



# EU and US approaches to the management of immigration

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## Greece

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The Migration Policy Group (MPG) is an independent organisation committed to policy development on mobility, migration, diversity, equality and anti-discrimination by facilitating the exchange between stakeholders from all sectors of society, with the aim of contributing to innovative and effective responses to the challenges posed by migration and diversity.

This report is part of a series of 18 country reports prepared in the framework of the project *EU and US approaches to the management of immigration*, which was carried out by MPG with the support of the German Marshall Fund of the United States and in co-operation with partners in the European Migration Dialogue. Countries included in the project are Austria, Belgium, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, the Netherlands, Poland, Portugal, Spain, Switzerland, and the UK.

Reports on these countries are available from MPG's website individually or jointly, together with EU-US comparative perspectives and European comparative perspectives. See Jan Niessen and Yongmi Schibel, *EU and US approaches to the management of immigration – comparative perspectives*, MPG/Brussels, May 2003.

All papers were presented and discussed at a transatlantic dialogue meeting preceding the official launch of the European Migration Policy Dialogue attended by Commissioner António Vitorino (Brussels May 2003).

Brussels/Athens, May 2003

## Preface

The European Union and the United States are areas of immigration, and both are entities of multi-level governance facing the task of managing international migration. However, unlike the United States most European states do not consider immigration as a matter of national interest.

In the US a regulated immigration system aims to enhance the benefits and minimise the drawbacks of immigration. The country's bi-partisan immigration policy receives strong support from a wide variety of stakeholders.

In Europe the emphasis is on immigration restriction and prevention, reflecting the position of most stakeholders that the costs of immigration outweigh its benefits. Immigration is a sensitive and sometimes controversial issue, as is demonstrated in recent elections in a number of European countries.

On both sides of the Atlantic migration ranked high on the agenda throughout the nineties. Changes in the size and direction of migratory movements as a result of global developments, EU enlargement and NAFTA received a great deal of attention. The ways in which migration policies are designed and implemented were reviewed and underwent some important changes.

In 1997, the US Commission on Immigration Reform presented its final report to Congress, proposing important changes in US immigration policies and management.

In Europe the 1997 Amsterdam Treaty empowered the European Union's institutions to act on migration, changing intergovernmental co-operation among member states into the development of joint policies on immigration and immigrant integration. A new debate emerged on the role of immigration to address economic and demographic imbalances.

The events of September 11 did not in themselves have an impact on the foundations of immigration policies' governance structures, or lead to changes in them, other than those already proposed. The events added, however, a range of other issues to the overall policy agenda (issues related to the fight against terrorism became a top priority) and the immigration agenda (where security issues became a priority). This resulted in a stagnation of the further development of immigration policies (the best example probably being the US- Mexico migration agreement) and in a refocusing of attention on countering the victimisation of immigrants and the straining of community relations.

It is against this backdrop that MPG launched the project *EU and US approaches to the management of immigration* in an attempt to identify the main drivers of immigration management in EU and US systems of multi-level governance. Building on an understanding of how migration needs are assessed and translated into policy on the national or state level, the project focused on the way in which national or state governments promote their immigration related interests within the federation (in the case of the United States) and the Union (in the case of the European Union). How successful are the different entities in shaping common policies according to their needs? Do they consider centralisation (which the extension of EU powers suggests), or decentralisation (as the campaigns of some states for a greater say in immigration matters suggest) more useful for realising their immigration-related goals?

The reports on fourteen EU Member States, three candidate countries and one associated state each have four chapters:

- The first chapter reviews the (emerging) debates on migration and pays particular attention to the terms of the debate. It examines whether migration is debated in terms of control, security and restriction, or rather in terms of migration management and the assessment of migration needs. It asks whether the terms of the debate are different for different types of migrants, for instance irregular migrants vs. highly qualified migrants. The chapter analyses whether immigration has been linked with and embedded in larger discussions about social and economic policies for the future. In particular, it looks at the debates around the labour market and demography and considers whether and how immigration has been considered as an option for meeting emerging challenges in these areas.
- The second chapter provides an inventory of stakeholders and an analysis of their activities. It gives a detailed account of who is responsible for which area of migration management in the different government departments. It also covers the activities of the various non-governmental organisations active in this field. The central question is which groups (within government, employers, trade unions, NGOs, academics and other experts) assess national migration needs, which instruments and mechanisms they use to make these assessments, and how they assert influence in the political decision-making process to translate these assessments into policies.
- The third chapter provides an analysis of migration management in the areas covered by three of the most important Directives proposed by the European Commission (on admission for employment, family reunification<sup>1</sup>, and long-term residents). Rapporteurs compare the national legal framework with the proposed European measures, and assess the degree of convergence between the two. The chapter addresses each of the substantive points dealt with in the Commission's proposals and sets out the corresponding national provisions, if such provisions exist under the current system. Recent and impending changes of national law are also examined, with a view to assessing whether immigration management rules are moving closer to or further away from the proposed European legislation.
- The fourth chapter offers concluding remarks and evaluations by the rapporteurs. It addresses the Commission proposal for an Open Method of Co-ordination and considers whether such a mechanism would fit well with existing policy-making structures. Where appropriate, the chapter looks more closely at the proposed Guidelines and evaluates the degree to which they are already tackled in national policy. The impact of the European Employment Strategy on immigration management is also assessed. The fourth chapter also gives the rapporteurs an opportunity to make recommendations and to suggest alternative benchmarks for future debates and policy developments.

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<sup>1</sup> Reports were drafted before the definition of a common approach to family reunification, which Member States agreed to at the Justice and Home Affairs Council of 27/28 February 2003. Rapporteurs base their comments on the text of draft Directive COM (2002) 225, published on 2 May 2002.

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## Chapter 1: Terms of the debate

### 1.1. Preliminary remarks

Immigration management refers not only the spectrum of policies and practices relevant to the entry, residence, and living and working conditions of immigrants, but also to the objectives, priorities, needs, political and economic goals of the reception countries. It is mostly an issue related to political and economic priorities and objectives, rather than a situation balanced through legislative or police measures. Ostensibly neutral policies in the field have a disparate impact and reflect a “neglect” or even a refusal to take the need to define the terms of immigration management seriously. A concrete and stable strategy, reflected by a sufficient legal framework and specific policy measures, proves the sincere intention of the State to provide the structure of such management and to ensure an effective policy in this field. In this regard, migration management does not exist in Greece.

Until the beginning of the 1990s, Greece was considered as a country of emigration. Immigration only became an issue of concern after the first massive immigration flow - approximately 300.000 aliens - from countries of Eastern Europe at the beginning of the 1990s<sup>2</sup>, and Greece increasingly became a pole of attraction for immigrants. As a result, more than one million legal and illegal immigrants are estimated to be present on the Greek territory. The competent government ministries have long acknowledged the need to manage and define a concrete policy on the issue. Furthermore, the legislative framework relating to the legal residence of foreigners in Greece was not updated to the existing situation and needs, keeping the characteristics of police control and restrictions which governed the policy of the past. The lack of a concrete and rationalised policy on the issue and the insufficient legal framework resulted in a situation where the majority of immigrants stayed illegally in Greece and were vulnerable to exploitation on the labour market, as well as to acts of discrimination. Legislation was enacted for the first time in November 1997 through the presidential decrees 358/1997 and 359/1997 allowing illegal immigrants to apply for legal status.

Despite the objectives and expectations of 1997, only a number of immigrants living in Greece were legalised through the above-mentioned process of regularisation, whereas the vast majority of illegal immigrants were not able to obtain this status. A certain reluctance on the side of immigrants to fill applications for fear of being expelled, as well as the additional communication problems in a language which the applicants could not understand, played a role in the limited success of the regularisation process. In addition, serious problems caused the narrow-minded implementation of the legislation and the lack of organisation by the Greek competent administrative authorities. The difficulties in obtaining the required documentation to fill applications for green cards, as well as the administration’s ineptness to assist the applicants lead the aliens to give up their legalisation in frustration.

The new immigration and citizenship law n.2910/01 “Entry and residence of aliens in the Greek State. Acquisition of Greek citizenship through naturalisation” came into force on

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<sup>2</sup> It must be noted, however, that immigrants have been present in Greece since the 1970s. The 1981 population census counted 176,119 foreigners in Greece.

