



*Centre of Planning and Economic Research
EMN Greek National Contact Point*

POLICY REPORT ON MIGRATION, ASYLUM AND RETURN IN GREECE

(Reference Period July 2004 - Dec 2005)

By

Costas N. Kanellopoulos*

and Maria Gregou

Athens

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* Centre of Planning and Economic Research (KEPE)

Hippokratous 22 str., Athens 10680, Greece

Email: kkanel@kepe.gr

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1. Introductory Summary

This annual policy report on migration and asylum intends to cover the period from July 2004 up until December 2005. Its main focus is set on the institutional and legislative developments during this reference period. More specifically in the next section, despite the lack of required data, an overview of the general trends in migration and asylum is provided. Then, the recent political developments and institutional changes are briefly described (section 3). Next, the main legislative developments are presented, paying special attention to the new immigration law 3386/2005 (section 4). The report concludes with certain policy implementation issues (section 5).

2. Immigration Situation: Overview of General Trends in Migration and Asylum

Migration trends in Greece during the recent years seem to be on decline. After a peak in 2003 (the year before the Athens Olympic Games), when net migration is estimated to approximately 45,000, a noticeable decline has been observed in 2004, where net migration is estimated by National Statistical Service to 35.000. There is no data on recorded migration for the period 1999-2003. This was due to the difficulties in the implementation of the Aliens Law 2910/2001, which transferred the responsibility of data provision from the Ministry of Public Order to that of Interior.

Even though based on existing statistical sources it is extremely difficult to observe migration flows (immigration-emigration), it is apparent that without positive net migration the country's population would have declined, as recently the number of deaths, around 104.000 annually, has overcome that of births. After many years, only in 2004, the number of births(105,655) overcame the number of deaths (104,941) by a few hundreds.

The decline of migration trends is justified because there have not been changes during the examined period stimulating immigration to the country. On the other hand, the post-Olympic Greece does not seem to display an increasing demand for migrants.

The total number of third country nationals living in the country with a valid work permit can be estimated only for 2004 (not earlier), as derived from the database at the Ministry of Interior. It turns out that 586,044 individual residence permits were valid in 01-01-04, the equivalent of 5.3 % of total population. Comparing the number of valid residence permits at the beginning of 2004 to third country nationals derived from the 2001 census, it seems that the number of residence permits is almost as expected.

The number of asylum application in 2005 exceeded 9 thousands (9.050), which is almost double the number of applications during 2004 (4.469). To some extent this increase

reflects the fivefold rise of asylum applications submitted from Pakistanis, while the number of application originated from the usual countries (i.e. Iraq, Iran, Somalia, etc.) remained almost stable. Over one out of two of the applicants come from 'other' countries, meaning that, presumably, there is a set of new countries from which a higher number of asylum applicants originates. A worth-noting information regarding the asylum applications for 2005, is the fact that for a large number of applicants (5.233 out of 9.050) the process was suspended.

The number of applications examined in 2005 (12.264) increased almost three times compared to that of 2004 (4.340). However, the percentage of positive decisions remains too low (around 1%). This low percentage differentiates between first instance decisions and first appeal, the latter being almost double than the former.

Regarding illegal immigration, as indicated by the number of apprehended and removed aliens, it turns out that there was substantial increase in 2005. The number of apprehended aliens, illegally present in the country from almost 45.000 in 2004 exceeded 77.000 in 2005. For the same years, the number of removed aliens from almost 40.000 exceeded 55.000 respectively. In line with the previous years, the large majority of both these categories of aliens (apprehended and removed) originate from Albania. Although the increase in these numbers coincides, partly, with the initiation of the third legalisation, one can assume that it reflects stricter police checks.

3. Developments in Greece relevant to immigration and asylum

3.1 Political Developments

In Greece political parties have not published specific policy agendas on immigration and asylum issues. Overall, however, all political parties represented in the parliament not only consider immigration as unavoidable reality, but also as rather beneficial to the Greek economy and society. In this respect, there is a broad consensus on the need for legalisation and integration of immigrants. One could argue that political parties' stance towards immigrants is moving ahead of society.

There are no important general political developments during the reference period (July 2004-December 2005). However, a major political development took place shortly before the reference period. This is the change in the governing party after the national elections of March 7, 2004. Thus, after more than a decade of governing Greece, the Socialist Party (Pan-Hellenic Socialist Movement-PASOK) was replaced by the Liberal, Rightwing

Party (New Democracy-Nea Dimokratia), who won the 165 parliamentary seats out of the 300. The new government, through the Ministry of Interior headed by Law Professor Prokopis Pavlopoulos, proceeded to the introduction of new legislation regarding migration, while also relevant administrative changes were put forward. There have not been important legislative or administrative developments regarding Greek asylum and refugee policy.

