008/115/EC Directive of the European Parliament and of the Council of 16 December 2008, according to which Greece is required from now on, in implementation of the above mentioned Directive, to provide to immigrants under expulsion written or oral translation of the basic points of the expulsion decisions, legal representation by lawyers and on the other hand, in realising the occasional recommendations of international organizations, non-governmental organizations, etc., to provide also psychological support to immigrant prisoners.

Finally, actions have been displayed for the transfer of Directive 2008/115/EC (integration deadline, 24.10.2010) to Greek Law concerning "common rules that should apply the m-s for the removal of third country nationals".

### **3.2. Refugees protection and asylum.**

#### **3.2.1 European Pact on Immigration and Asylum**

##### ***3.2.1.a solidarity with MS which are faced with specific and disproportionate pressures on their national asylum systems:***

The policy of Greece for asylum focuses on the following areas: firstly, improvement and development of the efficiency of asylum systems, secondly, harmonisation with Community legislation, thirdly, cooperation and exchange of information and know-how with its European partners and adoption of common criteria and objectives and fourthly, constant effort for the improvement of social policy and of the internal development, which will provide the necessary conditions and guarantees for the best possible and no longer sustainable integration of refugees in Greece, in line with its capabilities and open dialog on a fair apportionment of costs with the European partners.

Greece over recent years is facing disproportionate to its size, pressures from the various migratory flows (economic migrants and refugees). Greece, on its own, cannot address the problem, (management of immigrants and refugees) and requires the Community solidarity. It should be noted that in 2008, it received (33,252) asylum applications, compared) to (30,324) of Italy, and (4,517) of Spain. Also, the a' semester of 2009, it received (9,777), compared to (9,974) of Italy and (1,634) of Spain. In total, Greece received in 2009 (12.722) applications. There is no data for the rest of the countries.

In addition to Regulation (EC) No 343/2003 of 18-02-2003 [Dublin II], replacing the Dublin Convention of 15-06-1990, the application of which began on 01-09-2003, in Greece since then a rapid increase has been observed in rapidly increasing demands of responsibility, which is due to great migratory pressure which Greece is facing as being one of the first countries of entry of third country in E.U.

Especially, during the last three years, there has been an increase of these requests. In particular: the 2007 forwarded (3.306) requests, in 2008 (5.169) requests and 2009 (10/months) (7.857) requests. A result of the increase in request submissions in the frame of the regulation is the increase in the transport of these people in Greece<sup>10</sup>.

##### ***3.2.1.b) MS are invited to provide the personnel responsible for external border controls with training in the rights and obligations pertaining to international protection***

In the implementation of the European programme "Action AEGEAS - Enhancing reception capacity for migration flows at border areas of Greece" three (3) training seminars took place in Samos, Lesbos and

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<sup>10</sup> Data from the Immigration Department of the Greek Police Force

Chios and an education trip in Sicily. In particular, 29-31/7/08 in Samos, 8-10/11/08 in Lesbos and 15-17/5-09 in Chios. In the above seminars an overall (150) people participated, (social workers, lawyers, interpreters, medics,) workers of Detention Centres of points of entry, Chios, Samos Lesbos, representatives of the Police Force, the Port Authority of Samos, the District Attorney, members of local NGOs as well as representatives from the Ministry of the Interior, the Department of Marine and representatives of the UN.

In addition, on 24-27/5-09, a mission took place in Sicily to visit places of reception of immigrants. A total of (19) person participated, from the Greek Police Force, the Port Authority, the UN for refugees, social workers and lawyers.

### **3.2.2 Additional/ complementary developments.**

Greece has transferred into national law all four Directives of the 1<sup>st</sup> phase for a common European Asylum System. In particular:

(a) Directive 2003/9/EC (Reception Conditions) was transferred with No 220/2007 (Official Gazette (A 251) Presidential Decree, which was published in the Government Gazette on 13-11-2007.

(b) Directive 2005/85/EC (Asylum Procedures) was transferred with No 90/2008 (Official Gazette A' 138) Presidential Decree, which was published in the Government Gazette on 11-07-2008, as amended by Presidential Decree 81/2009 (Official Gazette A 99/30-6-2009).

(c) Directive 2004/83/EC of the Council (minimum requirements for the granting or withdrawing of refugee status or subsidiary protection) was transferred with No 96/2008(Official Gazette A' 152) Presidential Decree, which was published in the Government Gazette on 30-07-2008.

(d) Directive 2003/86/EC (family reunification) was transferred with No 167/2008 (Official Gazette (A 223) Presidential Decree, which was published in the Government Gazette on 04-11-2008.

For the drafting of these texts, the comments have been taken into account, both of the co- responsible Ministries, and of the international and national bodies (UNHCR, the National Committee for Human Rights, The Greek Ombudsman, Lawyers' Association of Athens) and Non Governmental Organisations (International Amnesty, Greek Council on Refugees).

In addition, Greece has transferred into national law with P.D. 80/06 (Official Gazette A' 80/13-4-06) Directive 2001/55 of the Council of the European Union (Council) on minimum standards for giving temporary protection in case of mass influx of displaced persons and measures for the fair allocations of burdens among the Member States as regards the reception and treatment of the consequences of admitting such persons.

Despite the measures for the improvement of existing practice such as, transposition of Community Directives referred to above, upgrading of asylum services by establishing separate asylum services throughout the region of Attica and Thessaloniki, Institutionalising the Appeals Committee for the examination at second degree of asylum cases (independent decision body), training of those involved in asylum procedures, through seminars and co-financed Community programmes, in cooperation with the UNHCR and N.G.O'S, both for the Asylum Department of Attica and for the Offices of the remaining Greece, creating computer applications, setting-up of a Documentation Office for the information on the condition of countries of origin of asylum seekers, pension leaflets for asylum procedures in the five (5) main foreign languages of asylum seekers (Arabic, Turkish, Persian, English and French), with the cooperation of the UNHCR<sup>11</sup> and, finally, the establishment and operation of an informal working team to resolve the problems with the participation, excluding the competent Department parties and representatives from the UNHCR of the UN, was not possible to resolve the problem.

The amendments which institutionally were acted, with P.D. 81/09 is the result of the recording of the malfunctions observed during the period of application of the P.D. 90/2008 and especially the problem of time-consuming handling of asylum requests, after the study of the report of the Joint Working Team of the UNHCR and the competent asylum service of the Greek Police Force Headquarters, titled "Towards a fair and efficient identification procedure of refugee status in Greece", in October 2008.

With the new institutional framework, i.e. the decentralised system and the provision for the establishment of Committees in each prefecture, where a decision will be taken in A' and last degree, it was attempted to accelerate the process of admittance, interview and decision-making on asylum requests, ensuring high quality guarantees examination of

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<sup>11</sup> [www.yptp.gr](http://www.yptp.gr)

cases in relation to the previous regime, both with the composition of the members of committees and the support with secretariats and interpreters.

The presence of an interpreter is institutionalised with article 8 (par. 1) of P.D. 90/2008 (Official Gazette A138) with which article 10 of Directive 2005/85/EC was transferred to the Greek legislation.

It should be noted however that, in particular for the issue of interpretation in April 2008, the UN High Commissioner for Refugees pointed out that due to lack of interpretation and legal services, interviews for refugee status are carried out in a language that asylum seekers do not understand and without having been informed of their rights during the asylum<sup>12</sup> procedure.

Also, despite the fact that the Greek legislation explicitly recognizes the right of asylum seekers to have access to free interpretation services, the application of the above provisions is not sufficient. The Commissioner of the Council of Europe for human rights has noted with concern that the problem of inadequate interpreting<sup>13</sup> consists a chronic problem of Greek asylum system.

For the establishment of this process, the Vice-President of the European Commission Mr Barrot was informed during his visit to Greece on 30-06-2009 from the Minister of the Interior at that time, Professor Prokopis Pavlopoulos. Mr Barrot stated that he understands that there is an obligation of Community solidarity but, there is also an obligation of the Greek Government to offer asylum to foreigners who come to Greece<sup>14</sup>. Also for the whole process and the guarantees offered by the new procedure, Mr Barrot, was informed by the Minister of the Interior with No 142/08-07-2009 letter.

For this new process, the UNHCR for Refugees expressed its concern. It claimed that the institutional changes adopted by Presidential Decree 81/2009 do not ensure a fair and efficient procedure for recognition of refugee status in Greece in accordance with the international and European law.

The Ministry of Citizen Protection with its new title, following the undertaking of the new government (former Ministry of Public Order<sup>15</sup>) and based on the above, goes to a radical reform regarding the Greek asylum system and, to this end, has set up a Work Group headed by the Secretary-General of the Ministry of Citizen Protection, and the participation of representatives from the UN High Commissioner for Refugees, N.G.O'S the Greek Ombudsman, the Bar Association of Athens, Academic professors, the National Commission for Human Rights, the Ministry of Health and Social Solidarity and the Ministry of the Interior, Decentralisation and e-Government.

The aim of the Work Group is to create an independent central service asylum with a regional structure within the Ministry of Citizen Protection. The priority of the Ministry of Citizen Protection is the operation and procedures of the new Asylum Service to be made fully compatible with international Law and in particular the European Charter of Human Rights and the UN Convention on Refugees.

The new service will be headed mainly with political staff and will provide seamless access to an effective and fair procedure substance to asylum-seekers, with the aim of increasing in the European average the rates of asylum granting, especially in first degree. Also, until the functioning of the new asylum service, transitional provisions will be provided in order to satisfy the immediate need for unhindered access for asylum seekers will be covered through a fair and efficient procedure. At the same time, an ad hoc work group will undertake to resolve the accumulated outstanding demands in a second degree. Finally, special care will be given to developing facilities and care provisions policies for refugees.