2.6.2001. The law defines, in a first phase, a regularisation procedure for illegal immigrants who are present on the Greek territory, and includes a second phase which defines the legal procedure for the entry and residence of aliens in Greece. This second phase has not been implemented so far, mostly because the legalisation procedure is still in process. In general terms, the new law reorganises and updates the legal status of migration in Greece, providing a basis to develop better-oriented migration practices, although organisational and administrative problems are still present.

However, the fact that the Greek state authorities, after a significant delay, have recently adopted a rationalised legal framework for the entry and residence of aliens has led to the existing situation where Greece is still, ten years after the first massive immigration flow, in the regularisation phase, and has not yet started to go through the integration phase, unable to present a concrete policy and management strategy on immigration. It is estimated that in the recent and previous procedures of legalisation, about 650.000 of immigrants have obtained legal status. So, despite the objectives and expectations, a large number of aliens still remain illegally in Greece, although there are no precise figures. As a result, immigrants are still vulnerable to exploitation on the labour market and they often face a precarious situation in the exercise of their rights.

In addition, a significant amount of anti-foreigner sentiment is directed particularly, although not exclusively, towards Albanians, living in the country in recent years. The migration flows between Albania and Greece during the nineties have been matched by manifestations of hostility and fear within Greek public opinion and this has contributed to expressions of prejudice and to the vulnerability of this group to exploitation and discrimination. This negative attitude vis-à-vis Albanians is particularly nourished by a disputable picture of the number of crimes<sup>3</sup> committed by this group of people in Greece. This negative stereotype could give the impression that all or most Albanians are criminally inclined. Public statements by politicians and some representatives of public institutions (notably, the police) have in some cases also contributed to the disputable view of Albanian criminality. The persistence of this view can only reinforce trends towards their social and economic exclusion. Given the high probability that this group will have a permanent presence in Greece, this is not a desirable outcome<sup>4</sup>.

The media appears to play a primordial role in creating such a picture through frequent unbalanced and sensational reports. The role of the media in this process is of high political importance. Although journalists have expanded the coverage of migration issues, information concerning public debates on immigration management, the economic aspect of the phenomenon, and the human rights dimension of the issue are underreported by the media. The reporting focuses mostly on foreigners' criminality<sup>5</sup> and this contributes to the development of collective stereotypes and prejudices against them. In a field where journalists and editors should be under a professional (rather than moral) duty to report and explain all these issues precisely, giving the facts, avoiding

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<sup>3</sup> Daily reporting emphasizes the national identity of the perpetrators, reinforcing the notion of Albanian criminality. 'Two Albanians Caught for Murder of Pensioner' Eleftherotypia 9.10.2000, 'Dangerous Albanian Falls in the Hands of Greek Police' Vradini 12.10.2000, are some of the numerous articles of the sort.

<sup>4</sup> In this regard, see the recommendations made by ECRI, ECRI's Report on Greece, 2000 issues of particular concern, p.18.

<sup>5</sup> D. Hormovitis, V. Sirinidou, D. Anagnostou, Balkan Neighbours, Newsletter 2000/10, Greece, Stereotypes of domestic minorities and neighbouring peoples in the Greek press. April-December 1999, p. 27/38.



bias and providing context on migration information, praxis is completely different. The recent improvement in the reporting of information on migration, and the fact that it is rare to see in the news a report with the sensationalism and negativity which were common in the past, is mostly the result of a self-regulation of certain media professionals, and is not sufficient to guarantee its lasting or expanding effects.

From the above, it may be deduced that immigration management in Greece is the result of a piecemeal approach to specific problems, such as illegality, control, security, economy and employment, asylum and return. The management strategy has not considered immigration as a social phenomenon that has to be seen as a comprehensive whole in a long-term orientation. This restrictive approach resulted in mistakes where action in one field has created problems in another. The need to develop integrated policies on the issue and the need to harmonize them with policies in other countries is evident. In this perspective, a dialogue on migration could provide a basis for understanding, in order to build an efficient co-operation structure which would be beneficial to countries of origin, countries of transit, and countries of destination, as well as to their citizens.

In the present report, we will focus on public and policy debates on immigration in Greece, stressing the gaps and the failures of the past and developing the main ideas of the national and European debates on the issue, concluding by specific suggestions towards a migration management strategy.

## **1.2. The context of the policy and public discussions on immigration**

In the national policy regarding immigration, we can distinguish three dominant orientations. The effort to:

- Control immigration: It is characteristic that over the last years and after the failure of the first regularisation procedure, the Greek authorities have tightened up border controls, rationalising at the same time the legal status of asylum seekers and refugees. Of course, the geopolitical position of Greece makes these attempts even more complicated. Controls occur on entry, within the territory and during the administrative procedures. Concerning the asylum policy, a major unresolved problem is the failure to ensure return for those who are not given the right to stay. The same problem appears for aliens who have not requested asylum, but stay in Greece illegally and face administrative problems in their deportation procedure. The complex and dynamic nature of immigration has proved that even the most repressive regime cannot prevent this phenomenon. So, it is better to guide and influence the flows, implementing specific policies and working with the tide rather than against it.

- Combat illegal immigration: In this perspective, the Greek authorities provided twice in the last decade the possibility for immigrants staying illegally on the Greek territory to obtain legal status through regularisation procedures. In addition, the new immigration law includes sanctions for the illegal entry and residence of immigrants and provides sanctions against civil servants, travel operators or employers who provide services or work to immigrants without asking them to show their travel documents or to prove their

legal residence in Greece<sup>6</sup>. However, the focus on irregular migration distorts the debate about more general management concerns relating to migration as a whole.

- Integrate legal immigrants: A successful integration process includes effective promotion of equal opportunities, vocational training, access to social services, socio-cultural integration and civic participation by immigrant communities. The above process may conclude with three extremely important elements: adaptation of immigrants to the host society, adaptation of the host society to immigrants, and adequate communication strategies between the two populations, and between each of them and the government. In this regard, Greece has a lot of work to do. Integration provisions are included in the law, although these measures are not, at present, the main priority of immigration policy and practice, partly due to the fact that Greece is still in the regularisation phase of immigrants who are present on the Greek territory.

In general terms, the obstacle for a comprehensive approach to the phenomenon in the public, as well as the political or scientific debate, is the recognition that immigration is related mostly to problems rather than to existing social phenomena and structures<sup>7</sup>. It is symptomatic that immigration is considered to be a “problem” that appeared in the Greek society as a result of external factors and in the context of a particular historic, economic or political situation: globalisation, poverty in countries of origin, insufficient control at the borders, etc. However, simplifications or partial approaches of this sort may lead to wrong conclusions or perceptions. For instance, racism, a phenomenon connected directly with social exclusion and inequality, is perceived as almost exclusively related to immigration, as if the presence of immigrants were the real cause of racist behaviours and not a ground where existing perceptions may develop.

A debate organised by KEMO<sup>8</sup> (Minority Groups Research Centre) in January concluded that relevant scientific research on the issue is limited and piecemeal, and this prevents the development of a serious scientific or political discussion where all the aspects of the phenomenon could be taken into account as a whole. Schematically, in the public debate on immigration policy, we can distinguish two approaches which relate to the conception of the phenomenon with the “problem” or the “problems” of immigration. On the one hand, immigration is considered to be a “problem” that the immigrants provoke (xenophobic approach). On the other hand, immigration is related to problems that immigrants themselves face in the exercise or the denial of their rights (democratic or liberal approach).

Despite the lack of a comprehensive approach towards immigration and a clear policy on the issue, further implications of the development of such a policy<sup>9</sup> cause an increasingly negative public opinion towards immigrants. The over-representation of immigrants in statistics on criminality, their social exclusion and the perception that they contribute to unemployment and impose a burden on the welfare state that is not compensated by their contribution to economic growth, has caused public hostility towards them. It is

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<sup>6</sup> See relevant Chapter K of Law 2910/01, and specifically articles 50-55.

<sup>7</sup> See Marvakis, Parsanoglou, Pavlou, "Immigrants in Greece", Greek Letters, 2001.