3.2 Political positions of the Greek Parties regarding Law 3386/2005

During the parliament debate of the new law, certain positions of the Greek political parties were aired. Overall though there was a consensus that the new bill improved the existing migration legislative framework, by simplifying the bureaucratic procedure, proceeding to the transposition of the EU Directive 2003/109/EC on long term residence status and by giving a third opportunity for legalisation to undocumented immigrants. On the other hand, opposition political parties demanded bolder steps. For instance, George Papandreou, the leader of the main opposition Socialist PASOK party, raised the issue of the right of immigrants to participate in local government elections after five years of legal residence. MPs of the Communist Party argued against temporary residence permits, as these will keep migrants in a continuous state of uncertainty. The Coalition of the Left (Synaspismos) MPs regarding the new long-term resident status criticised the law for demanding fluency in Greek and knowledge of Greek history and culture as application requirements.

4. Legislative Developments

4.1 Previous Legislative Framework (Law 2910/2001)

Greece, traditionally a country of emigration, has evolved since the late 1980s into a country with a rather large number of foreign residents, mostly economic immigrants. Prior to the first legalisation in 1998, most of these immigrants were undocumented. Although riddled with bureaucratic obstacles and requirements that proved very difficult for many migrants to fulfil, the 1998 legalisation resulted in about 370,000 immigrants receiving white cards for residence and work for about one year - with extensions given. Even though that legalisation increased five-fold the number of foreign legal immigrants (excluding ethnic Greeks and EU nationals), it left out an estimated number of more than 400,000 illegals. The number of illegals is estimated to have grown, as relatives and friends joined them and others entered on their own in search of better economic opportunities and in the hope that they would be included in the next legalisation (see King et al, 2000).

To cope with that situation, the law, 2910/2001, which replaced the 1975/1991 aliens law, stipulated a second legalisation. Approximately 351,110 immigrants applied for legalisation, of whom 43.7 percent were in the Greater Athens Area, 17.2 percent in Thessaloniki and Central Macedonia and 5.9 percent in Peloponese (Lianos, 2001).

The main philosophy of the law appeared to have the following content: on the one hand, to legitimise as many irregular immigrants as possible by publicising the benefits of regularisation and on the other hand, to restrict irregular flows of immigrants by establishing firmer external and internal controls. The large number of aliens who applied for regularisation during 2002 (about 368.000 applications were submitted), showed that the main priority of the law 2910/2001 has been achieved.

The Aliens Law 2910/2001 set strict requirements on the number and characteristics of foreign workers entering the country, invoking the needs of Greek economy and the labour market conditions. On the other hand, the Law proved more generous regarding the right of the immigrants' to invite (after a two-year period of legal residence) their spouses and other dependent family members, giving them the right to work (Family Reunification). The main provision of the Aliens Law is the new regularisation process of illegal immigrants.

Another important reform of the Aliens Law 2910/2001 was the transfer of jurisdiction regarding issues of residence permit from the Ministry of Public Order to the Ministry of Interior. This important development was the result of a readjustment of state policy to issues focusing on the integration of immigrants rather than on issues of public order. Also the Ministry of Interior undertook the responsibility of providing statistical data on migration, (until then the Ministry of Labour was responsible). However necessary these administrative reforms may have been, in practice they meant to pose a great deal of inescapable difficulties. First, a long period of adjustment and training for the staff of the Ministry of Interior to deal with complicated immigration matters on which they had no previous experience seriously impeded the effective implementation of the law. Long delays in the issuance and replacement of the six-month temporary permits by one-year permits to all eligible immigrants, especially in large municipalities and prefectures, were but some of the problems emerged out of the new provisions. As a result, the validity of temporary and other permits was extended repeatedly since 2002. Moreover, the collection and processing of data deteriorated and it was only in May 2003 that a database on residence permits was set up by the Ministry of Interior.

The law made a distinction among entry permit (visa), work permit and residence permit. The visa was to be issued by the Greek consulates in the aliens' country of residence,

the work permit by the prefectures (organs of locally elected administration) and the residence permit by the regional Secretary General (organ of the ministry of the interior).

As R. Fakiolas has pointed out¹, the law has posed more difficulties on to the immigrants because it shortened the registration period to two months, as opposed to five months as in the first legalisation, imposed a substantial financial cost for the applicants, and maintained 1) the decoupling of the 1991 law that linked the residence and the work permits; 2) the burdensome regulations in the procedures for obtaining work permits and inviting foreign workers; and 3) the regulations for renewing residence permits (five annual renewals before a two-year permit may be issued and 10 years legal residence before an indefinite time permit is issued) (art. 22). Additionally, it stipulated some vague criteria for eligibility for registration and the application for residence and work permits, allowing variable interpretations by competent employees, at a great cost to both the immigrants and the administration.

4.2 Minor Administrative and legislative developments

The main developments which concern migration during the reference period are the following:

- In July 2004, the Ministry of Public Order announced that immigrants in Greece, who are in the process of renewing their residence and work permits, may travel abroad and re-enter the country, as long as they are back before the end of September.