In the first meeting of the Work Group, the competent Minister, stated the following: "Today, we decide to open a new chapter on asylum policy in the country, which is a historical decision. We are developing a new Asylum Service, which will accept the requests, examine the individual cases, meet asylum seekers' individual needs and our country will be fully adjusted to the European requirements. At the same time, it will respect human rights, individual freedom, protect asylum seekers and of course it will show great concern for the individual needs of each asylum seeker. We are in an extremely difficult period. Migration flows are very strong in the country. Due to the geographical position there is great pressure. Immigration is a national, social issue, but it is a global and European problem as well".

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<sup>12</sup> UNHCR Position on the Return of Asylum Seekers to Greece under the Dublin Regulation, 15-04-08

<http://www.unhcr.org/refworld/country.POLICY...GRC.4562d8b62.4805bde42.0.html>

<sup>13</sup> Council of Europe, Commissioner for Human Rights, Report following his visit to Greece (8-10 December 2008), CommDH (2009) 6, par. 25.

<sup>14</sup> <http://www.yptp.gr> (Press conference 30-06-09).

<sup>15</sup> Official Gazette B' 2234/07-10-2009



The head of the Office of the UNHCR of the UN for refugees in Athens hailed the recommendation of the Commission<sup>16</sup>.

### **3.3. Unaccompanied minors and other vulnerable groups.**

#### **3.3.1.a Additional/Complementary developments**

The Greek legislation, article 79 of N. 3386/05 as applies, prohibits the expulsion of minors:

- (a) when the parents or persons who have the custody are legally residing in Greece.
- (b) when there have been imposed reformatory measures with Court decision of the Court for minors.

In the case of third country nationals concerning unaccompanied minors or victims of human trafficking, the competent Prosecution Office or Police Authorities shall take the necessary measures to identify the identity and their nationality and to verify the fact that they are not accompanied.

Moreover, they will make every effort to trace as soon as possible the immigrants' families and to take all the necessary measures to ensure their legal representation and, where appropriate, their representation in the context of criminal proceedings.

The above procedure is followed on any event, even when the unaccompanied minor does not apply for granting political asylum, in applying article 19 of such P.D. 220/07. The Prosecutor for Minors or the local responsible District Attorney, in any event undertakes the duties of Special Provisional Commissioner of the minor, so as to ensure his necessary representation.

In cases where, after thorough investigation the parents or persons who have the custody are not found in our country by the competent Immigration Office, INTERPOL is being informed in order to identify the immigrants' country of origin.

After following the above mentioned procedure, expulsion decisions are issued against them with detention. They are always kept in specially formed areas and not together with other adults, under special hospitality and protection arrangements. An indicative example is the special residence area for minors in Amygdaleza (S.R.A.M. AMYGDALAZA), with capacity of (40) persons (with the possibility of housing 14 more).

#### **3.3.2. Latest developments**

As regards nationals of neighbouring countries they are delivered with proof of delivery – receipt from the Police Authorities of their country. More specifically, regarding minors from Albania, the Greek and the Albanian government, have signed an agreement to protect them, including repatriation, rehabilitation and care for the Albanian children, which are victims of trafficking in Greece.

On 25/8/2008, the agreement between Greece and Albania (L. 3692/2008 “Ratification of the Agreement between the Government of the Hellenic Republic and the Council of Ministers of the Republic of Albania for the protection and assistance to victims trafficking minors”, ) that was made in 2004, was ratified and published in Official Gazette 173A/25-8-2008.

To ensure the effective implementation of the Agreement, the National Centre of Social Solidarity of the Ministry of Health and Social Solidarity was defined as the "responsible authority", which will cooperate with the contact authorities, including the Greek police, where and when required.

The remaining minors are expelled by air, after having informed the INTERPOL of their country. In cases where the expulsion of unaccompanied minors is not feasible, because there is no air connection with their country (e.g. Afghanistan) or other problems (e.g. Iraq), they are released free with restrictive conditions, in accordance with article 78 of L. 3386/2005 (reprieve of expulsion due to force majeure), after having informed the competent District Attorney for Minors and in cooperation with the Ministry of Health and N.G.O'S, the minors are accommodated in special areas.

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<sup>16</sup> <http://www.yptp.gr/main.php>

Each case of illegal entry of immigrants to the country, as well as minors, shall be notified and shall be referred directly by the departments of the Greek Police Force to the Prosecuting Authority (article 83 N. 3386/2005 and article 19 P.D. 220/2007). In the detention centres of illegally admitted immigrants a distinction is made between unaccompanied minors and other illegal immigrants, until the completion of the procedures that will determine whether they are minors, their origin, their inclusion in the asylum system and the relevant informing of the judicial authorities. They are always kept in special designed premises separated from adults, with special hospitality and protection arrangements. In cooperation with the Ministry of Health & Social Solidarity the immigrant minors are transferred to the available special centres of reception and hospitality for unaccompanied minors (open centres), in order to protect and distinguish them from adults as well as to include them into mental health programs but also to improve their living standards.

In addition, provision for to be separated from other immigrants is made for people belonging to other vulnerable groups (e.g. single-parent families, elderly, etc.), since they have special needs, thus they are in need of special treatment by trained and qualified staff.

The authorities who are responsible for this, when they are called upon to manage an asylum request of an under-aged, through the Ministry of Health and Social Solidarity they are taking the provision to find available housing in one of the special reception centres and for ensuring the safe movement of the minor. Of course, the protection of asylum seekers who are unaccompanied minors remains as before, with addition of the following actions from the side of authorities:

To ensure that the child's needs for housing are met with his accommodation close to adult relatives, foster family, Hospitality Centres with special infrastructure for minors or other areas suitable for minors and that the housing of the child protects him from the risk of trafficking or exploitation.

The existing reception and accommodation centres for unaccompanied minors, are as follows:

- 1) Reception Centre for minor immigrant refugees in Anogia Crete - Capacity: 25 people
- 2) Paidopoli Agia Sofia – Hospitality Centre for Unaccompanied Immigrant in Agria Volos - Capacity: 24 people
- 3) Hospitality Centre for Immigrant Minors – Agiasos Lesvos - Capacity: 96 people
- 4) Centre for Boys' Child Care - Konitsa - capacity: 75 people
- 5) Social Solidarity - Capacity: 30 people
- 6) Arsis Thessaloniki- Capacity: 50 people
- 7) Child Care Association: 15 people
- 8) Arsis Volos - Capacity: 30 people

In 2009 a total of (2270) persons were accommodated<sup>17</sup>.

All the Centres provide material reception conditions to the guests (clothing, nutrition, personal sanitary ware, etc.) upon arrival and during their stay as well as free health care. They act for the joint housing and co-existence of brothers and sisters, taking into account the age, maturity and generally the interest of any minor and make efforts to identify, as soon as possible, the members of their family.

In the event that there is a risk to threaten the lives or integrity of the minors or of their close relatives, especially if they are residing in the country of origin, the collection, processing and transmission of information relating to such persons shall be confidential, in order to not jeopardize the safety.

They also take care that the staff dealing with cases of unaccompanied minors have or receive appropriate training on the needs of minors.

They ensure that the minor is informed for his or her rights and in all situations the cases are examined in priority by an interpreter, in their own language or in a language they understand, with absolute confidentiality.

Also, all services are obliged to assist the involved Parties and N.G.O.'s that assist the legal and psycho-social support of the minor.

In cases where the minor would be found victim of trafficking, article 47 par. 2 L. 3386/2005 is applied, which states: "In the case of third country nationals who are unaccompanied minors, the competent prosecuting or police force authorities shall take all the necessary measures to identify their identity and nationality and to verify the fact that they are not accompanied. Also, they will make every effort for the quickest tracing of their families and to take the necessary measures to ensure the minor's legal representation and, where appropriate, the representation within the framework of criminal proceedings".

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<sup>17</sup> Data taken from Ministry of Health and Social Solidarity

## **3.4 Economic Migration**

### **3.4.1 European Pact on Immigration and Asylum**

#### ***3.4.1.a Implementation of policies for labour migration***

The organization of legal immigration and in particular labour migration is for the Greek Government one of the main priorities.

Labour immigrants in Greece (by the invitation procedure), are settled by the provisions of Chapter E' (articles 14-23) of L. 3386/05 as in force.

Labour migration in Greece is demand driven and its management relies in two systems. The first one (invitation procedure) includes the local labour market and usually it covers the low skilled workforce. The second one refers to more simplified and short admission procedures in favour of highly skilled third country nationals (TCNs).

Rapid procedures need to be taken in order to cover unexpected and exceptional needs

Furthermore, based in a recent arrangement, access to the labour market of persons with autonomous residence permit was facilitated, so that these people can engage in paid employment or to provide services without approval (article 60 N. 3386/05 as applicable).

During 2009

, the total number of persons with a residence permit with the aim of employment (including rendering service or work) in 31-12-2009 it was 237.323..<sup>18</sup>

In regards to seasonal employment, Greece has concluded bilateral agreements with Albania (L. 2482/1997 Official Gazette A' 73 of 16-05-1997) and Egypt (L. 1453/1984 Official Gazette A'88 from 10-06-1984).

#### ***3.4.1.b increase the attractiveness of the EU for highly qualified workers and further facilitate the reception of students and researchers:***

The immigration legislation of Greece, provides many favourable provisions for the admission and residence of workers, who may be regarded as highly skilled workers (shorter procedure for admission, family reunification without waiting period, procedural facilities during the renewal of residence permit).

During 2009, initial residence permits with the aim of employment, which could be regarded as highly qualified work, were granted to (310) persons. The total number of persons with a residence permit for employment of this category amounted on 31.12..2009 to 1.483<sup>19</sup>.