<sup>8</sup> Scientists who highlighted different aspects of immigration and focused on the individual and social rights of immigrants participated in the debate, stressing at the same time the insufficiency of the policies carried out in this field, and developing a base for a better-orientated policy. Relevant website: [www.kemo.gr](http://www.kemo.gr)

<sup>9</sup> See also relevant website: [www.metanastes.gr](http://www.metanastes.gr)

evident that the more negative public opinion becomes, the more difficult it is for political leaders to address the issue in positive terms.

It must be noted that Greece, which is a country with a high level of cultural and ethnic homogeneity related mostly to language and religion, has increasingly come under scrutiny and partial challenge, factor which plays a significant role in the policy and public debates concerning immigration. On the one hand, Greek policies seem to disapprove of the cultural diversity within the country and adopt a forced tolerance towards minority rights. On the other hand, public opinion, a considerable portion of the political leadership, and the Church believe that the recent history of the Balkans and Greece's fragile contemporary geopolitical position in the region, are legitimate reasons to impose restrictions on minority behaviours and foreign nationals. In addition, the sudden demographic transformation caused by the flow of immigrants from Eastern European countries during the 1990s has connected the presence of about one million of immigrants with the economic recession, the rise of unemployment and the rise of criminality in recent years.

Greek society perceives itself as non-racist and homogenous, and often views "difference" as a stronger or weaker enemy. This perception, partly explained by Greece's geopolitical position and history, directly reflects the suspicious attitude of Greeks towards their neighbours and generally, towards "others". These narrow sense and filtered stereotypes mostly connected to national or religious identity, as well as to misleading perceptions and misunderstandings, often create racist or xenophobic phenomena and discriminative behaviours. Additionally, the level of human rights protection and human rights ethics in Greek public life and discussions are directly affected by collective patterns and stereotypes. Although it is not easy to remove all these perceptions from the political discourse, it is important to ensure that the power of the state does not promote or support racial, ethnic, religious or other distinctions in the exercise of basic human rights.

Of course, governmental initiatives to create a positive atmosphere in which migration policy matters would be discussed by leading rather than following public opinion, could prove very effective. Essential elements of such a policy are consistency, clarity and coherence, and defining the terms of the debate by fact and not by prejudice. For instance, a governmental statement declaring that the competent authorities will tighten border controls in order to stop irregular entries may reassure public opinion, but it is not sincere, as in practice it is well known that these controls can reduce, but not prevent illegal entries.

In any case, the dominant policy at present in Greece is to attempt to control immigration for the benefit of "national interest", trying to balance two conflicting objectives. This is also in opposition with the clarity and the consistency needed for a long term-oriented migration policy. On the one hand, the government welcomes the presence of immigrants as a valuable labour force, either as workers whose skills are in short supply, or as unskilled workers who are prepared to do some of the work that natives avoid. On the other hand, the government tries to dissuade immigrants to come as they may cause social or political problems, and argues that it is preserving "national identity" or maintaining social stability.

In the past, Greece had no specific policy on immigration issues, despite the fact that immigrants were present on the Greek territory even before 1989. In practice, state

authorities had adopted a policy of non-interference in the relations between employers and foreign workers, or in the temporary residence of refugees from the Middle East or later from Poland. After 1989, and particularly after the beginning of the massive immigration flow from Eastern and Central European countries, Greek policy on the issue was reflected in the strict law adopted at the time, defining the prerequisites of entry and residence of aliens. This policy led to the development of authoritative practices towards immigrants at the individual or collective level (massive deportations) and led to their social exclusion. At present, Greece seems to have changed orientation, and is taking initiatives in the field of immigrants' integration. However, without effective promotion of equal opportunities, vocational advancement, access to social services, socio-cultural integration and civic participation by immigrant communities, and of course without recognition of cultural diversity, integration will remain theoretic.

### **1.3. Different terms for different types of immigrants**

As far as current immigrant population is concerned, the concept of “permanent” is no longer clear. The main policy does not aim at attracting permanent settlers. In practice, migration for permanent settlement occurs indirectly through family reunion and family formation. In any case, most permanent settlement in Greece today is associated with return migration to the homeland by former Greek nationals who left the country during the civil war to go to Eastern and Central European countries and to the former Soviet Union. The Greek authorities have granted an automatic right of settlement to these migrants (for instance to Pontian Greeks returning from the former Soviet Union, or to Greeks from Albania, providing them with specific identity cards and sparing them the need to go through the procedure followed by all other non nationals).

The vast majority of immigrants are temporary labour workers, generally low-skilled and low-paid, who come to Greece to work for various periods of time. Many of them are seasonal workers, moving within organised schemes or responding to spontaneous labour market requirements. The exception to this rule is the case of highly skilled professionals working for transnational corporations and organisations, professionals in the fields of health and education, project specialists, academics, entertainers, sports specialists and others, who practically face no problem to enter the country.

A significant number of immigrants in Greece are in an irregular situation. Most of them have entered the country legally and have then become irregular either by overstaying or breaking their terms of entry otherwise, usually by taking up employment.

### **1.4. Immigration in relation to the discussion on demographic trends and social or economic policies for the future**

In general terms our knowledge<sup>10</sup> about immigration in Greece and the social phenomena related to their presence and their contribution to economic life and society

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<sup>10</sup> The above inadequacy in the political discourse was stressed in the debate organised by the Research Center for Minority Groups (K.E.M.O.) on 11/1/2003 in the Greek Ombudsman's Office. The importance of this parameter was also included in the final conclusions of the debate. In the same debate, references were made to the limited and piecemeal social research on the issue, which prevents the conception of the phenomenon as a comprehensive whole.

is limited and insufficient. Additionally, public debates on the issue usually raise insufficient arguments and real facts, and sometimes result in contradicted conclusions, depending on the logic which governs each approach (strict or liberal).

The dominant objective of economic policy in Greece over the recent years has been to meet the Maastricht criteria and to join the group of the Economic and Monetary Union (EMU) countries. This objective has had a clear impact on policy-making in the social and economic fields. As a result, the policy followed over the past few years has required an acceleration of structural changes in many areas of public policy, including the labour market and the social security system, and has had a direct impact not only on the level of social spending and wages, the organisation of the tax system, and the employment and unemployment levels, but also on family income. This orientation had created an opportunity for greater discussion on the economic and social policy in Greece.

However, scientific research on the issue is limited and mostly descriptive<sup>11</sup>. In the middle of the 1990s, a research project<sup>12</sup> focusing on four regions of Macedonia which received an high number of immigrants during the last years, showed that 31% of the illegal immigrants in these regions work in agriculture, while 12.5% work as unskilled labourers. Their salary is 40% lower than the average salary of national labourers. This salary represents the occupation risk of illegal immigrants and does not include insurance contribution. According to the research, illegal immigrants are only partly occupied in jobs which may be of interest to national workers. In addition, most of them, especially Bulgarian immigrants, send 50% of the money they earn to their families abroad.

Another research project<sup>13</sup> showed that a significant number of agricultural workers are in fact seasonal workers, who work during periods when the number of jobs in the agriculture sector increases and the demand for labour cannot be covered by local workers. During the 1960s, seasonal needs in agriculture were covered by Muslim workers in Thrace, during the 1980s, by Polish and Bulgarian seasonal workers, and during the 1990s, by Albanians. Despite these interesting elements and the fact that the above research may contribute to a comprehensive approach of the impact that immigrants have on the labour market, the conclusions are partial and cannot show the overall influence that this phenomenon has on the economic or the social field, due to their partiality.

However, these conclusions lead to another research project<sup>14</sup> carried out in 1999. According to this project, immigration has a beneficial impact in the economic and social fields because of its effect on the Gross National Product (1.5% increase), on private investments (0.9% increase) and on the cost of living. In addition, immigration contributes to an increase in occupation in all fields of economic activity, apart from public services. This fact is not directly connected with the increase in unemployment, taking into consideration that only 1/3 of immigrant workers are occupied in jobs which nationals could do as well, while 2/3 of these workers actually create new jobs, definitely contributing to the increase in national production. On the other hand, since immigrant

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<sup>11</sup> Petrinioti 1993, Triantafyllidou 1996, Karasavoglou 1997.