- During July, the government increased the income requirement for immigrants in Greece applying to bring their spouse or children. While until then the income level amounted to the minimum wage rate of unskilled, a circular signed by the General Secretary of the Ministry of Interior, Public Administration & Decentralisation increased it for immigrants intending to bring family members from other countries by 15 percent for their spouse and an extra 10 percent for each child.

- In September 2004, the Parliament passes an amendment law on the basis of which immigrants who are granted a residence permit on humanitarian grounds or because “they were forced to leave their country of nationality” are allowed to bring their spouse and minor children to Greece. Also, immigrant students who wish to take part in vocational training programmes in Greece may be granted an additional six-month residence permit, which will also serve as a work permit. Undocumented migrants in Greece will be eligible for a six-

month residence permit, if they testify against traffickers. The permit will also serve as a work permit. And, they will be exempted from paying the 150 Euros application fee.

- In September 2004, parliament approved a new Citizenship code (Law 3384/2004).

It does not contain any sweeping changes to existing rules.

- During the same period, new European Union citizens (Czechs, Estonians, Hungarians, Latvians, Lithuanians, Poles, Slovaks and Slovenians) become eligible for a five-year EU residence permit, provided they prove at least 12 months of legality. Citizens of Malta and Cyprus have enjoyed full rights as EU citizens since the enlargement of the union in May 2004. A circular issued by the Ministry of Interior provides that citizens of these eight member states, who wish to come to Greece for work purposes, are required to apply for residence and work permits, as is the case with other non-EU immigrants. They will be considered full EU citizens after 12 months of legally working in Greece.

- In December 2004, the chief of the regional health care system for the northern Aegean islands issues a memorandum instructing doctors in the region to deny undocumented migrants non-emergency medical treatment.

- In February 2005, the Minister of Health issued a ministerial circular to state hospitals stating that free routine healthcare to immigrants who are not legal residents is against the law.

- In the same period, a draft immigration law was made public, while in April the Minister of Interior, Public Administration & Decentralisation announced that undocumented migrant workers in Greece are to be given one more chance to secure legal status. As he announced, provisions for a (third) legalisation process will be included in the new immigration bill to be tabled in parliament shortly.

- In May 2005, the Greek Ombudsman reviews the final version of the draft law.

- The new immigration bill was approved on the last day of parliament's summer session on August 4, 2005 after a two day parliament session.

4.3 Third Legalisation Programme (Law 3386/2005)

The new legalisation programme which is to be implemented on the basis of Law 3386/2005 provisions the following:

¹ Fakiolas, Rossetos. The Second Legalization of the Illegal Immigrants in Greece. International Migration Review, Winter 2003.

Eligible to apply for a residence permit are those immigrants from non-EU countries who illegally live and work in Greece, provided they can prove they entered the country before 31 December 2004. According to the new immigration law, undocumented migrants can prove they have been in Greece before 31 December 2004 by producing an entry visa or a stamp of entry on their passport. Those who did not enter Greece legally may also apply as long as they had an income tax roll number (AFM) or proof they had contributed to a public social insurance fund (IKA, OGA, TEVE) before 31 December 2004. If someone does not have an AFM and had entered the country illegally, he/she will not be allowed to apply for a residence permit.

Also, foreigners whose application for political asylum was rejected by the Ministry of Public Order will be eligible to apply for a residence permit, provided that they can prove they have been living in Greece since at least 31 December 2004. Immigrants who were once legal, but for some reason failed to renew their residence permit, will also be allowed to apply under the terms of legalisation. According to the new law, they may apply for a work permit no later than 31 October 2005 at their local prefecture.

Undocumented migrants will be required to submit the following documents to their local municipality.

-A statutory declaration (ypefthini dilosi), signed by the applicant, stating the reasons why he/she is in Greece and a brief description of his/her job. Also, the names of dependent family members (spouse and/or minor children) should be also listed

- A valid passport or travel document (except for rejected asylum-seekers)
- An application fee of 150 Euros
- A health certificate issued by a state hospital or IKA clinic, stating that the applicant does not suffer from a contagious disease which could threaten public health (as defined by the World Health Organisation)
- Proof that the applicant has purchased 150 days' worth of social insurance stamps (ensima). Such a purchase is required even if the applicant has already paid for his security.
- Proof that the applicant has applied for a health booklet

Undocumented migrants will have 64 working days to apply, between 1 October and 31 December 2005. However, a new extension has been given for the submission of the applications until the end of April. Applications for the residence permit will be submitted to their local municipality.

Prefecture officials will be required to issue the work permit within two months and no later than 31 December 2005. One of the main application requirements for the work permit

will be at least 150 days' worth of ensima (social insurance stamps) collected after 1 July 2003 or which can be purchased from the state social insurance foundation IKA. Residence permits that were extended until 30 June 2004 based on law 3242/2004, as well as residence permits that expired after 30 June 2004 but were never renewed, are automatically extended until 31 December 2005.