Directive 2004/114/EC on the conditions of admission of third country nationals for the purposes of studies is implemented, which was transferred into national law with P.D. 101/08 (Official Gazette A' 190/15-9-08), as well as national provisions for certain categories ( exchange programmes, professional training, attendance at military schools, traineeship etc).

The process of maintaining legal residence of third country nationals who lived, legally, in Greece for reasons of family reunification and left the country for studying at Universities abroad has been simplified.

At present there is concern about the treatment of third country nationals already residing in the country for a long time, e.g. for reasons of family reunification and renew their residence permit for studies, so that the last category not to fall in a disadvantaged position in relation to those who fall within the scope of the Directive.

During 2009, initial residence permit for study purposes (within the content of the Community Directive) has been granted to 110 persons. The total number of persons with a residence permit under this category amounted on 31.12.2009 to 2.542<sup>20</sup>.

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<sup>18</sup> Data from the Ministry of the Interior, Decentralization and e-Government.

<sup>19</sup> Data from the Ministry of the Interior, Decentralization and e-Government.

<sup>20</sup> Data from the Ministry of the Interior, Decentralization and e-Government.

With regard to the admission of researchers, Directive 2005/71/EC, which was transferred into national law with P.D.128/08 (Official Gazette A'190/15-9-08) is being applied. According to this, it is possible for a third-country national to enter Greece for scientific research purposes provided he has concluded an admission contract with a recognized research body.

During 2009 initial residence permit for scientific research was granted to 25 persons. The total number of persons with a residence permit of this category amounted on 31.12.2009 to 34<sup>21</sup>.

#### ***3.4.1.c Do not aggravate the brain drain:***

Due to the small number of high-skilled immigrants entering or residing in the country, the issue of the brain drain has not come about up-to-date in relation to the immigration policy of Greece.

### **3.4.2 Additional/ Complementary developments.**

The overall legislative framework regarding the management of legal migration is going to be redesigned with the objective of abolishing red tape procedures which have a negative impact on the security of residence of labour migrants.

The new legal framework is expected to encompass policies leading to establishment of a secure residence status for immigrants. This will contribute to the prevention of illegal migrant working, while enhancing on the same time social cohesion.

With the transfer of Directive 2009/50/EC for highly skilled workers, a new design of the total legislation governing workers of this class is expected.

## **3.5 Family Reunification**

### ***3.5.1 To regulate family migration more effectively***

At the period that we refer, regulations with regard to the reunification of families is aiming at protecting the children as well as reinforcing the rights of second generation immigrants were improved.

L. 3386/05 as in force, in particular Chapter I, articles 53 to 60 claims that "Granting and renewal of authorization residence for family reunification", regulates the conditions for family reunification of third-country nationals or national living abroad, determines who are defined as family members, the procedures for the submission and examination of the application for family reunification, the duration and renewal of the residence permit, in what cases a residence permit is not granted or is revoked, the rights that the family members of a third-country national have, as well as to whom and under what conditions autonomous residence permit family members are granted.

Articles 61, 62, 63, 64 define the right of residence of third-country nationals who are members of the family of a Greek citizen or citizen of another Member State of the European Union.

Directive 2003/86/EC on the right to family reunification has been transferred into Greek legislation with P.D. 131/2006 (Official Gazette 143 A) and 167/2008 (Official Gazette 223 A): The first provides for the conditions of family reunification of third-country nationals which are legally residing in Greek territory and the second for the family reunification of refugees.

Decision No. 3497.3550/DPs 4000/05 (Official Gazette B' 1912/05) with the title "Definition of conditions, supporting documents and procedure for granting national visas" and in particular in articles 29-31 defines the detailed rules for granting national visas for family reunification to family members of third country nationals, family reunification with members living abroad and repatriates and for reunification for refugee's family members.

Decision 933/09 (Official Gazette B'53/19-01-09), defines the necessary supporting documents for the granting and renewal of residence permit in accordance with the provisions of N. 3386/2005 as in force.

P.D. 106/2007 (Official Gazette A' 135/21-06-07) on "Harmonization of the Greek legislation with Council Directive 2004/38/EC on the free movement and residence in the Greek territory of the citizens of the European Union and members of their families" presents the conditions governing the exercise of freedom of movement and residence in the Greek territory by the citizens of the European Union and the members of their families, the right of permanent residence of the Union citizens in Greece and members of their

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<sup>21</sup> Data from the Ministry of the Interior, Decentralization and e-Government.

families, the limitations to the rights referred in subparagraphs a and b of the present, for reasons of public order, public security or public health, in order the Greek legislation to integrate the provisions of No. 2004/38/EC Directive of the European Parliament and of the Council, concerning the free movement and residence in Greece of Union citizens and members of their families.

P.D. 150/2006 (Official Gazette 160 A') "Adjustment of the Greek legislation in Directive 2003/109/EC of 25 November 2003 on the status of third country nationals who are long-term residents" specifically determines the conditions for granting and withdrawing of the arrangements for a long residence period of a Member State to nationals of third-countries who are legally residing in its territory, and the respective rights and conditions of residence of third country nationals under long-term residence in Member States other than that granted to them under this status.

For family reunion, Greece has issued till 31-12-2009, has issued (233,930) long-term residences<sup>22</sup>.

With L. 3731/2008, issued on 23.12.2008, special attention is given to the improvement and more effective regulation of the legislative framework particularly in relation to matters of family reunification and the aim of strengthening the rights of the families of immigrants. In particular:

The time period within which the nationals of third countries are obliged to declare changes concerning, besides others, the family situation and the fines imposed have been reduced in cases where the above changes are declared late (article 40, par. 2, 3 and 6) has been extended.

Issues of residence permits have been arranged more favourably for family members in case that marriage occurs between legally residing third-country nationals in Greek territory. It is no longer necessary the sponsor to prove sufficient resources. (Article 40, par.4a).

Residence status of minor children of third-country nationals who are born in Greece has been arranged more favourably, and it is provided that their stay is covered by residence permit of their sponsor for the whole period until the sponsor submits an application for granting them a residence permit. This may take place until the adulthood of the children, while a small fine is provided only in the case that the relevant application is submitted after two years from the birth of the child. This arrangement has retroactive effect for the children born before the publication of the law. With this provision, in practice, every child of third-country national born in Greece may be granted a residence permit at any time until their adulthood without special requirements (article 40, par. 4b).

In the frame of the protection of children and family unity, a further opportunity was granted to nationals of third countries residing legally in the country is given, to settle the legitimacy of residence for minor children, provided that these had a residence permit in the past which was not renewed either inadvertently or due to the fault of their parents, simultaneously with the sponsor (article 40, par 5).

In the frame of supporting the rights of second generation immigrants, it is rendered as a more favourable provision of internal national legislation, the status of long-term residency, with all the rights resulting from this, within the Greek territory, to children of third-country nationals born in Greece and having followed Greek education, thus, ensuring equal treatment with nationals and giving them the opportunity to renew their residence permit every five years, without this being connected with any specific purpose and therefore without seeking specific conditions for its renewal (Article 40, par. 7).

The issuance of residence permits to family members of third countries that have Greek origin has been settled overall after the issuance of a divorce or annulment of a marriage. According to the relevant provision the interested parties shall take autonomous residence permits (article 45, par. 1e).

Given the opportunity to nationals of third countries which alter the residence status in the country, because of their marriage with third-country nationals, Greek or citizens of the European Union, not to lose the right of residence in the country, and not return to the pre-marriage residence status, in the cases of death of husband or divorce issuance further independent residence is not registered (article 45, par. 1g).

With N. 3801/2009, issued on 4.9.2009, the procedures were simplified even more on the basis of faster servicing to nationals of third countries and support of their rights:

Direct access has been institutionalized, without specific authorization required, to holders of autonomous residence permits to salaried employment and to rendering services or project (Article 43(1)).

In the context of the special protection granted under the law to parents of minors, they are given the opportunity of extension, with the same conditions, of their residence permit, for a further five years period after the adulthood of their child.

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<sup>22</sup> Data from the Ministry of the Interior, Decentralization and e-Government.

In addition, the Joint Ministerial Decision n.1356/2009 provides that the employment authorization for holders of residence permits on family reunification the grounds needed to be issued only once and it is of indefinite duration. Under the prior legislation, this authorization was linked to the duration of the residence permit and renewed when specific requirements were fulfilled, such as a minimum number of days covered by social insurance. In addition, the indefinite duration of approval for employment, operates in the direction of the simplification and avoidance of suffering of nationals of third countries, since they are provided the opportunity to continue freely, without interruption of their occupational activity, an opportunity they were not given by the two-yearly renewal of the authorisation to work.

Furthermore, with the no. 933/16.1.2009 decision of Minister of the Interior the procedure for granting and renewal of residence permits has been simplified, and inter alia, the obligation to present certain supporting documents has been abolished. Examples include:

The abolition of the obligation to provide health certificate by the minor children born in Greece,

The replacement of the presentation of a recent certificate of family situation, during the initial submission and upon renewal of a residence permit for family reunification, with the solemn statement stating the non-alteration of the family status,

The abolition of the obligation to provide a registered birth certificate from the country of origin for the granting of separate residence permits to children of nationals of third countries upon adulthood. The adulthood is proven by any other relative documentation that the individual will provide.

### **3.5.2 Additional/ Complementary developments.**

The P.D. 220/2007 (which transfers to the national legislation the article 19 of Directive 2003/9/EC on minimum conditions for reception of asylum seekers) is the first legislative text which guarantees the right of unaccompanied children to unite with their family. The provision of article 19 par. 2 requires the authorities to have the obligation to seek as soon as possible the members of the family of under-aged.