<sup>12</sup> Lianos, Sarri, Katseli, 1996.

<sup>13</sup> Vaios and Xatzimichalis, 1997.

<sup>14</sup> Sarris, Zografakis, 1999.

workforce is inexpensive, the salary of workers in agricultural or other occupations is decreasing, while that of skilled workers is increasing.

All the above factors also have an impact on income distribution. Due to the presence and work of immigrant workers, the actual income of families has increased. Households in agricultural and urban regions seem to benefit from an increase of income. This phenomenon is linked to unskilled national labourers and people with average or low incomes in urban regions. Apart from these two categories, all other categories in urban regions, as well as all categories of agricultural population, benefit from an increase in income.

However, the research argues that 1/3 of the population seems to experience the negative impact of the presence of immigrant workers. According to the authors, despite the increase in unemployment among unskilled labourers, the wages and finally the national income have also increased, due to the fact that all other workers keep their jobs and receive better salaries. In fact, the improved economic situation related to the presence and work of immigrants gives a false picture of reality. In the economic and social fields, social and economic inequality still exist and actually increase, mostly within specific categories of population, including immigrants. When it comes to policy and to public debates on this issue, these conclusions are rather ignored.

In this context and social and economic situation, the question of low fertility, demographic trends in Greece, as well as the role of immigration on the labour market and in national economy have started to be dealt with under different aspects.

Low fertility has been presented as the main element of the so-called 'demographic problem' in Greece. The fertility level in Greece has been one of the lowest among EU countries<sup>15</sup> and the question of low fertility has been linked to demographic ageing<sup>16</sup>. A relevant study<sup>17</sup> on the issue was carried out by the National Centre for Social Research (EKKE) in 1999. It was actually a research project on the expected and actual family size, based on a sample of women living in the Greater Athens area, and a follow-up study of previous research that was undertaken in 1983 at the national level. The objective was to find the degree of 'consistency' between the expected number of children in 1983 and the real number in 1997, for the same women. The results showed that 70% of the women questioned in 1997 had the expected number of children by 1983, while 19% had fewer children than the number expected and 11% had more.

According to the research, the factors affecting the realisation of fertility intentions have two different aspects. The improvement in the economic situation of households and in housing conditions (e.g. between 1983 and 1997) seems to have a positive effect on fertility, while high education costs<sup>18</sup> and insufficient child-care services have a negative one. Women's work does not directly affect the actual fertility level. Taking into account the attitudes of couples regarding fertility, it seems that the difficulties in spending time with children and the inability to reconcile labour-market participation and family responsibilities explain the low fertility level.

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<sup>15</sup> See newspaper "Ta Nea", 13/02/1999.

<sup>16</sup> See newspaper "To Bima", 19/03/2000, Emke-Poulopoulos.

<sup>17</sup> *Expected and Actual Family Size in Greece: Life-cycle Events—A follow-up study, 1983-1997*, EKKE Editions, 2000, in Greek.

<sup>18</sup> See also newspapers "To Bima", 19/09/1999 and "Ta Nea", 5/10/1999.

In addition, low fertility has also been related to a certain number of socio-economic effects. The decline in fertility and the decrease in the number of births during the last 20 years are seen as responsible for the significant drop in the number of pupils in schools and for the internal mobility from rural to urban areas, thus accelerating the process of population ageing in some regions. In addition, low fertility has been presented as one of the main explanations for the imbalance between the profits and expenditure of the social security system, especially the pension system. Since low fertility is considered as the main element causing demographic ageing, it is also linked to the substantial increase in pension costs. However, despite the discouraging evolution of demographic trends, public opinion seems to find the idea of a low fertility level acceptable and quite reasonable. On the other hand, governmental initiatives to encourage fertility and births concentrate on the logic of providing additional allowances.

Recently, the question of low fertility was also raised in relation to immigration in Greece. The discussion focused on the difference in fertility between immigrants and nationals. The issue was raised due to the fact that the percentage of births among the immigrant population is higher than the percentage of births among the total population. Despite the lack of reliable statistical data in Greece, it can be assumed<sup>19</sup> that in 1999, 30% of all births took place in immigrant families. In addition, it has been argued that if the actual pattern of immigrant fertility persists in the next 20 years, 150,000 births will take place among the immigrant population<sup>20</sup>.

However, it is important to stress that in the medium- and long-term, fertility patterns among immigrants seem to have adapted to national ones, therefore, this trend cannot easily be projected in the future. It is difficult to argue that all these ideas are well received by the Greek population. For many people, the increasing number of immigrants could be damaging for Greece and the so-called 'Greek identity'. As the impact of immigration is mostly related to questions of unemployment, crime and economic growth, it is difficult to isolate people's perception of the link between low fertility and immigration.

On the other hand, there is no clear policy on the issue. Several policy measures on low fertility in Greece link child benefits to birth order, thus trying to increase the number of births. However, the main problem of these measures is that the objective concentrates on the third childbirth, and not on the first one. In any case, the actual situation proves that policies which focus on motivating parents by distributing allowances are not effective. As far as the demographic problem in Greece is concerned, the solution cannot be found exclusively in measures encouraging fertility. It is rather an issue related to social structures<sup>21</sup> and to social exclusion, linked to "a way of life" which governs contemporary Greek society. Therefore, the question is more to examine how social integration and changes in social structures within the population could be achieved. In this regard, policy measures oriented strictly towards economic motivation, while ignoring factors such as immigration, cannot prevent or change the existing situation and cannot prove effective in the long run.

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<sup>19</sup> *Christos Bagavos*, Greece, European Observatory on Family Matters, focus-monitoring 2000: Fertility.

<sup>20</sup> Newspaper To Bima, 21/05/2000.

<sup>21</sup> See also: O.K.E. (Greek Economic and Social Commission), "Initiative opinion on the subject: The demographic problem", in Greek, at [www.oke.gr](http://www.oke.gr).

Today, it seems that economic, social or demographic studies on immigration are not seriously taken into consideration, or at least are not the important elements which will define the national policy in the economic and social fields. Despite recent developments, where in some cases state authorities took the initiative to encourage and fund studies on immigration, they keep a complementary but distinct character from the national strategy on economic or social issues, and are not usually brought into the migration debate by the authorities. On the contrary, non-governmental organisations communicate the results of such studies and organise debates in order to bring these results in light and to further contribute to a comprehensive dialogue on immigration. It is remarkable that in such debates governmental ministries participate actively, but this does not indicate definite involvement and initiatives on their part when it comes to political decisions and practices.



## Chapter 2: The stakeholders

### 2.1. The contribution of governmental and non-governmental actors

#### 2.1.1. Governmental actors

Governmental actors involved in immigration issues can be categorised according to their competences and actual involvement in the management and practice concerning the issue. However, the lack of concrete policy and stable orientation in the field of immigration had led to a situation where the authorities competent for issuing or renewing permits often change, creating problems in the organisation and efficiency of the administrative procedure. In addition, practice has shown that co-operation between the main ministries involved is not always easy.

- *The Ministry of Home Affairs, Public Administration and Decentralisation*: the most important novelty that was introduced by Law 2910/2001 is that the Ministry of Home Affairs, Public Administration and Decentralisation is responsible for defining and implementing immigration policy. Police authorities and the Ministry of Public Order no longer have competence for issuing residence permits. Residence permits are issued, renewed and recalled by the General Secretary of the Region, after consultation of the Immigration Committee established in every regional Aliens and Immigration Directorate. More specifically, according to article 55 par. 1 and 2 of Law 2910/2001, an “Aliens and Immigration Service” is created within the Ministry of Interior and “Aliens and Immigration Directorates” are created in every Prefecture and operate as decentralised organs of the Administration.
- *The Ministry of Labour and Social Security*: immigration is directly linked to employment and work permits. Law 2910/01 provides for the reorganisation of the procedure concerning work permits. According to article 19 of the law, the Organisation for Manpower and Employment (OAED – Organismos Apasholisis Ergatikou Dinamikou), which depends on the Ministry of Labour, drafts an annual report evaluating the needs on the labour market and determines the posts available to foreigners in each profession and for each region. On the basis of the OAED report, a maximum number of employment permits to be issued annually is established, according to the nationality of the potential foreign employee, the region and the type of profession. The report is reviewed and approved by the Ministry of Labour and the information is transmitted to the Greek consular authorities abroad, the Employment Services of the prefectures and the Employment Offices in Greek Embassies and Consulates abroad.
- *The Ministry of Public Order*: although it no longer has the competence to issue residence permits, the Ministry of Public Order controls the borders and deals with illegal immigration. According to the immigration law (art. 44), the police authorities issue administrative acts of deportation and can order the administrative detention of aliens liable to deportation.
- *The Ministry of Justice*: although not directly concerned with immigration, this ministry deals with the administration of Justice with regard to aliens and recently prepared a draft law on the judicial control of administrative acts concerning aliens (e.g. deportation) that was adopted by the Greek Parliament. However, the Ministry of Justice

is competent to deal with issues related to judicial deportation and specifically with applications for the removal of foreigners from the Schengen list due to judicial deportation for illegal entry and residence.