Residence permits that expire before 1 January 2006 will be renewed under the provisions of previous law 2910/2001. The new law also provisions that the *veveosi* - the document issued to immigrants verifying they are in the process of renewing their residence permit - will be replaced with a temporary residence permit valid for six months. This residence permit will also serve as a work permit. Immigrants whose residence permit expires after 1 January 2006 will renew it under the provisions of the new law.

Police will continue to conduct routine paper checks. Undocumented migrants who fulfil the requirements to change their status should not fear deportation.

Regarding the status of long-term immigrants, the new law allows them to apply for a long-term residence permit from June 2006, in accordance with EU Directive (2003/109/EC). The fee is set to 900 Euros. More specifically, Article 67 outlines five conditions for the acquisition of long-term residence status with a five-year renewable residence permit that is recognised across the EU. To be eligible, the immigrant must be over 18 years old and have resided legally in Greece at least five years. He/She should possess 'stable and regular resources', medical insurance and a home that 'meets the required specifications for hygiene.' He/She must have fluency in the Greek language and knowledge of Greek history and culture. They must also display high moral standards and a strong character. Periods of absence may be taken into account for the calculation of the five year period, provided they do not exceed six successive months and in total a period of ten months. The years spent in Greece as a student or in a vocational training programme do not count.

Under the new Immigration Law there is the provision for a longer duration of the temporary residence permit, that is one year instead of the six-month provisioned by Law 2910/2001. Also Law 3386/2005, provisions a longer time period for the submission of the applications, that is three months instead of the two-month period provisioned by the previously applicable law. On the basis of the new law, a single central information system, as well as a central record system of aliens (art.93, par.1) will be developed. The law provisions the constitution of a Supervisory Inter-Ministerial Committee of Immigration Policy (art. 3), as is mentioned above. It replaces the residence and work permit with a single document (art. 9, par. 2). In this way, it is thought that bureaucracy will be reduced significantly. The law

assigns the responsibility of issue and renewal of residence permits to a single office, the Region (art. 11). It also, provisions the possibility of conversion of residence permit from dependent employment into one for independent economic activity and vice-versa after the lapse of a specific time-period from the time the initial permit becomes valid (art. 12, par. 5). The law also provisions the possibility of changing employer even during the time in which the initial residence permit for dependent employment is valid (that is, during the first year) (art. 15, par. 3). According to the new legislation, the residence permit for humanitarian reasons will be issued to all persons who are accommodated to institutions or public legal entities. This provision covers cases of unaccompanied minors who have not been characterised as victims, but are accommodated in special places-hostels, as well as aliens who have been admitted in the past in institutions as unaccompanied minors, but the process of their repatriation had not been completed-because it was either not viable or not at their benefit- and thus they are currently accommodated to institutions (art. 44, par. 1c). Moreover, the duration of residence permit for the victims of trafficking has been increased from 9 months to a year. There is the possibility of one single residence permit to the family members of a third country national after the lapse of a five-year period from the issue of a residence permit for family reunification (art 60, par. 1a). The minor children of repatriated immigrants are exempted from the payment of deposit for the issue of residence permit (art. 60, par. 5). The law specifies the temporary residence permits, which are not considered for the calculation of the necessary time for the issue of long-term residence permit. The new law prohibits the expulsion of women during the pregnancy period and six months after labour (art. 79, par. 1). It also provisions the establishment of new Alien and Immigration Directorates in the Regions of Attica and Thessalonica (art. 89, par. 3).

4.3.1 Implementation of the Legalisation

The process of legalisation proceeds with various problems, most of which do not differ to a great extent from the previous legalisations. As has been pointed out, despite the improvements in terms of quality and quantity of personnel responsible for legalisation, the serious problems stem from the complex Greek bureaucracy, language barriers and a severe lack of information. Other problems relate to the health certificates the immigrants had to submit with their applications, and which have stumbled on the massive backlog at hospitals. Public hospitals, especially in Athens, could not issue the certificates in time for the immigrants to submit their applications by the end of the year. Also, there were rumours of bribery of some doctors for issuing certificates without the examination required.

Having to deal with the mounting problems of legalisation, the Minister of Interior has extended the deadline three times so far . The last deadline has been set for 2/5/2006.

As has been reported, up until February at least, when the second extension was made known to the public, there was a low turnout so that the government paved the way for the submission of applications on the part of a group of undocumented immigrants who could not meet the existing application requirements; mainly, those which were issued a visa by a Greek embassy abroad before 31 December 2004 and did not travel directly to Greece, but had entered via another European country and thus did not have a stamp in their passport indicating they actually entered Greece.²

Among the positive developments of the new law is the unification of work and residence permits into a single residence permit, with a two-year minimum duration. Also, the issue of residence permits is conducted by a sole public authority, the Region. These developments will eventually minimise red tape and ease the bureaucratic hurdles the immigrants have to face in order to get legalised.