In the case of third country nationals who are unaccompanied minors or human trafficking victims, the competent prosecuting or police force authorities shall take the necessary measures to identify the identity and their nationality and to establish the fact that they are not accompanied. Moreover, they will make every effort for the soonest possible tracing of their families and immediately take the necessary measures to ensure their legal representation and, where appropriate, their representation in the context of criminal proceedings.

The above procedure is followed in any event, even when the unaccompanied minor is not applying for the granting of political asylum, pursuant to article 19 of P.D. 220/07. The Prosecutor for Minors or the locally competent Prosecutor in any event undertakes the duties of a Special Provisional Commissioner for the minor, so as to ensure his necessary representation.

The new legislative framework is expected to include further initiatives in order to enhance the rights of family members of migrants, design social integration programmes and simplify the procedures for issuing and renewing residence permit as well as the access of migrants to the labour market.

## **3.6 Other forms of legal migration**

### **3.6.1 European Pact on Immigration and Asylum**

#### ***3.6.1.a Improve information on the possibilities and conditions of legal migration***

The Ministry of the Interior, decentralisation and e-Government, processed a manual which includes the rights and obligations of third-country nationals, which has been translated into (6) languages and is being distributed by municipalities and regions of the country. In this manual a detailed description of the rights and obligations which immigrants have during their residence in Greece is made. This action is particularly important so that the immigrants to receive the valid information in a language that they can understand and to assure that immigrants have understood their rights and to avoid their involvement in an illegal status from failure to fulfil their obligations due to ignorance of the relevant regulations.

The use of European Migration Network for the submission of questions (2 by Greece) and sending replies (27) in questions of other member states.

Participation in meetings / conferences GDISC: participation in annual conference for the management of migration (Italy).

Inclusion of a detailed updating on the website of the Ministry regarding the existing legislation on immigration (laws, ministerial decisions, circulars, relevant documents) and Community policies (policy programmes, Community legislation, the external dimension of immigration)<sup>23</sup>.

### **3.6.2 Additional/ Complementary developments.**

The development of a portal for labour supply and demand for supporting the right of access of citizens to existing available positions.

It also makes a provision for the interconnection of the archives services of various ministries in keeping with the intensification of controls to curb cases circumvention of the law but at the same time speed up the existing procedures in the service of immigrants.

Furthermore, co-operation and information exchange between governmental agencies, N.G.Os and educational institutions on a regular basis will be established.

## **3.7 Integration**

### **3.7.1 European Pact on Immigration and Asylum**

#### ***3.7.1.a. Promote harmonious integration in line with the common basic principles***

With Chapter IB' (articles 65, 66) of L. 3386/2005, for the first time it has been legislated policy of social integration for third-country nationals, in order to ensure the smooth adjustment and the proportionately equal participation in social, economic and cultural life of the country. From the provisions of these articles it appears that for the Greek State, the integration does not mean assimilation, but it means the possibility of co-existence under a society that promotes equality, justice and democracy. It is the immigrant's personal choice whether to be incorporated or whether to submit an application for the granting of the Greek citizenship.

Also, the provisions of the above Law relating to family reunification, as well as the creation of a new system of long-term residents are indissolubly linked with the, social integration of third-country nationals. Eventually, those who are granted this status, which presupposes a five-year period spent in the country, live with his / her family, work legally and their children attend Greek schools, which is a social reality that has been accepted and incorporated from a large extend of Greek society.

In addition with the elaboration of the first "Integrated Action Programme for the smooth adjustment and social integration of third-country nationals legally residing in Greece-ESTIA" is ensured the coordination and supervision of all decentralised actions and measures in crucial for the social integration of immigrants areas. This occurs with the No 25057/08 Common Ministerial decision was ratified the program "ESTIA".

The P.D. 131/06 for the facilitation of family reunification (in compliance with Directive 2003/86/EC).

The P.D. 150/06 for long-term residents in compliance with Directive 2003/109/EC introduces for the first time, to the Greek legal system a comprehensive status for the long-term resident, which offers nationals of third countries increased protection and more rights and reserves equal treatment with nationals in a wide range of sectors of economic and social future of the country.

The P.D. 106/06 on the harmonisation with No 2004/38/EC Community directive on the right of citizens of the European Union and members of their families, which are nationals of third countries to move and reside freely in the Greek territory.

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<sup>23</sup> [www.ypes.gr](http://www.ypes.gr)

Directive 2004/81/EC, which concerns human trafficking victims, has been integrated in the Greek legal order already with articles 46 to 52 of L. 3386/2005. With these provisions is achieved the formulation of a special residence status for third country nationals, which are characterized as human trafficking victims and are cooperate with the authorities for the combating of channels of human trafficking. The objective of these provisions is the protection of such persons both during the procedure for the relevant investigations by the competent authorities and their subsequent residence. The relevant arrangements are related in particular to:

Provision, for the first time, of a reflection period, during which the victims will be able to escape from the influence of the trafficking channels and to cooperate with the authorities. Furthermore, the victims are granted with a renewable residence working permit, access to education and vocational training. It also provides complete health care during both the duration of the reflection period as well as the period following the granting of a residence permit.

After the completion of the cooperation process, the individual may from the authorities to obtain a residence permit for some of other reasons of N. 3386/2005, if they wish to and if they fulfil the relevant conditions.

Provision of increased protection to the unaccompanied minors who are characterized as human trafficking victims.

For the promotion of social cohesion policies has been institutionalized from the National Commission for Social Integration of Immigrants by the L. 3536/07 which includes the governmental representatives, all co-responsible for social integration bodies, including the civil society (associations of immigrants, non-governmental organizations through the Institute of Immigration Policy), trade unions, Church, Universities, as well as the political parties represented in parliament.

The Commission's task is: (a) to suggest proposals and actions relating to the social integration of immigrants, (b) to conduct a social dialog for formulating policies which promote the integration of immigrants in all sectors, in accordance with international law and the European vested and (c) the training and monitoring of operational programmes relating to the implementation of policy for social integration of immigrants.

Council Directive 94/80 EC of the Council of the European Union was integrated to the national law with P.D. 133/97 Official Gazette A'121/12-06-97, as amended by the P.D. 164/97 Official Gazette A'145/8-7-97 and P.D. 320/99 Official Gazette A' 305/31-12-99, on the right to vote and stand in municipal elections by citizens of E.U. residing in Greece who are not Greek citizens.<sup>24</sup>

An important financial tool of E.U for the implementation of measures and actions integrating immigrants is, inter alia, the European Integration Fund of third-country nationals for the budget period 2007 2013, which forms part of the General Programme "Solidarity and Management of Migratory Flows".

The aim of the Fund is to support the efforts made by the Member States, so that nationals of third countries with different economic, social, cultural, religious, linguistic and ethnic background effectively join in the European societies.

With the financial contribution, the Fund contributes to the development and implementation of integration strategies at national level for third-country nationals in all sectors of the society, in particular taking into account the principle that integration is an interactive dynamic process of mutual adjustment of all immigrants and residents of Member States in which they live.

The European Integration Fund, finances actions in the frame of four priorities and in particular, Implementation of actions designed to put the "Common Basic Principles for immigrant integration policy in the European Union" into practice", "Development of indicators and evaluation of methodologies to assess progress, adjust policies and measures, and to facilitate co-ordination of comparative learning", "Policy capacity building, co-ordination and intercultural competence building in the Member States across the different levels and departments of government", "Exchange of experience, good practice and information on integration between the Member States".

Except of the European Integration Fund, other community measures of support of national policies for the integration are: the National Strategic Reference Framework (E.S.P.A.) and the European Social Fund (ESF).

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<sup>24</sup> During the 3rd international forum in Athens, the prime-minister of Greece as well as the minister of the interior, stated that among the aims of the government is to give the right to vote in the municipal election to those of long-term residence.



For the harmonious integration of immigrants in the Greek society, Greece materialises the following action:

**1. For the balance between the rights of immigrants and their obligations:**

1.1 The Ministry of the Interior, Decentralisation & e-Government has issued a prospectus in the form of a brief guide, which indicates an extensive list of the basic rights (related to: the social security and protection, education, public services, treatment, mobility and installation to the Greek area, as well as the rights of prisoners and workers) and liabilities (related to: residence permit, changes on marital status and other personal data, industrial relations, the departure from Greece) that immigrants living in Greece must be aware of. It has been issued in 6 languages -Greek, English, French, Albanian, Russian and Arabic.<sup>25</sup>

1.2 The Institute of Immigration Policy has also issued a guide in 6 languages (Greek, English, Arabic, Chinese, Albanian, Russian) which guides the immigrant during their first residence days in Greece.<sup>26</sup>

1.3 The creation of a bilingual (Greek, English) portal network which contains information on a series of rights for immigrants residing in the country (e.g. legal residence, naturalisation, housing, health, access to labour market, education, culture etc<sup>27</sup>).

1.4 Printed information campaign which is addressed to nationals of third countries in areas of interest, such as health & housing, entrepreneurship, education, issues of everyday life and promoting the value of bi-cultural, in order to develop a full picture of their rights and obligations.

**2. For the encouragement of language learning, and access in the employment the following programmes are implemented:**

2.1 Educational programs of the Institute of Continuous Adult Education which falls under the Ministry of Education, Lifelong Learning & Religions:

2.1.a. "Education of immigrants of the Greek language, the Greek history and the Greek culture"

2.1.b. programme "Learning of the Greek language as a Second Language to Migrant Workers".

2.2 Programme courses of the Greek language and history for immigrant mothers.

2.3 Innovative educational program for learning Greek through music and song for immigrants' children beyond the levels of the existing education system.

2.4 Training programs for intercultural mediators.

2.5 Educational programme for learning the Greek language and elements of Greek history and culture in Moldova (measures before the departure).