- *The Ministry of Education*: this ministry deals with the specific educational needs of migrant children and is responsible for the implementation of the Immigration Law with regard to the education of migrant children. According to art. 40 of the Immigration Law, alien children must follow compulsory schooling. For their enrolment with public schools, they have to provide the same documents as Greek children (e.g. birth certificate). However, exceptionally, children can be enrolled without the necessary certificates if they are refugees or asylum seekers, if they come from countries where the situation is unstable, or if they reside in Greece without having been regularised. In addition, support classes (e.g. language courses) for migrant children exist in certain schools, in the context of a programme run by the Centre of Intercultural Education of the University of Athens, and 26 intercultural schools have been created in order to accommodate the needs of migrant, refugee and minority children.
- *The Ministry of Foreign Affairs*: this ministry deals with migration, not on the domestic, but on the international level. In view of the Greek presidency of the European Union, and since it has stated that immigration would be one of its priorities, the Ministry of Foreign Affairs is currently leading the European debate on immigration. A Directorate has been created within the Ministry to deal with immigration in the context of Justice and Home Affairs in the EU.

### **2.1.2. Non-governmental actors**

As the phenomenon of immigration is relatively new in Greece, non-governmental actors are not very involved in the public debate concerning immigration. Their approach towards immigration differs depending on the focus of their activities, and on their level of involvement in the implementation of immigration policies, as well as on their co-operation with the competent state authorities and their resources. Employers are in favour of immigration, as it provides them with a larger pool of potential employees. Workers organisations, on the other hand, object to competition with immigrants who are prepared to accept lower wages; however, they do not oppose immigration very strongly.

- *Confederations and unions*
  - The National Confederation of Trade Unions (GSEE) did not comment on the draft immigration law while it was in preparation and did not participate, at least openly, in the discussions concerning its adoption. However, GSEE argues that all workers, including migrant workers, should have equal rights, protected by International Conventions, the Greek Constitution and Greek labour law. GSEE and its Centres and Institutes also organise conferences where they express their position on immigration issues and exchange ideas with other actors.
  - The Information Centre for Workers and the Unemployed (KEPEA), created by GSEE, informs migrant workers about their rights and assists them (as well as other workers) when they encounter problems. The Centre, through the information received by individuals, is in a position to have a clear idea about the problems of migrant workers

and has been in contact with the Greek authorities in order to deal with these problems and to provide effective solutions.

- The Institute of Labour (INE), a research institute created by GSEE, gives priority to immigration issues and carries out research on subjects related to immigration; it often publishes the results of its research.

- *Non-governmental organisations*

Since the public debate on immigration issues is fairly recent, NGOs have only started working on immigration issues lately. There are two types of activities carried out by NGOs working in the field of immigration. NGOs participate in the public debate on immigration, by publishing books, organising conferences or monitoring the living conditions of immigrants in Greece. Some NGOs, such as the Hellenic League for Human Rights, have expressed their opinion during the elaboration of the Immigration Law.

Other NGOs do practical work with immigrants and try to defend their rights, to support them and to facilitate their integration in the Greek society. Some of them have aliens as their only target group, as is the case with the Network for the Social Support of Immigrants and Refugees. Other NGOs have a more general mandate and deal with immigrants in the course of their activities, e.g. Doctors of the World and Doctors without Borders. A number of NGOs are also involved in projects that are funded by the EU and concern the integration of immigrants.

- *National institutions*

The Greek Ombudsman's Office<sup>22</sup> and the National Human Rights Commission have both been very proactive in defending the rights of immigrants. In accordance with their mandate, they have often submitted proposals to the government for the improvement of the situation of migrants in Greece. Both of them have prepared comments on the draft immigration law and they regularly submit remarks to the competent authorities concerning the implementation of the law. The Office of the Ombudsman, which is competent to examine individual complaints, has had the possibility to monitor the implementation of the law and communicate observations to the Government.

- *The International Organisation for Migration*

IOM has an office that deals with immigration issues in Greece. The Office is in permanent contact with the state authorities, and is in charge of the implementation of many projects concerning the integration of immigrants, such as the organisation of Greek language courses, or the EU EQUAL programme against racism and xenophobia.

- *Communities of Immigrants*

There are several communities of immigrants in Greece. Some of them have created their own cultural centres and schools. However, they operate more as meeting places and ways of mutual support among immigrants than as lobbying actors towards the

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<sup>22</sup> See relevant site: [www.synigoros.gr](http://www.synigoros.gr)

government. Therefore, they do not take part in the political discourse concerning immigration policy.

## **2.2. Mechanisms of influence**

Co-operation between the state authorities and civil society in Greece is neither tradition nor practice. On the one hand, the government is not used to working with non-governmental actors, especially regarding the drafting of policies; on the other hand, civil society is relatively young and has not yet explored the mechanisms of influence of the State that operate in other developed countries. It should also be noted that NGOs mostly rely on volunteers and have only recently had the possibility to hire professional staff. As a result, NGOs have hardly ever participated in drafting committees on legislation, even though they have shown expertise and involvement in certain fields of activity.

However, the experience was different in the case of the new Immigration Law. NGOs did not participate in the elaboration of the first draft, and neither did the other non-governmental actors, including IOM; however, the draft was significantly changed after its elaboration and policy-makers took into consideration some of the comments made by non-governmental actors and national institutions. This does not mean, of course, that the final text meets all the expectations of non-governmental actors.

Nevertheless, there is no official platform of discussion between the government and civil society actors interested in immigration. Conferences have been organised, where governmental officials and non-governmental actors have exchanged views. Communities of immigrants have also been invited to meet ministers; however, this has been perceived more as a gesture of goodwill than as the beginning of a substantial exchange of ideas.

## Chapter 3: European legislative proposals

### 3.1. Admission for economic purposes

The new Greek Immigration Law directly links immigration with work and develops a procedure for granting residence permits based on the assessment of the needs on the Greek labour market.

According to article one of the Law, an alien is a person who does not have Greek citizenship or has no citizenship at all. However, as stated in article 2, Immigration Law (and consequently the procedure for granting residence permits for employment or self-employment) does not apply to persons whose entry and exit, as well as movement, residence, settlement and occupation on the Greek territory, are regulated by European Community Law. Moreover, it does not apply to refugees, asylum seekers and persons with double or multiple citizenship who are considered as Greek citizens, provided they also have Greek citizenship. There is no mention of the categories mentioned in article 3 par. 2 of the draft Directive, or of third-country nationals who provide cross-border services (article 3 par. 3(i) of the draft Directive).

However, there are specific provisions for third-country nationals who are spouses of EU citizens. Article 33 stipulates that a third-country national who is the spouse of a Greek or a EU citizen may be granted a five-year residence permit, which also gives him/her the right to work. Other provisions exist for third-country nationals who are family members of a third-country national and are covered by family reunification (see below).

Generally speaking, the system for granting residence permits follows five stages<sup>23</sup>: determination of the country needs, establishing contact between the foreign worker and the Greek employer, granting of a work permit by the Prefect, granting of a visa by the Greek Consulate and finally granting of a residence permit by the General Secretary of the Region. At the end of each year, the Greek Manpower and Employment Organisation prepares a report identifying the needs for labour throughout Greece and the vacancies in each job category and each region that may be filled by foreigners. A ministerial decision based on this report determines the maximum number of work permits to be granted every year per nationality, prefecture, type of skills and duration of employment, and any other detail. This decision is transmitted to the Greek consular authorities and the employment offices operating abroad, which will then invite foreigners to submit applications.