Notwithstanding this positive change, it remains the fact that the main features of immigration policy of Greece does not change. The tedious requirements regarding revocation of immigrants remain, despite the fact that no employer accepts to hire people from far away. Also the labour requirements of Greek society and economy can not be identified in advance, since they are characterised from mobility and instability which could not be compared with the respective needs of the industrial states of the rest of Europe, since in the latter other types of structures and welfare systems operate.

Also, an unspecified number of immigrants who live in Greece for a lot of years is expected to remain in illegality, since, on the basis of the new provisions, only those who have a stamped entry or have applied to a security fund or the Revenue Service are eligible to apply in this third legalisation process. Consequently, all those who can prove in any other way (e.g. with an employer's or a landlord's attestation) their stay in Greece before 31/12/2004, as well as asylum applicants are exempted from legalisation process. Also, serious problems encountered in the legalisation of adult children of immigrants, as this group is not included in any of the categories for legalisation. Also those who came to Greece for studies are not included in the legalisation process as the attestations issued by educational institutes are not included in the documents specified by the law as necessary for submission. Moreover, the

² Tzilivakis, Kathy. New Legalisation Deadline. Athens News, 6/1/2006.

law does not cover the cases of illegally residing wives with legal spouse and even legal children.

Another important issue refers to the income threshold for family reunification. Immigration law 2910/2001 provisioned that immigrants must show evidence of 'stable and sufficient' income-enough to provide for the family members they wish to bring to Greece. According to this law, immigrants must earn at least daily wages of an unskilled worker (about 30 Euros). A ministerial circular issued by the Minister of Interior in July 2004, however, increased the income requirement by an annual 15 percent for their spouse and a 10 percent for each child. Law 3386/2005 provisions family reunification for immigrants legally residing in Greece for at least two years, who will be allowed to bring their spouse and children to Greece. One of the main requirements is a stable and sufficient personal income. According to the law, they must demonstrate an annual 20 percent increase in their income to bring their spouse and a 15 percent increase for each child. This is considered too high and strict income requirement so that a basic right, as family reunification is, ends up a distant prospect. Local immigrant community leaders argue that the proposed income requirement for legal immigrants to bring their spouse and children to Greece will make family reunification impossible.³

Added to this, is the cost of the application fee which remains too high-most probably the highest in EU. Even though in the previous legalisation, those who became insured with OGA (Agricultural Fund) actually paid remarkably lower than IKA and TEVE, in this legalisation the cost OGA approached that of IKA.

Also, another negative aspect of the law is the fact that an immigrant who conducts an independent economic activity can not change it at least during the stage of renewal of the permit, meaning that he/she can not undertake another independent activity for which there is demand in society. On the other hand, the requirement of 60.000 Euros for the initiation of such an activity is considered rather high.

4.3.2 Other Institutional Provisions of Law 3386/2005

In terms of institutional developments, according to the new Law 3386/2005, an Inter-ministerial Committee becomes established for the supervision and co-ordination of migration policy (art.3). The Committee will be consisted of the Ministers of Interior, Public Administration & Decentralisation, Economics and Finance, Foreign Affairs, National

³ Tzilivakis, Kathy. New Bill, Old Pitfalls. Athens New, 3/6/2005.

Defence, Labour and Social Protection, Justice, Public Order, as well as Commercial Maritime. It will hold sessions twice a year, while its mission will be focused on handling issues regarding immigration, on the basis of the evolution of the phenomenon, issuing guidelines for the co-ordination of the relevant state agencies, supervising their activities, as well as recommending institutional and technical measures. Moreover, the Committee will co-ordinate the implementation of Comprehensive Action Plans for the social integration of third-country nationals (specified in art. 66). This Committee will be supported by a special sub-committee, which will hold its sessions at least once in a trimester and will be consisted of technocrats, experts and executive personnel of the above-mentioned ministries. This special committee and its president will be set up with a decision of the Minister of Interior, Public Administration & Decentralisation. Its main task will be the preparation of relevant issues and the recommendation on the appropriate measures.

A reformed institution is the five-member Committee of Migration (previously 3-member) instituted in each Region (art.13), which will be consisted of 4 officials of the relevant Aliens and Immigration Bureau of the Region and one police official. The main task of this Committee is the consultation on the issue or renewal of the residence permit of a third country national. In order to formulate its opinion on these, the committee considers the provisions of the law, as well as the overall personality of the third country national.