**3. For the respect of identity of member states and European Union as well as their fundamental values:**

3.1 The existing immigration law provides for third-country nationals' children's education in a' and b' levels of education, irrespective of the residence situation of the parents in the country.

3.2. In a' and b' levels of education, the institution of Intercultural Education is in operation. In particular, operating are:

3.2.a 25 Intercultural Schools throughout the country.

3.2.b Learning support and compensatory education programmes, i.e. Introductory Classes and Support Courses.

3.2.c Targeted development programmes and projects under the ECAC (2007-2013) for the education of immigrants and returning pupils.

**4. For combating all forms of discrimination**

4.1 Information awareness takes place of the host society through the Mass Media and organization of an information day, with a view of removing any anachronistic stereotypes, on racism and xenophobia, the promotion of diversity and multicultural issues for Greek society and tolerance in diversity.

4.2 A workshop was organized for raising the awareness of journalists in dealing with phenomena of racism and xenophobia.

4.3 The operation of intercultural training programmes for civil servants dealing with third-country nationals or handle matters which concern them.

4.4 Intercultural training programmes for staff serving in the country's detention locations, in Commissioner Offices for Minors and Social Assistance Commissioner Offices,

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<sup>25</sup> [www.ypes.gr](http://www.ypes.gr)

<sup>26</sup> [www.imepo.gr](http://www.imepo.gr)

<sup>27</sup> [www.ypes.gr](http://www.ypes.gr)

4.5 It is operating intercultural training programmes for civil servants dealing with third-country nationals or handle matters which concern them, in selected hospitals of the Regions of Attica and Thessaloniki.

**In addition Greece intends to materialize the following activities in future:**

**1.- As regards the promotion of language learning:**

Programmes of Greek language learning in certified Centre for unemployed immigrants.

Programmes of Greek language learning for immigrant parents with tutor for care and creative involvement of children.

Educational programme of the Greek language and elements of Greek history and culture in Egypt (measures before the departure).

**2.- For the encouragement of access to employment:**

Seminars for marionette making, cooking, embroidery etc. in the frame of women groups - Greek and immigrant women - and provision for a special area with tutor for care and creative involvement of children.

The seminars will give the opportunity of employment to migrant women as trainers.

**3.- As to respect to equality between men and women:**

An information campaign of public awareness and information of women with regard to the treatment of trafficking cases, intra-family violence and sexual harassment with a view to implementing policy of equality between the two sexes in all areas of life.

**4.- As regards schooling :**

Interventions aimed at raising awareness and advisory support to teachers, pupils and parents and creation of a network of partners (a group for psycho-social support) to monitor and support their pupils and their families which will facilitate communication between schools under the application.

Comprehensive training of all teachers in teaching methodology and educational material produced in the context of the projects of the Operational Programme for Education and Initial Vocational Training (O.P. "Education") I and II for the repatriates, immigrants and pupils living abroad.

Supportive training interventions with the emphasis on Greek language, and the screening programmes of the needs of repatriates and immigrant infants and pupils of a' and b' level education.

reproduction of the existing approved auxiliary educational and training material, creation of appropriate screening tests, electronic training material and films on intercultural education.

Analysis of parameters which slow down the rate of implementation of school integration, and of the factors which enhance the integration effort of repatriates and immigrant students, as well as the collection of data for the assessment of the overall progress of linguistic and educational integration of repatriates and immigrant pupils.

***3.7.1.b Promote information exchange on best practices in terms of reception and integration***

Pan-European Conference on "Good practices for the Voluntary Service for the Support of Immigrants".

Community support measures of the national integration policies.

**3.7.2 Additional / Complementary developments.**

Poll on "Racism and Discrimination in the area of housing".

Organization of cultural event for the "Day of the Immigrant" on 18/12 every year.

Creating a database on non-governmental organizations (NGOs) and associations of immigrants who are active in our country in the fields of legal immigration and social integration,

Advertisement campaign in the Mass Media for the briefing of third countries nationals on the acquisition process of a of long-term residents status.

Organization of a race and a football tournament between Greek teams and teams consisting of third country nationals.

**In future it indents to materialize the following actions**

Program "Art as a channel for the integration of immigrants", painting, photograph and theatre workshop.

Elaboration of a study on the subject "Feminine immigration in Greece"

Elaboration of a study on the subject, "Integration of second generation immigrants in Greek society.

Opinion poll for the assessment of results of actions that are materialised in the framework of the European Integration Fund.

A printed Multilingual Guide for the Prevention on health subjects for information and sensitisation of immigrants.

Program of activities training and cultural character of minors immigrants in the Association of Protection minors except their host countries.

Elaboration, publication and circulation Guides for the information of Third Countries Nationals with Infirmary, legally residing in Greece.

Elaboration of research for the investigation of profile and needs of elderly Third Countries Nationals legally residing in Greece.

Elaboration of research for the investigation of the profile and the needs of Third Countries, Nationals legally residing in Greece, who work as domestic assistants.

Creation of network of collaboration on a local or a regional level.

### **3.8 Citizenship and Naturalisation**

#### **3.8.1 Citizenship and Naturalisation.**

L. 3284/2004, (Official Gazette 217, T. a') with the name "Greek citizenship Code", defines the persons that can obtain the Greek citizenship and specifically states that the acquisition of the Greek citizenship occurs first by birth (The child of a Greek man or woman acquires from its birth the Greek citizenship. The Greek citizenship is also acquired by someone upon birth in Greek territory, if he does not acquire any other foreign citizenship upon birth or is of unknown nationality), the recognition (immigrant infant born without marriage of its parents; recognized legitimate as child of a Greek, so as to assimilate fully with a genuine child of his father, becomes Greek from its recognition, if at that time is under-aged.), with the adoption (immigrant, which was adopted before his adulthood as child of a Greek man or woman becomes Greek from the time of adoption), serving in the armed forces and naturalization.

Greece, from 1-1-09 to 31-10-09 granted (18,026) immigrants from various nationalities with the status of Greek Citizenship<sup>28</sup>.

### **3.9 Illegal Immigration**

#### **3.9.1 European Pact on Immigration and Asylum**

##### ***3.9.1.a only case-by-case regularisation***

With respect to the protection of family and the extent of immigrants' integration, decisions have been taken for the settlement of residence status of certain groups of third country nationals or the facilitation of their residence and access to the labour market.

In particular:

- Taking into account the already long residence in the country and their level of integration, nationals of Albania who had requested the supply of Special Identity Card of person of Greek origin and their requests were rejected because the status of Greek origin was not demonstrated, were given the opportunity to re-establish their legal status as third-country nationals.

- Amendments of the provisions governing the granting of initial residence permit for extraordinary reasons have been introduced, improving the legislative framework. Thus, a residence right can be granted to TCNs applicants (holders of visa regardless of its validity at the time of application or holders of an expired residence permit) when they can provide evidence of a specific reason making their stay in the country necessary. These residence permits are granted following an opinion by the competent committee and offer access to employment. In addition, the possibility to exercise independent economic activity is offered only when the applicant was previously a holder of a residence permit allowing him/her to exercise similar activity or the aforementioned is an ongoing activity.

-The possibility of granting residence permits to minor children born in Greece by legally residing third-country nationals and due to the negligence of their parents never had been granted permission to stay in these countries.

##### ***3.9.1.b take rigorous actions and penalties against those who exploit illegal immigrants***

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<sup>28</sup> Data from the Ministry of the Interior, Decentralization and e-Government.

With N. 3801/2009, issued on 4.9.2009 and in particular with paragraphs 4 and 5 of article 44 therefore, the legislative framework became stricter, provided that in order for a third-country national to be recruited or employed it is necessary to have a residence permit giving access to the labour market or a residence permit and approval for access to the labour market or a certificate that has tabled all the supporting documents for the issue of the corresponding residence permit. Additionally, nationals of third countries which, although hold residence permits, offer dependent work or services or carry out an independent economic activity, without the respective residence permit required, or approval of access to the labour market, a fine is imposed and in the event recidivism residence permits are withdrawn or not renewed.

With the previous existing legislative framework no sanction was foreseen in the event that the employer employed third-country national who held a residence permit, which however did not provide the respective right to employment.

In articles 84 to 88 of the above law severe, economic and administrative sanctions against individuals, officials, legal entities, bodies, notaries and carriers which provide services to third-country nationals who are not legally residing in Greece, as well as to the detriment of employers who employ immigrants without legal documents or those providing accommodation.

More specifically, against carriers, with L. 3772/09 (Official Gazette A' 112) which amended L. 3386/09, that facilitate in any way the entry to the country of persons who do not meet the conditions of entry, extremely severe penalties of felony nature are imposed, the appeal of which does not have a suspensive effect, in addition, provisions are made for confiscation of assets and the removing of secrecy status.

### **3.9.2 Additional/ complementary developments.**

Presently, the incorporation process to the national law of the Directive for the imposition of sanctions to employers who employ illegally-residing third-country nationals is in process.