Specific provisions<sup>24</sup> define the procedure and the documents required in order to obtain a residence permit. The documents required are:

- Application to the municipal or communal authorities of the applicant's place of residence, made at least two months before expiration of the visa, mentioning the specific reason of the request for a residence permit,
- Valid visa,
- Copy of the passport or other travel document bearing the visa,

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<sup>23</sup> Articles 19-21 of Law 2910/01.

<sup>24</sup> Article 8 par. 3-7 of Law 2910/01.

- Any other supporting document,

The municipal and communal authorities examine the documents and transmit them to the competent Aliens and Immigration Service. This service examines the application within one month and invites the foreigner to come for an interview with the Immigration Committee. The residence permit is granted by a decision of the Secretary General of the Region, following the opinion given by the Immigration Committee.

Residence permits are issued for one year and are renewable. After six years of residence, the competent organ for the renewal is the Minister of the Interior and the permit is granted for two years. After ten years, a residence permit of indefinite duration may be granted, but this possibility is at the discretion of the administration (article 22 par. 1-2).

A foreigner is granted entry for self-employment<sup>25</sup> if he/she has the necessary resources to develop his/her activity and if the activity in question contributes to the development of national economy. The application for a visa of entry, a number of certificates, such as a documents proving the scientific, technical or professional skills of the applicant with regard to the activity he/she will exercise in Greece, an economic and technical study, analysing the type and cost of the investment as well as the source of funding, and a copy of the applicant's criminal record, are submitted to the Greek consular authority and then transmitted to the Aliens and Immigration Service of the region where the foreigner is going to exercise his/her activity. Then, this service forwards the application to the competent state organ. Another procedure follows to grant the residence permit, which includes the submission of a number of documents, such as a health and social insurance certificate, a certificate indicating the foreigners' place of residence etc.

Athletes and trainers, company board members, managers and company staff, and artists are subject to special provisions.<sup>26</sup>

A new procedure for seasonal workers has also been introduced (art 24); seasonal workers can work in Greece for six months a year without residing permanently in the country. Interested employees should apply to OAED, which will make a decision based on the report on labour needs previously mentioned. The foreigner is then given a six-month contract. There are bilateral conventions between Greece and other countries that regulate the seasonal work of foreigners in Greece.

It should be noted that discussions on policies concern mostly low-skilled workers. According to the research on manpower carried out by the National Statistical Office in 1998, 42.8% of male foreign workers work in construction, 23.7% in industry, 13.7% in trade, 5.9% in hotels and catering, 3.4% in other general services, and 3% in agriculture. 54.9% of female foreign workers are domestic workers, 14.1% work in hotels and catering, 9.9% in industry, 6.3% in trade, 3.7% in real estate, and 3% in agriculture. With regard to their educational level, 49.16% of them are high school graduates, 37.05% are primary school graduates, and 8.89% are university graduates. From the above-mentioned data it can be said that the workers most needed on the Greek labour market are the low-skilled ones.

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<sup>25</sup> See article 22 of Law 2910/2001.

<sup>26</sup> See Immigration Law, articles 34, 35 and 36 respectively.

In opposition with article 6 par. 3 of the draft Directive on horizontal assessments, Greek legislation does not include any provision allowing the Greek authorities to introduce a national green card programme. The only relevant provision is the one concerning technology specialists. The Minister of the Interior may grant a renewable one-year residence permit to distinguished foreign scientists, as well to specialists in the field of new technologies, in particular IT (article 37, par. 4 c-d). These provisions leave the matter at the discretion of the Minister of the Interior.

However, it should also be noted that the procedure for granting residence permits goes through an assessment of the country's labour market needs reflected in the above-mentioned OAED report.

Greek Immigration Law does not include provisions concerning income thresholds or employers' contributions such as those foreseen in article 6 par. 4 and 5 of the draft Directive.

With regard to seasonal workers, there are no provisions in the law imposing a security deposit to future employers, such as foreseen in article 12 par. 2 of the draft Directive. There are no provisions on transfrontier workers either.

There are no provisions concerning trainees, au pairs or persons who come to Greece as part of youth exchange schemes. On the contrary, there are provisions concerning directors, administrators and company staff (article 35). They are also granted a renewable one-year residence permit. They can bring their family members with them, who will be granted individual residence permits. This article is not in line with article 14 of the draft Directive, as it does not aim at creating a special status for intra-corporate transferees who tend to stay in a specific country for several years.

As stated above with regard to self-employment, foreigners who wish to exercise an independent economic activity in Greece must have sufficient financial means to do so. They must submit the relevant documents to the Greek consulate in their country of residence, e.g. an economic and technical study on the investments planned and the resources available, information on their scientific, technical or professional qualifications, as well as a certificate of tax returns in their country.

As immigration in Greece is a relatively new phenomenon, the terms of the debate are different from those in other EU countries, where immigration has existed for a long time. In Greek legislation, there is no mention of the introduction of limits (ceilings) to the issuance of work permits based on social considerations. The only limitation established in the law is based on the labour market needs.

Law 2910/2001 foresees a regularisation phase which is ongoing in Greece. This is why the above-mentioned procedure concerning admission for economic purposes has not been implemented yet.

According to articles 66-68 of Law 2910/2001, the legalisation procedure concerns:

- Immigrants who had a legal status in the past but are now illegal in the country, provided they can prove that they have been living in the country ever since their legal documents have expired.

- Immigrants who can prove that they have been living continuously in the country, legally or illegally, for one year since the date of the law's enforcement.

In the two cases mentioned above, the legalisation procedure required making an application to the Municipality or the Village Council of the place where the immigrant lives. This application had to be made within two months of the law's enforcement, i.e. from 2-6-2001 until 2-8-2001, without possibility of extending the deadline, and by submitting the following documents:

- Two photographs;
- A certified copy of the passport, birth certificate, marital status certificate, or identity card;
- The original green card, white card, or residence permit that has expired;
- Proof of the period of residence in Greece, which can be the passport, or public or private documents that carry a stamp and a date from a public authority;
- Bills issued by the Public Electrical Corporation (DEH), the Telecommunication Corporation (OTE), the Public Utility Corporation (EYDAP) or mobile phone companies;
- For immigrants living in small cities (up to 20.000 citizens), the decision of the municipal or village Council indicating the duration of the immigrant's stay in this area is considered as a sufficient proof.

All applications submitted to municipalities, communal authorities or OAED are transmitted to the Immigration Service in order to be examined. After examination of an application, a six-month residence permit is issued. An immigrant who has been granted a 6-month residence permit through this procedure can apply for a work permit for:

- Dependent labour
- Providing independent services
- Independent economic activity

Immigrants who have applied, as well as their family members, cannot be deported for lack of residence permit until their residence permit is issued. Immigrants who have followed this procedure can be granted insurance stamps for the previous year without having to pay an additional charge, provided they correspond to at least 250 days of work. This has a direct application for medical care.

Six-month residence permits granted through this procedure do not depend on other prerequisites. Specific proof of work is not required and immigrants do not have to justify the reasons for applying. However, they have to apply for a work permit before their six-month permit has expired in order to obtain a residence permit.

#### *Prerequisites for a work permit*

In order to get a work permit, a foreigner holding a six-month permit must:

- Apply to the Prefecture before the end of the six-month period;
- Submit the following documents:
  - Copy of the six-month residence permit



- Copy of the criminal record
  - Health certificate issued by a state institution
  - Declaration of their place of residence
  - Proof of insurance;
- If the foreigner is an employee, s/he must submit the work contract or a declaration of the employer or the publication of employment to OAED.
  - If the foreigner provides independent services or work, s/he has to submit a work agreement, a declaration of the employer, or his/her booklet of insurance stamps proving his/her contribution to public insurance funds, and proving that s/he has worked for at least half of the days between the day when s/he received the residence permit and the day when s/he submitted the application.
  - Those who want to exercise an independent economic activity need to submit, in addition to the above, a financial and technical study for the specific activity, as well as elements proving that they have sufficient financial resources to cover the expenses of their stay and of the work they want to do.