Moreover, another committee is instituted at the centre of each region consisted of the following members: the Secretary General of the Region or the Director of the Aliens and Immigration Bureau (President), Director of the Labour Inspectorate, representative of the Union of Municipal Self-administration of Greece, a representative of the Employment Manpower Organisation, a representative of the regional trade union, a representative of the local chambers, as well as a representative of the General Confederacy of Unions of Agricultural Associations. The main task of this committee is the drafting of an annual report on the current regional needs in labour force and the vacant positions in the Region per speciality, prefecture and duration of employment, which could be covered by third country nationals. This report is then submitted to the Ministry of Labour and Social Protection. According to this report the maximum number of residence permits for working reasons issued to third country nationals per county, nationality, form and duration of employment is determined with a Joint decision of the Ministers of Interior, Public Administration & Decentralisation, Foreign Affairs, as well as Labour and Social Protection.

4.4 Gates of Entry

Regarding the gates of entry of immigrants into the country both the previously applicable law 2910/2001 and the new law 3386/2005 provision the entry into and exit from the Greek territory only via controlled boundary crossings. Also, both the new and the previously applicable law provision that every person entering or exiting Greek territory undergoes police check in time of his/her arrival or departure. This check falls under the jurisdiction of the Ministry of Public Order. The content of control, as well as the organs of control and the process of implementation of administrative and judicial acts regarding the entry and exit of persons are set with a joint decision of the Ministers of Public Order, Interior Public Administration & Decentralisation, National Defence, Finance, Justice, Foreign Affairs and Mercantile Marine.

In terms of the ways in which legal immigrant may enter the country, Law 3386/2005 provisions the following. First, immigrants who wish to come to Greece to set up their own business may do so only if they have at least 60,000 Euros deposited in a personal account in a bank in Greece and if their business 'contributes to the development of the national economy.' Second, according to Article 26 of the new law, immigrants who wish to invest in Greece may apply for a residence permit at their local Greek consulate. The investment, however, must be at least 300,000 Euros. Meanwhile, immigrants who are financially independent have the right to reside in Greece under article 36. To do so, they must obtain a special visa from their local Greek consulate. Once in Greece, they will be eligible for a one-year residence permit, provided they can prove they have sufficient resources (a stable source of income) to cover their cost of living. This residence permit can be renewed annually.

In terms of family reunification, article 53 of the new law outlines the conditions for family reunification. It provisions that immigrants who legally reside in Greece for at least two years have the right to apply for the entry and residence of their family members. To do so, they must meet three conditions: a) family ties, b) family members will live with them and will have medical coverage and, c) stable and regular income sufficient to cover the needs of their family. Regarding the third condition, the law explicitly states that this income *'cannot be less than the annual income of an unskilled worker, increased 20 percent for the spouse and 15 percent for each child.'* The definition of 'family' in the current law include, spouse over the age of 18, single children under the age of 18 (including legally adopted children). The application for family reunification is submitted to the local municipality. If the application is approved, family members enter Greece with a special visa. Once in Greece,

they must apply for a residence permit before this visa expires. The residence permit will be valid for one year and can be renewed for two years.

4.5 Citizenship and Naturalisation

A development, which took place during the period under review is the enactment of Law 3284/2004, entitled as 'Code of Greek Citizenship'. This new law to a great extent repeats the provisions of the previous Law 2910/2001 regarding citizenship and naturalization of third country nationals.

There are three levels of registration of acquisitions of citizenship: a central level at the Ministry of Interior regarding naturalisation cases, a regional level regarding selected naturalisations and a local level regarding acquisitions based on grounds, such as adoption or recognition of children. In any case, all naturalised persons must be recorded in the Civil Register of a Greek municipality.

According to the current legislation, Greek citizenship may be acquired as follows, including the main cases:

- **By Birth:**

-A child born to a Greek citizen acquires Greek citizenship. A person born in Greece acquires Greek citizenship provided that he/she does not acquire a foreign citizenship by birth or that he/she is of unknown citizenship.

- **By adoption (limited to minors).**

- **By legitimation (recognition):**

-A foreigner born out of wedlock who is legitimised by a Greek citizen becomes Greek as from the date of legitimisation, if at that time he/she has not attained legal age (eighteen).

- **By naturalisation:**

-Naturalisation may be granted to foreign citizens who have reached the age of eighteen at the time of submission of the application and who have no criminal record. In addition, a person of non-Greek origin must have been legally resident in Greece for a total of ten out of the twelve years preceding the application; the spouse of a Greek national, a stateless person or a foreigner who has been recognised as a refugee only need a five year residence. In the above-required period the time spent in Greece as a diplomatic agent or administrative officer of a foreign country cannot be included. The residence requirement does not apply to persons who were born and live in Greece and to some ethnic Greeks abroad (e.g. second generation Greek migrant to USA staying there). The application for naturalisation is

submitted to the authorities of the town or village in which the foreigner lives or resides. Along with the relevant documents that have to be submitted, the applicant should also deposit the non-refundable sum of 1,467.35 Euros (500.000 drachmas) to any public fund. Naturalisation takes place following a decision of the Minister of Interior. Each naturalised person must be recorded in the Civil Register of the municipality of residence after making a declaration of loyalty (oath). People applying from abroad will be recorded in the local Civil Register of the Greek municipality they will mention in their application.