## **3.10 Actions against human trafficking**

### **3.10.1 European Pact on Immigration and Asylum**

#### ***3.10.1.a cooperation with the countries of origin and of transit, in particular to combat human trafficking and to provide better information to communities under threat***

Greece, has signed and ratified relevant agreements for police cooperation in combating the various forms of organised crime, such as human trafficking, exchange of information etc. with countries of origin and of transit, and in particular with Egypt (L. 2754 / 19-11-99 Official Gazette A' 251/19-11-99) , Albania (L. 2147/93' Official Gazette A' 96/16-6-93) , Armenia (L. 2499 /97 Official Gazette A' 100/ 28-05-97), Bosnia and Herzegovina (L. 3725/08 Official Gazette A' 255/08) , Bulgaria (L. 2096 /30-11-92 Official Gazette A' 188/2-12-92) , France (has not ratified), Iran (not yet ratified) , Israel (L. 2383/07-03-96 Official Gazette A' 40/ 07-03-96) Italy (L 3159/26-06-2003 Official Gazette A' 64), China (L. 2381/07-03-96 Official Gazette A' 39/ 07-03-96), Croatia (L. 2756/19-11-99 Official Gazette A' 253/ 19-11-99), Cyprus (L. 2463/26-02-97 Official Gazette A' 26/02-97) , Lithuania (L. 2426/1996 Official Gazette A' 149/ 04-07-96), Malta (L. 3125/2004, Official Gazette A'-63, 14-03-2004), Ukraine (L. 3158 Official Gazette A' 163/26-06-03), Hungary (L. 2222/06-07-94 Official Gazette A' 111/6-7-94), Pakistan (L. 3571/07 Official Gazette A' 124/8-6-07), F.Y.R.O.M (not yet ratified)., Poland (L. 2221/1994), Romania (L. 2138/93), Russia (L. 3215/03 Official Gazette A' 311/31-12-03), Slovenia (not yet ratified) and Turkey (L. 2926/27-06-01 Official Gazette A'139/27-6-01).<sup>29</sup>

As regards the traffickers, the legislative framework (articles 84 to 88 L. 3386/05 as in force) is sufficient. It should be noted that the year 2008, (2,211) were arrested of which (923) imprisoned. The year 2009, (1,715) were arrested. During this period from 1-1-09 to 12-7-09 there was not any recording about the fate of traffickers. But the period from 13-07-09 (the date on which L 3772/09 was put in application) until 31-12-09 during which analytical data was recorded, (756) traffickers were arrested, of which (389) were

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<sup>29</sup> The relevant data was provided by the International Cooperation Department of the Greek Police Force Headquarters.

imprisoned, (353) were freed under restrictive conditions, (5) were imposed a prison sentence with suspension, (6) were acquitted and (3) were minors who were deported.

Finally, the Plan of Operational- Interdivisional Action “ILAEIRA”, for the fight against trafficking of women and minors, was a Greek pioneering effort of an organized operational action, for the handling and combat against trafficking of women and minors aiming at the economic exploitation of genital life. A clear intention is the essential, coordinated and effective action by all parties involved, since the fragmented action is insufficient to tackle this transnational phenomenon.

According to the statistical data which are kept by the Anti-Trafficking Group of the Public Security Department/A.E.A.<sup>30</sup>, during the year 2008, the Greek Police Offices settled (40) cases of Human Trafficking and Human Body Trafficking (-37- sexual exploitation, -2- labour exploitation & -1- case trafficking of human organs ), of which the (14) were committed by Criminal Organizations. From the surveys and the interrogations of these cases (162) were accused, Greek and immigrants, while there were (76) victims (men, women & minors) of economic and sexual exploitation, of which, (36) requested and were granted assistance and protection from the State. Of this total, (16) have been characterised by an act of the competent public prosecutor and were favoured by the provisions of L. 3064/02. The Greek Police Force cooperated with Offices and Units providing, protection and assistance, with Non-Governmental Organizations, with the diplomatic authorities of countries of origin of victims in our country, in (30) cases with the I.O.M. in (4) cases for the safe repatriation.

Also, in 2009 ,(303) Greeks and foreigners were arrested for similar affairs, while there were (125) victims. By decision of the competent public prosecutor (69) individuals were characterized victims of trafficking in human beings and benefited from the advantageous provisions of Law no. 3064/02. The (107) persons were repatriated voluntarily in their countries of origin.

In addition, the current year, the following initiatives took place: On 26/1/2009, the Jordanian delegation of the Police Force of the Department of Family Protection informing took place concerning matters of Domestic Violence.

The Greek Police has published in its website the current legislative frame for trafficking in human beings, Anti-trafficking Police Services and useful advices for victims of trafficking in human beings. In the framework of implementing the Twinning Programme with Romania, were held meetings in Athens and Bucharest between the representatives of the National Authority for the Trafficking of Human Beings of the Ministry of the Interior and Administrative Reforms of Romania and Greek Officers.

The third meeting of experts of the participating countries in the Cross-border Anti-Trafficking Police Cooperation Initiative ‘ILAEIRA’ took place in Chania, Crete on 17-18/9/2009.

The period from 24 to 28 of November, in the Police Training School, special training took place that included a specialised seminar with a duration of five (5) days, for forty (40) police officers of the Anti-trafficking and Safety Services, in order to be informed of the legislation. The training also included information management, police preliminary investigation, handling victims, security of witnesses, cooperation with co-responsible bodies, etc. with particular emphasis on police operations. These officers constitute the core of trainers for the other Officers of their Department, as head of the Services for Combating Trafficking of Human Beings with specialist knowledge.

### **3.10.2 Additional/ Complementary developments.**

Trafficking of human beings has been classified among the issues of first priority both by international organizations, and by the countries of the European Union and its institutions. Greece, because of its geographical position and other economic and cultural parameters is estimated that it will continue to be a country for destination and settlement of the victims.

The Greek Legislation is facing human trafficking through a complete legislative framework which is consistent with international conventions and other related thematic European texts. In particular it includes: Law 3064/2002 (Official Gazette A’ 248/15-10-2002) “Combating trafficking of Human Beings, crimes against sexual freedom, pornography of under-aged and more generally the economic exploitation of their reproductive life and assistance to victims of these operations”. The article 323A “Trafficking of Human

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<sup>30</sup> The relevant data was provided by the Greek Police Force Headquarters. The data for 2009 are available at the end of January of 2010 and they will be recorded upon submission of the final report.

Beings” of criminal code the most modern forms of human beings trafficking are faced, while the crime of trafficking of human beings (article 351 of P.C.) is transformed to the most important provision of the 19<sup>th</sup> Chapter of the Penal Code, which refers to the economic exploitation of sexual life so as to be treated in particular the trafficking of human beings, when occurred with the use of violence, threats to, or other forceful instrument and in exploitation of genital life. Under the same law provisions have been included for the protection of victims against offences provided for the protection of life, physical integrity, provision of housing, food, health care and psychological assistance, in the legal assistance to victims by ensuring a legal counsellor and an interpreter. The P.D. 233/2003 (Official Gazette A’ 204/29-8-2003) “Protection and assistance to victims of crimes of Articles 323, 323a, 349, 351 and 351 A of the Criminal Code, in Article 12 of L. 3064/2002.” This Presidential Decree, which was issued with the authorizing of Article 12 of L. 3064/2002, defines the parties, the measures and the way of providing protection, assistance and care to the victims of offences provided for in this. For immigrants suspension of expulsion is provided for Law 3386/2005 (Official Gazette A’ 212/23-8-2005) “Entry, residence and social integration of third country nationals in the Greek territory”, (article 1 and articles 46-52). This law clearly defines the concept of the victim trafficking of human beings. Thus, victim of trafficking of human beings is the natural person who has become a victim of crimes provided for in articles 323, 323A, 349, 351 and 351A of the Penal Code regardless of whether he has entered the country legally or illegally (Article 1).

The introduction into the law of the capital G’ (Articles 46 to 52) aims at the overall settlement of the protection and assistance to victims of trafficking of human beings in the context of combating the phenomenon and in accordance with the guidelines of the Directive 2004/81/EC of the Council of 29 April 2004 “Regarding the residence permit issued to third country nationals victims of human trafficking or synergy of illegal immigration, who cooperate with the competent authorities”. In particular, it introduced for the first time the meaning of the time limit reflection, in sufficient time, which is granted by decision of the responsible public prosecutor to the victim of human trafficking, in order to overcome and to move away from the influence of the perpetrators, in order then to decide whether to cooperate, or not with the competent police and judicial authorities. With law 3625/07 (Official Gazette A’ 290/24-12-2007) “Ratification, implementation of the Optional Protocol to the Convention on the Rights of the Child on trafficking of children, child prostitution and child pornography and other provisions” amendments have been made and additions to the chapter of penal code referred to in crimes against sexual freedom and crimes of economic exploitation of their reproductive life, articles 323a :Trafficking of human beings", 348a “Child pornography” etc. With the new arrangements provided for, more stringent penalties against offenders (life imprisonment if human trafficking had as a result the death of human beings), suspension of the time bar until adulthood of the victim (3 years for criminal offences and 1 year for misdemeanours), non-application of the restrictions of the Law on Protection of personal data in the investigation and confirmation of crimes against sexual freedom, the economic exploitation of their reproductive life, etc.

On 25/8/2008 the Agreement between Greece and Albania in 2004 for the repatriation of minors was ratified, with L. 3692/2008 “Ratification of the Agreement between the Government of the Hellenic Republic and the Council of Ministers of the Republic of Albania for the protection and assistance to victims of trafficking of minors”, which was published in Official Gazette 173A’/25-8-2008.

The main actions developed by the Greek Government for the treatment and combat of the phenomenon of trafficking of human beings, are the follows:

On April 2001 with the Joint Ministerial Decision of the Ministers of the Interior P.A.& D. and Public Order the Group for Combating Trafficking of Human Beings (OKEA) was established, a group with ministerial and multidisciplinary composition, involving senior executives of ministries and other social parties.