Unfortunately, due to lack of personnel, the administration has not so far been able to examine all the applications for regularisation, although the validity of the six-month residence permits has expired. Law 3013/2002, adopted in spring 2002, extended the validity of all temporary permits until 31 December 2002. So far, the administration has been unable to issue residence permits to foreigners and further legislative extension of the temporary residence permits is pending.

### **3.2. Family reunification**

The new Immigration Law includes specific provisions<sup>27</sup> concerning family reunification.

According to article 28 par. 1 of Law 2910, the spouse and the minor unmarried children of the foreigner or his/her spouse, provided s/he has their custody, are considered as family members covered by family reunification. It is not clear in the law, due to vague wording, whether the immigrant or the spouse has the custody of the spouse's children. Custody is the only condition established by the law, and dependence of the children is not required, as is the case in par. 1(c) of the draft Directive.

There is no explicit mention of adopted children, but as in Greek family law adopted children have exactly the same status as natural ones, it can be concluded that adopted children are covered by the provision.

The law does not include any provision concerning relatives in the direct ascending line, adult unmarried children who are objectively unable to provide for their own needs, or unmarried partners of foreigners, as article 4 par. 2 and 3 of the draft Directive does.

With regard to resources, the law requires the foreigner to prove, by submitting the necessary documents to the municipality of his/her place of residence, that his/her family members are going to stay with him/her and that s/he has adequate resources to

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<sup>27</sup> See articles 28-33 of Law 2910/01.

support them, provide accommodation, health, and social insurance. The law stipulates that the minimum level of resources necessary equals the minimum wage of an unskilled worker. The law, as opposed to article 7 par. 1 of the draft Directive, imposes no control of the suitability, the condition and safety standards of the accommodation.

The waiting period established in Greek law is two years. There is no maximum waiting period between the submission of the application and the issuance of residence permits to family members.

Family members do have access to education, and Law 2910/2002 specifically states that migrant children (article 40) have to follow compulsory schooling.

The family members of immigrants are entitled to work as employees or to be self-employed. They also have access to vocational training through programmes run by OAED in cooperation with EU-funded Centres of Professional Training (KEK). These centres have professional training programmes for migrants that reside legally in Greece and are unemployed.

In order to obtain family reunification, the immigrant has to apply to the municipality of his/her place of residence and submit a number of documents:

- His/her residence permit;
- A declaration stating that the family members will be living with him/her;
- A recent certificate of marital status or the children's birth certificates;
- A health certificate.

The application is transmitted to the Secretary General of the periphery. Children older than 14 receive an individual residence permit valid until their parent's expires. Children under 14 are covered by the residence permit of their parent.

Spouses cannot acquire an autonomous residence permit after 5 years of residence in Greece, as is the case in article 15 of the draft Directive. Children can receive one when they become adults, if their sponsor parent dies or if they are subject to domestic violence. Spouses can also acquire autonomous permits in case of divorce, widowhood, or if they are subject to domestic violence. Autonomous permits are valid for one year, and renewable only once. Further renewal can only be allowed for another reason covered by the Immigration Law (e.g. employment or self-employment).

As it may come across from the presentation of the Greek family reunification legislation, Greek legislation is stricter than the one proposed at the European level. The adoption of the Directive would therefore force Greece to adopt more flexible legislative standards. Therefore, in the case of Greece, the standstill clause is of no significance.

With regard to the review of procedures which should take place two years after the transposition of the Directive into national legislation, it is difficult to foresee the behaviour of the Greek authorities; however, if this is imposed by the Directive, the Government will have to comply with this provision.

### **3.3. Long-term residents**

With regard to long-term residence, there is a big gap in Greek legislation. The Immigration Law includes no provision creating a special status for long-term residents. An immigrant is subject to the same procedure for the renewal of his/her permit regardless of his/her total period of stay in Greece. There is only one provision in article 22 par. 2 stipulating that after 6 years of stay, the organ competent to issue residence permits is no longer the Secretary General of the Periphery, but the Minister of the Interior. Furthermore, after 10 years of stay, the Minister of the Interior may issue a residence permit of indefinite duration. This possibility is at the discretion of the administration and is not considered a right to which the immigrant is entitled. The same provision exists for self-employed immigrants (article 27 par. 4).

As there is no status of long-term resident in Greek Immigration Law, there is no specific possibility of protection against expulsion for long-term residents under Greek law. Article 44 on administrative expulsion does not include any exception for this category of immigrants.

Although there is not set of rights linked to long-term residence status in Greek law, immigrants in general benefit from a series of rights, regardless of the duration of their stay in Greece.

Foreign workers with a work permit are protected by Greek Labour Law to the same extent as Greek citizens. The right to join trade unions, the right to strike, and the right to social insurance are stated in the Constitution.

According to article 39 of the Immigration Law, foreigners who reside legally in Greece are entitled to social welfare protection and are subject to social insurance. They also have access to the National Health System.

As has already been mentioned, immigrant children have the right to education and must follow compulsory schooling.

According to Greek legislation, all university diplomas obtained abroad are subject to recognition by the competent authority, D.I.K.A.T.S.A. (Diapanepistimiako Kentro Anagnorisis Titlon Alodapis), the Centre of Recognition of Foreign Diplomas. Candidates must submit a number of documents (certified copy of their diploma, translation of their diploma in Greek, curriculum of the university, etc.). Depending on the specialisation and the university where the diploma was obtained, candidates may have to take exams in several subjects. If they pass the exams, their diploma will be recognised. No foreign university diploma is valid in Greece for the public sector, unless it is recognised by DIKATSA.

The transposition into national law of the chapter on the right of long-term residents to reside in other Member States would require radical amendments to Greek legislation, since aliens are only allowed to come to Greece under specific conditions, and the right of third-country nationals who are long-term residents in other Member State to reside in Greece is not recognised. The Greek legislator would also have to create a special

status for long-term residents in Greece in order to comply with the Directive. The family reunification provisions would have to be amended in order to include this possibility.

No discussion on long-term residents has started in Greece. This can be explained by the fact that the country is still undergoing its regularisation phase, and that the majority of immigrants have only recently arrived. This does not mean that the absence of provisions concerning long-term residence does not create problems to immigrants that have been here for more than ten years and are still treated as newcomers although they have built their life in Greece.

## Chapter 4: Recommendations and open method of co-ordination

### 4.1. National policies and co-operation

Communication 387/11.7.2001 of the European Commission proposes an "open method of co-ordination" (already used in relation to the Employment Strategy and the EU Social Policy Agenda) to support the development of a common immigration policy. This method involves an annual cycle of adoption of guidelines by the Council, the development of National Action Plans by Member States, and the drafting of a synthesis report evaluating the Plans according to the guidelines. According to the Communication, the open method of co-ordination *"will support and complement the Community legislation called for in the Treaty and will provide a framework for reviewing the implementation of these legal instruments with the Member States."*

The guidelines will initially involve: the management of migration flows, the admission of economic migrants, the development of a partnership with third countries, and the integration of third-country nationals. The Commission puts forward six guidelines, the first three of which are related to the management of migration flows:

- Developing a comprehensive and co-ordinated approach to migration management at national level;
- Improving the information available on legal possibilities for admission in the EU and on the consequences of using illegal channels;
- Reinforcing the fight against illegal immigration, smuggling and trafficking;
- Establishing a coherent and transparent policy and procedures for opening the labour market to third-country nationals within the framework of the European Employment Strategy;
- Integrating migration issues into relations with third countries, in particular with countries of origin; and
- Ensuring the development of integration policies for third-country nationals residing legally on the territories of the Member States.

The proposal concerning the National Action Plans consists of two parts: an overview of the previous year's performance, and proposals for implementing the guidelines in the following year. Member States would fix their own national objectives within a framework of overall European targets. The synthesis report would include recommendations for future development of the Community Development Policy, including revisions of the guidelines. The preparation of the report would be co-ordinated with similar reports on employment and social inclusion.