Law 3284/2004 slightly loosens certain requirements for naturalisation. First, a time period of ten years during which the applicant should not have committed certain crimes has been more explicitly specified. Second, the relevant crimes also included culpable homicide and grave bodily harm. Third, the third country citizens who are spouses of Greek nationals with child/ren can apply for naturalisation after three years of residence in Greece.

4.6 Refugee Protection and Asylum

The current legal framework regarding refugee protection and asylum is as follows. Greece is a signatory party to the Geneva Convention of 1951 and New York Protocol of 1967. The current asylum legislation provides that *'an alien who is in any way on Greek territory shall be recognised as a refugee and shall be granted asylum if the conditions of Article 1A of the Geneva Convention relating to the Status of Refugee are fulfilled'*. More specifically two Presidential Decrees, 189/1998 and 61/1999, have been issued to deal with refugee and asylum issues. Presidential Decree 189/1998 refers to the conditions and procedures for the granting of a work permit or any other assistance for occupational rehabilitation to refugees recognised by the state, to asylum seekers and to persons granted temporary residence on humanitarian grounds. Presidential Decree 61/1999 regulates the procedure of application for asylum. Even though there are criticisms regarding certain aspects of this legislation, it is generally accepted that overall Greek legislation on asylum and refugee status has incorporated all relevant European Legislation.

In practice, during the period under review there have not been important legislative changes. The only change instituted with the new Law 3386/2005 is that foreigners whose application for political asylum was rejected by the Ministry of Public Order will be eligible to apply for a residence permit, provided that they can prove they have been living in Greece since at least 31 December 2004. Notwithstanding this new development, a gap of the new law is the fact that asylum applicants, still in the process of waiting for the ruling, are excluded from legalisation.

Due to the lack of new measures to effectively deal with refugee and asylum issues in the period under study the main problems remain. The duration of the above-mentioned procedural stages, especially in Athens with the main bulk of asylum applications, is much longer than the one specified by legislation. To a great extent this is due to the large number of first instance asylum applicants. It is worth noting that a significant proportion of asylum seekers is nationals of certain states (mainly Iraq and Afghanistan) where internal conflicts have forced people to flee these countries. Such a dramatic increase combined with the shortage of specialised personnel on asylum issues⁴ (like interviewers, interpreters) have obviously caused inevitable management problems to the responsible authorities and delayed the examination procedure. In this context, based on the estimates of the Ministry of Public Order, the UNHCR in Greece last year reported that approximately 50,000 persons have been given in-service notes for a later date of interview awaiting to become formally registered as asylum seekers.

According to the estimate of the UN Refugee Agency in Athens and an interview with its representative, Karen Farkas,⁵ a major problem regarding the applications for refugee status is that quite often than not applications for refugee status are considered bogus nine times out of ten. As she claimed, in the year 2005, only one person was granted refugee status, whereas more than 2,000 applications were rejected and in four cases people received a temporary one-year residence permit on humanitarian grounds. In 2004, 11 people were refugee protection out of more than 4,000 applications.⁶ This means that roughly 95 percent of all applications for refugee status and humanitarian protection, most of which originate from war-stricken Iraq, have been rejected. Rejected asylum-seekers are ordered to leave the country, whereas appeals are routinely denied.

5. Other Policy Implementation Issues

In January 2006, a new regulation regarding social security stamps was issued, signed by the Ministers of Interior, Labour and Economy. This regulation set the minimum number of stamps the immigrants need in order to renew their permits. Thus, immigrant workers insured with IKA need at least 200 days' worth of security stamps per year, those insured with OGA (the farmers' pension fund) need to prove legal employment contribution and social security

⁴ In its attempt to deal with this problem, UNHCR has provided the border, customs, police and military officials some general guidelines, as well as specialised training seminars.

⁵ Kathy Tzilivakis, "The Truth about Asylum". Athens News, A Promotional Supplement, Friday 3/6/2005.

⁶ Ibid.

contributions for 150 days or more. Also, immigrants who are insured with IKA, but who have more than one employers need at least 150 days of social security coverage to renew their residence permits. However, immigrants who are members of the board, directors or managers of companies in Greece have only to prove they are registered with a social insurance foundation and have medical insurance and pharmaceutical coverage. The same applies for athletes, as well as members of artistic groups and foreign archaeological schools.

This provision brought up reactions since, as is argued, it establishes a system of double standards and it is unfair for the vast bulk of immigrants who struggle to make ends meet. On the other hand, there is a differential treatment of these as opposed to the more privileged social groups.⁷

A positive change of the new law is the inclusion of a whole new section on the integration of immigrants. As it is too early to appraise its added value, the latter remains to be seen in terms of its actual implementation. However, this section seems too general and abstract and its scope needs further specification.