According to the suggestions of OKEA, the L. 3064/2002 was drawn, which constitutes a pioneering while effective tool for combating the phenomenon and moreover suggested the establishment and operation of anti-trafficking services of the Greek police force, issued a news-letter (2000 issues) and was the first to attract all Public operators, organised an exhibition with works of art. (United Europe against slavery) etc. Furthermore, for the effective handling of the phenomenon with a decision of the Leaders of the Greek Police Force, Anti-Trafficking groups are in operation at a central and regional level. At the central level, the matter is dealt with by the anti-trafficking group of the Public Security Department since September 2002. In the regional level, Police Departments of Attica and Thessaloniki in the existing specialized moral sections operate since 1-11-2003 the Anti-Trafficking groups, with appropriate staffing in personnel and logistical

equipment. Since 29/12/2005, following the evaluation of the action of these groups similar groups in 12 police departments of the country were established and are in operation.

In addition, with P.D. 48/13-3-2006, we have the establishment in the Police Departments of Attica and Thessaloniki, Divisions for Combating Human Trafficking, which constitute the 3<sup>rd</sup> Division of the Sub-Department of Organized Crime, respectively.

Overall, today, the Greek Police Force provides seventeen (17) specialized Anti- Trafficking services. Since it is considered extremely important the issue of education of police staff already the Police College has included in the curriculum, at all levels of education, the issue of human trafficking. Effort is being rendered for public awareness through Mass Media of printed and magazine type.

Also, on 5/5/2004 under the Chairmanship of the Secretary General of the Ministry of Justice a special Committee was established composed of nine (9) General Secretaries of the eight (8) jointly responsible Ministries, with the aim of coordination at the political level of all matters relating to the issues of trafficking of human beings, at all levels.

In November 2005 a Cooperation Memorandum was signed between the members of the Commission, twelve (12) NGO'S and the IOM for combating trafficking of human beings and for assistance and protect the victims.

Moreover, partnerships were developed and meetings were held in Police Departments of the border areas, for the fight against cross-border crime on a bilateral basis with the countries of Albania, F.Y.R.O.M and Bulgaria.

In the effort to combat organised crime and all forms of crime, information at international level are exchanged with EUROPOL, INTERPOL, SECI as well as through bilateral agreements of police cooperation both with Member States of E. U. and with third countries as well as through the appointment of police officers in the countries of Italy, Bulgaria, Cyprus, Turkey, Albania, Russia, Ukraine, F.Y.R.O.M, Croatia, Bosnia- Herzegovina, Serbia-Montenegro, Romania (beyond the police league in SECI) and Lebanon.

### **3.11 Return Immigration**

#### **3.11.1 European Pact on Immigration and Asylum**

##### ***3.11.1.a To conclude readmission agreements at EU or bilateral level***

The countries with which Greece has sign readmission agreements are the following: Bosnia and Herzegovina (not yet ratified), Bulgaria (L. 2406/96 Official Gazette A'102/4-6-96 ), France (L. 2917/01 Official Gazette A' 115/11-6-01), Switzerland (not yet ratified), Italy (L. 2875/00 01 Official Gazette A' 246/7-11-00), Croatia (L. 2350/95 Official Gazette A'225/1-11-95 ), Latvia (L.2861/00 Official Gazette A'255/16-11-00), Lithuania (L. 2911/01 93/9-5-01), Hungary (L.3321/05 Official Gazette A' 53/1-3-05 ), Poland (L. 2384/96 Official Gazette A'41/7-3-96 ), Romania (L. 2301/93 Official Gazette A'70/12-4-95), Slovenia (L. 2353/95 Official Gazette A'229/6-11-95 ) and Turkey (L.3030/02 Official Gazette A'163/15-7-02 ). Also, Greece is at the stage of deliberation for conclusion of agreements with Russia, Pakistan, Albania, Iraq, Moldova, Nigeria and Serbia.<sup>31</sup>

##### ***3.11.1.b To devise incentive systems to assist voluntary return and to keep each other informed***

The removal of immigrants who do not create particular problems takes place voluntarily without escort either by road, air or sea. It is obvious that in case of passage through another country, valid informing – approval of the transit country should precede.

Someone who would like to travel by air should possess valid travelling documentation. Many immigrants, advised by the people who smuggled them in Greece, conceal or destroy their documents, with the result both the verification of data of their identity and the further handling of their case to be difficult.

The problem of granting traveling documents is significant and concerns all the Member States. -The lack of their supply with traveling documents may be due to:

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<sup>31</sup> The relevant data has been provided by the International Cooperation Department of the Greek Police Force Headquarters.

- a- non-cooperation for supply of the under expulsion immigrants, from the diplomatic authorities here (mainly African countries),
- b - refusal of the immigrants themselves to cooperate with the consulates of their country,
- c. -the demand of certain Consular Authorities to be paid money for the issuance of traveling documents,
- d. -lack of diplomatic representation in Greece (e.g. Afghanistan, Sudan, Mauritania, Somalia, Rwanda, Eritrea, Sierra Leone, etc. ) of certain countries,

A significant number of non-legitimate economic immigrants entering and illegally remaining in Greece is that of third country nationals whose expulsion becomes impossible, because they lack travelling documents (e.g. there are no consular authorities, there are but do not cooperate, etc.).

During the current year, efforts were made and achieved for the voluntary return of one hundred-eight (108) nationals from Afghanistan, with special ‘charter’ flights voluntarily wishing to return spontaneously to their country.

### **3.11.2 Additional/ Complementary developments.**

During this year actions were taken for the voluntary return with the aim of creating a national framework of incentives for the voluntary repatriation of four hundred and sixty four (464) immigrants from Afghanistan and fifty four (54) immigrants from Pakistan, with special “charter” flights for those who wanted to return back to their country<sup>32</sup>.

## **3.12 External relations/overall approach**

### **3.12.1 European Pact on Immigration and Asylum**

#### ***3.12.1.a conclude EU-level or bilateral agreements with the countries of origin and of transit containing clause on legal and illegal migration as well as development***

In the framework of the Community programme “Economic and technical assistance to third countries in the areas of asylum and immigration - AINEIAS’, the Greek Ministry of the Interior, Decentralisation and e-Government took over the coordination and management of the three-year (2006-2009) action programme entitled: “Building on Mechanisms to Effectively and Sustainably Implement Readmission Agreements between Albania, the E.C. and concerned third countries”.

The main objective of the programme was the support of the competent Albanian authorities for the effective implementation of the “Agreement between the European Community and the Republic of Albania on the readmission of persons residing without authorisation”, which entered into force on 1 May 2006 with the aim of attaining an important tool for the overall effort to combat illegal immigration in the region. It is important to note that Albania is, on the one hand, the first European country to sign a readmission agreement with the Community and, on the other, a country of origin of considerable number of third-country nationals to Greece and to other Member States of the EU.

Within the above framework, specific objectives of the programme were the following:

The support of state bodies in Albania responsible for the design and implementation of return and readmission policy of Albanian nationals and nationals of third countries, through the exchange of know-how and experience, technical staff training and providing necessary equipment.

The support of the competent Albanian ministries in the processing of the necessary legislative framework for the implementation of the Readmission Agreement E.U./Albania.

The identification of good practice in the implementation of bilateral or multilateral agreements and protocols of Readmission, the appropriate adjustment of these practices in the Albanian case and the preparation of offices in view of concluding the necessary bilateral agreements and/or protocols of Readmission between Albania and neighbouring countries.

The promotion of cooperation and the exchange of technical experience between the Greek and Albanian offices directly involved in the implementation of the Readmission Agreement.

The promotion of socio-economic reintegration of Albanian ethnics, through the upgrading of services provided by the staff of the National Employment Service of Albania and regional offices.

The main beneficiary institution from the programme was the Albanian Ministry of the Interior and in particular the central and regional services of the department involved, directly or indirectly, in the implementation of the Readmission Agreement EU/Albania, with most important the Border and Immigration

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<sup>32</sup> Data from the Immigration Department of the Greek Police Force



Department. In addition, directly benefited were the officers of the co-responsible Albanian Ministries, officials of border services of Albania, and the staff of the National Employment Service of Albania and six selected regional offices (Tirana, Avlona, Durres, Argyrokastró, Korytsa, Elbasan).

The implementation of actions was completed in April 2009 with the cooperation of partners of the project: I.O.M.-Albanian Mission, Greek Police Force Headquarters, Hellenic Migration Policy Institute (IMEPO), Hellenic Agency for Local Development and Local Government (E.E.T.A.A.). The programme is considered to have contributed substantially to the strengthening of the Albanian government departments with responsibility for return, readmission, as well as reintegration of repatriated Albanian ethnics, while a determining factor for the achievement of the positive result was the strong interest and active involvement and participation in the design and implementation of actions, of the authorities of Albania themselves.

### ***3.12.1.b offer the nationals of partner countries to the East and South of Europe opportunities for the legal immigration***

Greece has concluded bilateral agreements with Albania and Egypt on employment of their nationals respectively. Albanian nationals may exercise seasonal employment in Greece. Egyptian nationals may be admitted for reasons of employment as fishermen for a limited period each year. 550 Egyptian nationals have been employed on the grounds of the agreement in 2008 and 569 in 2009.

### ***3.12.1.c. cooperation with the countries of origin and of transit in order to deter or prevent illegal immigration***

Greece has signed a series of Readmission Agreements and Police Cooperation Agreements, as mentioned above, with countries of origin and of transit of migrants with a view to cooperation between competent authorities for combating illegal immigration. It has implemented the programme "AINEIAS" with Albania.

Also, it is cooperating with Bulgaria for the creation of a common border point and contact centre in Promahona. Already between the two countries relevant agreements have been signed on 29-04-09 which have been ratified by their parliaments and will soon be implemented.

### ***3.12.1.d More effective integration of migration and development policies***

In the framework of the Global Approach to migration Greece is participating in the Mobility Partnership EU-Moldova with the following actions: a) organization of a technical workshop to Moldavian officials on the improvement and simplification of the procedure of issuing of residence permits, b) organization in Moldova of a Greek language course addressed to nationals of Moldova who wish to migrate to Greece; this course includes also familiarization with the institutions of Greek society, introduction to Greek culture and information on the legal ways to enter Greece (pre-departure measures), c) creation of a web site on legal migration.

