



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

**POLICY REPORT ON MIGRATION, ASYLUM AND  
RETURN IN GREECE  
(Reference Period January - Dec 2006)**

**1<sup>st</sup> Draft**

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## **Contents**

### **Executive Summary**

#### **1. Political Developments in Greece**

#### **2. Legislative Developments in the Area of Migration and Asylum**

##### **2.1 General Structure of Legislative System in the Area of Migration and Asylum**

##### **2.2 Legislative Developments**

###### **2.2.1 Third Regularisation Programme**

###### **2.2.2 Gates of Entry**

###### **2.2.3 Integration and Settlement**

###### **2.2.4 Refugee Protection and Asylum**

###### **2.2.5 Other Legislative Developments**

#### **3. Implementation of EU Legislation**

#### **4. Other Policy Implementation Issues**

## **Executive Summary**

There are no major political developments during the reference period (January-December 2006). The liberal governing party (New Democracy-Nea Demokratia), which came to power after the national elections of March 7 2004, after a minor reshuffling, continues to rule.

Throughout the reference period the main debate on migration policy focused on the implementation of L. 3386/2005 and especially the process and problems encountered in the regularisation programme it provisioned. This Law signalled the declared will of the then newly elected government to proceed to a new migration law. The main axes of the governmental policy were the combat of illegal immigration, the integration of illegal workers into the formal labour market, the overall integration of migrants into Greek society and the transposition of the recent European legislation into Greek legal order. In this context, after months of consultations and discussions, the Law was submitted to the Greek Parliament where it was discussed and passed in August 2005. Actually this is a rather long law (11 sections and 98 articles), which revises many existing provisions on migration and establishes new ones aiming at the modernisation of Greek migration legislation and policy.

The main features of Law 3386/2005 were the so-called third regularisation programme along with other innovative provisions. In this respect, illegal immigrants residing in Greece before 31.12.2004 were eligible for regularisation. Immigrants, who were once legal but for some reason failed to renew their residence permit, were also allowed to apply for regularisation. A fee of 150 Euros plus a minimum of social security stamps were required for application. The Law unified work and residence permits into a single residence permit, which is issued thereafter by a single authority, the Region. It, also, introduced long-term residence permits, revised the provisions on family reunification, and included a whole section on the integration of immigrants, while imposed stiffer penalties on employers and transporters of illegal immigrants.

The implementation of the third regularisation generated criticisms of the Law for attracting a number of applications remarkably lower than that of previous regularisations. According to the Ministry of Interior, the number of applications submitted by first time applicants was 93,623, while the total number of applications submitted in this regularisation programme amounted to 152,400. The restrictive

scope of documents accepted as proof of the immigrants' residence in the country before 31/12/2004 was considered as one of the reasons for the low turnout. It turns out that by the end of 2006, 76,952 residence permits were issued for illegal immigrants applying for first time. About one out of three of these initial applicants were Albanian nationals (25,497), with Bulgarians (7,480) and Romanians (6,257) to follow.

Adding those regularised third country nationals with expired residence permits (approximately 85,000) to regularised initial applicants, one can conclude that, despite its limited extent, this regularisation was successful, in the sense that it brought out of irregularity a significant number of immigrants without, at the same time, encouraging new arrivals. Nevertheless, the debate on the eligibility criteria continued so that new legislative initiatives were planned.

In this context, Joint Ministerial Decision no. 11702/06 (12/7/2006) allowed the initial regularisation of young immigrants, graduates of Greek public educational institutes. These can be granted an annual residence permit, which also stands as a work permit, renewable according to the general provisions of migration law. The initial deadline for the submission of necessary applications and documents was set to 31/12/06, however, it has been extended up to 30/09/2007.

An innovation of Law 3386/2005 is the establishment of the right of long-term residence for third country nationals. These can apply for a long-term residence permit from August 2006, provided that they have been legally residing in the country for at least five consecutive years, including residence permits which were granted according to Law 2910/2001. To be eligible for long-term residence the immigrant should also possess stable and regular financial resources, medical insurance, decent accommodation and fluency in Greek language and knowledge of Greek history and culture. A fee fixed to 900 Euros is also provisioned.

During the reference period four EU Directives were transposed into Greek legal order. That is, Directives 2003/86/EC, 2003/109/EC, 2004/81/EC and 2001/55/EC.

## **1. Political Developments in Greece**

There are no major political developments during the reference period (January-December 2006). The liberal governing party (New Democracy-Nea Demokratia), which came to power after the national elections of March 7 2004, continues to rule. However, in the governmental reshuffling, which took place in February 2006, the Minister of Public Order, responsible for asylum and forced migration, G. Voulgarakis, was replaced by B. Polydoros. A worth-mentioning change, which took place in November 2006 in the Ministry of Interior, Public Administration & Decentralisation, responsible for migration, is the replacement of the resigned Secretary General (Ath. Vezyrgiannis) by Patroklos Georgiadis.

Another development that occurred on October 15<sup>th</sup> 2006 was the municipal and prefectural elections. The election outcome does not seem to have any significant direct impact on migration policy.