It is evident that consultation, co-operation and increased co-ordination of policies in the fields of both legal and illegal immigration are keys to the successful management of migration policy, in Greece and elsewhere in Europe. The proposal for an open method of co-ordination should facilitate this process at the European level, and for this reason the attempt of common target setting and co-operation is well received by the state authorities. In this regard, it seems that the government aims to ensure, where appropriate, that Greece's immigration policies are broadly in line with those of other Member States, taking into account that an open method of co-ordination is an appropriate approach to achieve this. However, the government would find it difficult to participate in measures that impinge on the right of Member States to determine their

own policy when these measures interfere, or are in conflict with issues of national interest.

The guidelines, as proposed in the Communication, lay out a policy framework that broadly reflects the main principles of the government's current thinking. Over the last years, the government appears to have been relatively active at local, national, European and international level, in taking forward policy to achieve most of these objectives. In this respect, state authorities support the view that immigration should be managed through a comprehensive and co-ordinated approach, initially at national level. Specific measures have been taken in order to improve the dissemination of information on the legal possibilities of admission in Member States, as well as the consequences of using illegal routes, through campaigns aimed at improving information. Recently, state authorities have taken legislative measures in order to fight efficiently illegal immigration, smuggling and trafficking, both through national and EU-wide measures.

However, it seems that as far as the admission of economic immigrants is concerned, the national policy followed aims at developing a Community Immigration Policy in a complementary but distinct way from the Employment Strategy. It seems, also, that the dominant view on the issue is that national labour market policies are best carried out at domestic level, due to their particularities. In public debates, it is stressed that international co-operation is vital to achieve orderly migration flows, and that Member States should take into account the impact of their immigration policies on the countries of origin and in particular on developing countries. While migration can have negative impacts on countries of origin, it can also bring benefits (through private investments, for example) and Member States should seek the most appropriate methods to maximise them.

Another issue of concern is the treatment of third-country nationals. In order to maximise the benefits of migration for Member States and for the migrants themselves, it is vital that they should be able to actively participate in the social, economic and political life in Greece. Measures to facilitate the social integration of those who are legitimately on the Greek territory are an important means of ensuring this.

The principles which should govern an effective national policy on immigration stressed in the public discourse are:

- Organisation
- Protection
- Integration
- Co-operation

In any case, national policies will be the base for the development of a better-oriented European strategy, and for this reason, it is important for each country to contribute with actual experiences, good practices and political orientations on the issue, in a comprehensive manner. The development of such a discussion could define the terms of a common, but also effective strategy, taking into account the particularities of certain participating states. The establishment of a strategy that will reach efficient and long-lasting results requires individual governments to meet a number of conditions, bearing in mind that all countries do not have the same migration policies.

So first, at the national level, it is important for the countries involved to:

- Deal with the whole spectrum of migration types and issues;
- Develop a comprehensive migration policy by reviewing existing measures and policies, identifying the mistakes or the gaps of the past, and introducing greater coherence;
- Promote internal co-ordination between the ministries with responsibilities in the field of migration and integration matters, in order to ensure coherence in both initiatives and responses, even by creating specific structures or organs for this;
- Collect the input of all actors in the field of migration, including NGOs;
- Guarantee transparency, so that all actors involved can feel that they play a role in the procedure by taking initiatives or making decisions which are openly communicated;
- Upgrade the legislative and policy framework in line with mainstream European standards, by maximising the opportunities and benefits for individual migrants and host societies, and minimising trafficking and irregular movement;
- Promote international co-ordination in order to ensure harmonisation and a ground of agreement and effective co-operation.

#### **4.2. Developing an immigration employment strategy**

As migration is directly linked with labour market needs, it plays a crucial role in the development of the employment strategy. In view of this fact, employment migration policies must deal with a wide range of foreign workers, with various skill levels and various durations of stay. Some immigrants are in a precarious situation, while others, mostly highly skilled, consider themselves as transitional citizens. In practice, their stay and work in the country depends on the state of the labour market.

The long-term planning of immigrant occupation creates further difficulties, taking into account that labour requirements and the differentiation in immigrants motivation, or the sudden, even massive, presence of immigration flows, call for flexibility in the policies and structures established. Consequently, the vast majority of residence or work permits are valid for one year and can be renewed. On the one hand, this practice provides the flexibility needed; on the other hand, it creates insecurity and frustration for immigrants who must follow the required bureaucratic procedures, queuing for hours and wasting working time in order to receive their new card.

Another characteristic of the migration labour market is the shortage of workers in the region where the country is situated. The low number of local workers often results in irregular immigration, despite governmental efforts to prevent it. Past experience should be taken seriously into account at regional level, in order to balance the objectives and considerations concerning wider economic factors, and illegality. In addition, it must be noted that social policies concerning the unemployed, women, the disabled, and young people, mostly concern nationals, and that in practice there is not much space for immigrants.

In general terms, immigration, except when motivated by humanitarian motives (asylum, family reunification), is related to the immigrants' need for economic activity which they cannot find in their own country. As immigrants, they face two main difficulties: finding a job and legalising their entry and residence. When they come to Greece legally or illegally, it is easy for them to find a job, mainly on the black market. For this reason, and

particularly in order to combat undeclared work by Greek employers and irregular work by foreigners, specific provisions<sup>28</sup> of the immigration law penalise employers and dissuade them from making use of unregistered foreign labour. At the same time, the policy on the issue, although it does not limit the number of entry visas for specific countries, can exercise a kind of control through the procedure developed in article 19 of the law<sup>29</sup>.

However, the above procedure is rather complicated and is not yet implemented, as current labour needs are covered through the regularisation procedure which is still in process. So, for the time being, the management of workers' selection and recruitment remains in the hands of employers. In order to control workers' management and effectively implement the procedure described in the law, the government should work with a range of social partners, engage in discussions, share responsibilities and develop measures of agreement on appropriate policy initiatives and responses.

In such a management strategy, the principal actors on the labour market (employers, trades unions, NGOs, immigrant communities) should be granted an active role, and encouraged to co-operate with the government rather than fight it. In this perspective, a balance should be maintained between foreign labour entering the country and employers' interests in using immigrant labour in beneficial conditions, and all social partners could contribute to a transparent policy-making process. Of course, the government must retain the duty to restrict irregular flows that harm the employment opportunities of the indigenous population, while at the same time supporting the foreigners legally residing in Greece. This approach, where a specific part of policy management would be placed in the employers' hands, could result in a better-orientated management strategy of immigrants' employment, for the benefit of both the indigenous and foreign populations. The gathering of effective national policies on the issue can have a beneficial impact at the domestic and European levels. On the other hand, co-operation and common target setting can effectively contribute to the improvement of existing policies, taking into consideration that immigration is not actually restricted at the national level.

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<sup>28</sup> See articles 51-55 of the Immigration Law.

<sup>29</sup> According to article 19 of the Law, the Organisation for Manpower and Employment (OAED – Organismos Apasholisis Ergatikou Dinamikou), which depends on the Ministry of Labour, drafts an annual report evaluating the needs on the labour market and determines the posts available to foreigners in each profession and for each region. On the basis of the OAED report, a maximum number of employment permits to be issued annually is established, according to the nationality of the potential foreign employee, the region and the type of profession. The report is reviewed and approved by the Ministry of Labour and the information is transmitted to the Greek consular authorities abroad, the Employment Services of the prefectures and the Employment Offices in Greek Embassies and Consulates abroad.



The **Hellenic League for Human Rights** is active in the field of promotion, protection and development of human rights and the prevention of their violation. It conducts research on the issues of human rights on an individual and collective level, submission of proposals for the resolution of relative problems to, sensibilisation of the public opinion and consolidation of human rights ideals within the public sphere through the organization of public events, conferences, human rights lobbying and victims advocating. While the League was founded in 1953 (as the first Greek human rights NGO) with the goal of fighting for the democratisation of the country, today it focuses on new phenomena involving human rights concerns, such as migration, ethnic conflicts and intolerance, religious freedom, and freedom of expression and association. Since its creation, the League has been an associated member of the International Federation of Human Rights (FIDH) and represents the Federation in Greece.

The League has a Board composed of 9 individuals and the General Assembly counts up to 350 members. The president of the Board is Mr Yannis Souriadakis, lawyer.

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