Actions a) and c) are to be materialized in 2010 while action b) is now in progress and will be completed within this year.

In addition, Greece is participating in project of the Swedish Public Employment Service aiming at "strengthening the capacity of Moldova in managing economic migration and return migration" under the framework of the EU-Moldova mobility partnership. The relevant actions include: a) presentation of legal ways to enter and work in Greece and the experience gained in managing economic migration (took place in Chisinau in September 2009) and b) the creation of a web site on legal migration (pending).

### ***3.12.1.e promote co-development actions and support instrument for transferring migrants' remittances***

In Greece, regarding the remittance of savings, the following procedure is applied where each principal is informed in writing.

The Bank agrees with the Principal that the execution of the order will be carried out within fifteen (15) working days from the day of reception of the order. Otherwise, the Bank is obliged to repay the Principal,

within 30 working days from the day of order, the amount of the order, after deduction of the related costs and commissions of the Bank or third parties (e.g. Cooperative Bank commission), for the exact amount the Principal has been notified of. The deadline shall be extended automatically to six months in the case that the order does not fulfil the conditions of automated payment and in particular the information provided for in Article 5 of Regulation 2560/2001.

The Principal exempts the Bank and every intermediate financial institution or Cooperative Bank involved in carrying out the order, by any claim for compensation due to delay or cancellation of order execution which does not fulfil the conditions of such P.D. 33/2000. (Official Gazette A' 27 16.2.2000 Adaption of the Greek Legislation to the Directive 97/5/EC of 27.1.1997 on cross-border transfers of credits). Moreover, the Bank is not liable for any delay or cancellation of execution of an order due to an action or omission of a third, natural or legal person including cross-border settlement systems and incomplete or incorrect information of the order.

The Bank is not liable to failure of execution of an order in the event that the recipient of the order bank or otherwise the Cooperative Bank, suspends cooperation with the Bank or ceases its operation for whatever reason. In this case, the Principal is informed during the next day of the cessation of the transfer transaction to the recipient bank. The Principal has the opportunity to choose another Cooperative Bank.

The Bank is not liable if the order is not executed due to an inadequate balance of the statement of the customer (order amount plus commissions and costs). The Principal recognizes and understands that a condition for carrying out a Payment Order through Automated Cashing Machines is the existence of a sufficient balance to the relative to the Principal's transaction account number associated the balance of which must be at a level which covers the amount of the payment order and of any charges or commissions.

The Principal declares and is bound under the responsibility that the transfers carried out are not included in the reported in article 38 of L. 2859/00 (Official Gazette A'248/7-11-00 Penalty added value code) as applicable according to the issued relevant Ministerial Decisions, in ar. 13 par. 6 and 7 of L. 2238/94 (Official Gazette 2238/94 A 151 "Ratification of the Income Taxation Code") as well as in a provision which establishes the obligation of the Banks to refuse to grant amounts for income payment abroad, if not presented to them payment to the public of proof pro rata tax or generally not met before any other fiscal obligations of their clients, otherwise will be responsible to the Bank for any penalty imposed to the Bank for this reason.

The Principal declares that he was informed specifically and in writing by the Bank on the conditions of cross-border transfers of appropriations and in particular for the conditions that apply specifically for the execution of issuing a transfer to the Cooperative Bank of his choice. The Principal is aware of the Greek language and states that he completely understood and especially the content of the conditions of the present.

The commissions and costs of the Bank and the Cooperative Bank are borne by the Principal. In particular, the Principal has been aware of the commissions and costs required for carrying out the order and gives order to the Bank to retain the corresponding commissions and costs by charging his linked bank account with these amounts. This special irrevocable order applies to any Payment Order to be given by the Principal, either by means of automatic cashing machines (ATM) or through the Bank Branches.

The Principal declares to the Bank that the amount of the order does not come from the revenue and activities of N. 2331/1995 for the prevention and combating of the legalization of profits from criminal activities.

Finally, it should be noted that the transfers are only in Euro. The maximum amount transfer for each transaction is 900 Euros, the commission cost varies between 10 and 17 Euros and beneficiaries are only natural persons.

### **3.12.2 Recent Developments**

There are no recent developments

## **4. IMPLEMENTATION OF EU LEGISLATION.**

### **4.1 Transposition of EU legislation 2009.**

It is true that there were not many legislative acts, in particular directives of the E.U. on asylum and immigration that had to be incorporated to the national law in 2009.

Greece, during 2009, incorporated part of the directive 2008/115/EC of the European Parliament and of the Council of 16 of December 2008, on common rules and procedures of Member States for the return of illegally residing nationals of third countries and in particular article 15 of the directive referring to the detention of the under expulsion immigrants. Specifically, with article 48, par. 2 of L. 3772/2009, paragraph 3 of article 76 of L. 3386/05 was amended and now no longer can the limit for detention of under expulsion immigrants exceed six (6) months instead of three (3) months provided for with the previous status quo. Moreover, it provides for extension of the detention in the event that the expulsion delays because he refuses to cooperate or because the receipt of the necessary for the expulsion documents from the country of descent or origin is delaying and the detention of the immigrant may be extended for a limited period of time, not to exceed twelve (12) months.

For the determination of the details for the execution of administrative and judicial expulsion decisions for immigrants, the No. 4000/4/46-a' Joint Ministerial Decision (Official Gazette B' 1535/27.7.2009) was pronounced.

Greece, given that the incorporation of directive 2005/85/EC (regarding the minimum standards for the procedures with which the Member States grant and withdraw refugee status) which had been transferred into national law with P.D. 90/2008 (Official Gazette A' 138/11-07-08), malfunctions were observed, focusing mainly on time-consuming handling of asylum requests, proceeded to the amendment of P.D. 90/08 with P.D. 81/2009 (Official Gazette A' 99/30-6-2009), according to which a decentralized system is established for the examination of applications for asylum with the provision of establishing committees in each Prefecture, where a decision will be taken at A' and last degree. This procedure attempted to accelerate the process of admission, interview and decision-making on asylum requests.

By the Ministry of the Interior, Decentralization and e-Government, No. 15/3-4-09 Circular was issued which clarifies the standard conditions of the correct application of P.D. 131/06 which transferred into national law directive 2003/86/EC and of P.D. 150/06 which transferred into national law directive 2003/109/EC in issues concerning the work of third-country nationals (dependent work or independent economic activity), the family reunification of third-country nationals or members of Greek's family or citizens of E.U., matters of independent residence permits, permits of indefinite duration and long-term residents.

With the order No 9100/1-1204042 of 30-11-09 issued from the Headquarters of the Greek Police Force, the competent Departments were informed of the beginning of implementation on 19-12-09 of regulation No. 1244/EC/30-11-09, which amended regulation 539/EC/01, for the abolition of visas to citizens of Serbia, Montenegro and FYROM.

Finally, regarding the integration of the directive, 2009/50/EC and 2009/52/EC, the procedures are under way between the ministries who are involved in this, in order to integrate it.

### **4.2 Experiences, consultations for the application - non-application of E.U. legislation.**

For the measures taken by Greece regarding the extension of the detention time of the under expulsion immigrants, there were reactions such as, by the International Amnesty which in an announcement states that the directive does not guarantee the safe and dignified return of illegal immigrants and argues that it would be a bad example for other countries of the world, the National Commission of Human Rights (NCHR) which was completely opposed to the measures of administrative expulsion and detention taken by Greece.

The establishment of the new procedure for the examination of applications for asylum, created serious reactions by the UN High Commission for Refugees, by NGO and NCHR. Specifically, the UN/HCR, with No. 09/32 of 17-7-09 announcement, stated that it will not participate in the new asylum procedure in Greece, noting with great concern that the institutional changes adopted by Presidential Decree 81/2009 do not sufficiently ensure a fair and effective procedure for recognition of refugee status in Greece according to international and European legislation.

The NCHR submitted a relative memorandum to the European Commission, while the Greek Council on Refugees (SPC) submitted on 16/11 recourse to the State Council against the above presidential decree.

### **Annex – Methodology, terms and definitions.**

In the present report important information and developments which were collected and reported from various sources were analyzed. A basic criterion was the legislative reviews and changes in the administrative practice, in order to interpret the developments of immigration policy in Greece in the year 2009, there were references to other years as well.

For the drafting of the report there were no contacts with bodies and persons from the Greek administration responsible for handling asylum and immigration issues. It should be noted that there has been excellent cooperation by all parties involved, organizations, NGO, etc. and have contributed substantially to the elaboration of the study. Also data was drawn from websites of organisations, NGO, etc.

Following is the recording of the information sources and data bases used:

Public Authorities and Services

Ministry of the Interior, Decentralization and e-Government. [www.yypes.gr](http://www.yypes.gr)

Ministry of Foreign Affairs [www.mfa.gr](http://www.mfa.gr)

Ministry of Labour and Social Insurance [ww.ypakp.gr](http://ww.ypakp.gr)

Ministry of Health and Social Solidarity [www.mohaw.gr](http://www.mohaw.gr)

Ministry of Citizen Protection [www.yptp.gr](http://www.yptp.gr)

Greek Ombudsman [www.synigoros.gr](http://www.synigoros.gr)

Institutions and NGOs

Hellenic Migration Policy Institute (IMEPO) [www.imepo.gr](http://www.imepo.gr)

UNHCR, Office in Greece [www.unhcr.gr](http://www.unhcr.gr)

Greek Council for Refugees (GCR) [www.gcr.gr](http://www.gcr.gr)

National Commission on Human Rights [www.nchr.gr](http://www.nchr.gr)