Another development, is that the main opposition PASOK party leader, George Papandreou, announced that immigrants will be eligible to become members of the party during the congress on March 3, 2005. Immigrants currently can neither vote nor run for public office. In March 2005, ninety-eight immigrants and foreign-born naturalised Greek citizens register to become members of the party.

6. Summary

The main political development during the period under review certainly was the governmental change which paved the way for the enactment of new legislation on migration. On February 2005, a new draft bill was announced to the public. After a period of consultation, the bill was submitted to the parliament. Actually, it was debated at the beginning of August and was eventually passed after certain important modifications.

The main provisions of the new law (3386/2005) are the following: a) it provided a third opportunity for immigrants to legalise their status, under certain conditions, b) it proceeded to the incorporation of EU Directive 2003/109/EC regarding the status of long-term residents, starting the calculation of the five-year period from 2001, c) it also proceeded to the incorporation of Directive 2003/86/EC regarding family reunification, d)it unified the previous work and residence permits into a single residence permit and extended its minimum

⁷ See the statement of George Alevizakis of the General Confederation of Workers in Greece (GSEE), published in K. Tzilivakis, 'The Ensima Crapshoot', Athens News, 13-1-2006.

duration from one to two years, e) it forbids expulsion in the case of pregnant women up until six months after labour, f) it raised the income requirements for family reunification, g) it provided a whole section on integration of immigrants, h) it assigned responsibility of issue and renewal of residence permits to a single office, the Region.

One of the main criticisms of the new law, is that it excludes asylum applicants from the procedure of legalisation, whereas those with a negative ruling are eligible to apply for legalisation.

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Total number of asylum decisions, 2005

	Total	First instance	First appeal
Total	12.264	10.329	1.935
Positive decisions	124	87	37
Negative decisions	5.719	4.585	1.134
Other non-status decisions	6.421	5.657	764

Migration flows 1999-204

	1999	2000	2001	2002	2003	2004	2005
Usually resident population (1st January)	10.861.402	10.903.757	10.931.206	10.962.708	11.006.377	11.040.650	11082751
Annual Population Change	:	42.355	27.449	31.502	43.669	34.273	42.101
Births	100643	103274	102282	103569	104420	105655	
Deaths	103304	105170	102559	103915	105529	104942	
Natural population change (births - deaths)	-2661	-1896	-277	-346	-1109	713	
Estimated net migration		44.251	27.726	31.848	44.778	33.560	

Total number of first asylum applications during the period 1997-2005

	1997	1998	1999	2000	2001	2002	2003	2004	2005
Number of first applications	4.376	2.953	1.528	3.083	5.499	5.664	8.178	4.469	9.050

First asylum applications by main countries of citizenship, 2005

	Total
TOTAL	9.050
Iraq	971
Pakistan	1.154
Iran (Islamic Republic of)	203
Afghanistan	458
Myanmar	68
Nigeria	406
Somalia	110
Bangladesh	550
Sudan	121
Turkey	126
Others	4.883

Total number of refused aliens during the period 2000-2005

	2000	2001	2002	2003	2004	2005
Number of refused aliens	9.546	16.972	17.681	17.300	14.584	13.040

**Refused aliens by main country of citizenship,
2005**

	Total
Total	13.040
Bulgaria	5.407
Romania	1.713
Albania	2.883
the former Yugoslav Republic of Macedonia	840
Turkey	356
Russian Federation	147
Syrian Arab Republic	94
Yugoslavia, Federal Rep. of *)	109
Georgia	171
Poland	10
Others	1.310

Annual totals of apprehended aliens illegally present during the period 1997-2005

	1997	1998	1999	2000	2001	2002	2003	2004	2005
Number of apprehended aliens	199.500	148.750	182.118	259.403	219.598	43.742	47.915	44.985	77.012

**Apprehended aliens illegally present
by main countries of citizenship, 2005**

	Total
Total	77.012
Albania	55.132
Bulgaria	2.757
Iraq	2.290
Afghanistan	1.913
the former Yugoslav Republic of Macedonia	993
Somalia	829
Stateless	1
Iran (Islamic Republic of)	449
Romania	2.449
Turkey	498
Others	9.701

Annual totals of removed aliens during the period 1997-2005

	1997	1998	1999	2000	2001	2002	2003	2004	2005
Number of removed aliens	:	:	184.501	225.713	167.199	45.299	40.930	39.842	55.417

Total removed aliens by main countries of citizenship, 2005

	Total
Total	55.417
Albania	47.728
Bulgaria	1.833
the former Yugoslav Republic of Macedonia	973
Romania	1.527
Turkey	400
Poland	11
Russian Federation	372
Ukraine	189
Yugoslavia, Federal Rep. of *)	112
Moldova, Republic of	80
Others	2.192

*) Since February 2003 name changed in "Serbia and Montenegro"