Throughout the reference period the main debate on migration policy focused on the implementation of L. 3386/2005 and especially the process and problems encountered in the regularisation programme it provisioned. While the regularisation provisions were set in force with the promulgation of the Law, the rest were put into force on 1<sup>st</sup> January 2006. This postponement of implementation considered to be necessary for the organisation and staffing of the competent departments with sufficient and experienced personnel, which was trained on the provisions of the new Law. This Law signalled the declared will of the then newly elected government to proceed to the enactment of a new migration law. The main axes of the governmental policy were the combat of illegal immigration, the integration of illegal workers into the formal labour market, the overall integration of migrants into Greek society and the transposition of recent European legislation into Greek legal order. In this context, after months of consultations and discussions, the Law was submitted to the Greek Parliament where it was discussed and passed in August 2005. Actually this is a rather long law (11 sections and 98 articles), which revises many existing provisions on migration and establishes new ones aiming at the modernisation of Greek migration legislation and policy.

The preparation and discussion of this Law triggered debate among political parties represented in the Parliament and other stake-holders. As migration does not constitute a continuous central political issue, often the debate is limited to the passing of certain immigration laws and concerns their particular provisions. Despite the seeming differences on various issues, it turns out that there is consensus among political actors on the need for integration of illegal migrant workers into the formal (secured) labour market, the integration of migrants into the Greek economy and society, as well as the combat of illegal immigration and, especially, the problem of trafficking in human beings. Like the cases of previous migration laws, throughout the parliamentary debate on this Law, the parties in opposition demanded a more liberalised migration policy and speedy procedures, while the government proceeded with cautious steps towards its declared objectives. By setting the cut-off date for eligibility to regularisation at 31.12.2004 and by restricting the evidence of entry before this date to documents, which are hard to forge, the government conducted a new regularisation programme while, at the same time, it discouraged new waves of illegal workers.

Notwithstanding the previous two regularisation programmes, which up to a certain extent relieved the pressures posed by illegal immigration, the latter was widely acknowledged to remain rather extensive and in need of drastic action. About 300,000 illegal immigrants were estimated to reside in Greece in 2004<sup>1</sup>. Moreover, previous regularisation programmes were criticised for the complicated and time-consuming procedures they provisioned, which posed onerous burden on to the immigrants and administration alike. Finally, the poor integration of immigrants was recognised as a high-priority issue, requiring the implementation of integration programmes.

Thus, the third regularisation programme along with other innovative provisions of Law 3386/2005 was widely welcome. This programme aimed at the transfer of migrant employment from irregular to regular economy and also the general improvement of living conditions for irregular migrants. In this respect, illegal immigrants residing in Greece before 31.12.2004 were eligible for regularisation. Moreover, certain administrative requirements were relaxed, outstanding among

which were the unification of work and residence permits into a single residence permit and its issue thereafter by a single state authority, the Region. The Law, also, introduced new provisions regulating long-term residence, revised the provisions on family reunification, as well as included a whole section on the integration of immigrants, while imposed stiffer sanctions on employers and transporters of illegal immigrants. The long period for the preparation of draft Law along with the relevant meetings and the frequent references of the daily press contributed to the dissemination of information to illegal immigrants on the conditions of the then upcoming regularisation programme.

The implementation of regularisation launched in October 2005 and, in practice, spanned throughout 2006. It necessitated the issue of several joint ministerial decisions and administrative circulars, clarifications of the Law provisions, expansion and upgrading of online data and the processing of documents, as well as the support of the Regions and large municipalities by additional personnel responsible for the reception and processing of migrants' applications.

However and despite the positive stipulations of the Law, the implementation of the regularisation programme met serious difficulties. There were long queues at offices of local authorities responsible for receiving the applications, delays at public hospitals for the obtaining of health certificates.

Furthermore, the implementation of regularisation generated criticisms of the Law for attracting a number of applications remarkably lower than that expected. According to very recent administrative data provided by the Ministry of Interior, 152,400 immigrants third country nationals applied for regularisation. Out of this number, 93,623 applications were submitted by first time applicants, while the rest represented immigrants with already expired work or residence permits. The restrictive scope of documents accepted as proof of the immigrants' residence in the country before 31/12/2004 was considered as one of the reasons for the low turnout. Even if immigrants had in their possession certain other public documents than those enumerated in the Law, which however supported their residence before the specified

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<sup>1</sup> K. Kanellopoulos et al (2006), *Illegal Immigrants in Greece: state approaches, their profile and social situation*, Athens: EMN and KEPE; A. Kontis et al (2007), *Economic impact of migrant employment on GDP during the last decade*, Athens: University of Athens, <http://emmedia.pspa.uoa.gr>.

date (i.e. marriage or birth certificates, certificates of enrolment in public schools), they were excluded from regularisation.

Regardless of these criticisms, it turns out that by the end of 2006, 76,952 residence permits were issued for illegal immigrants applying for the first time, out of a total 92,449 initial applications, which is equivalent to 83.2%. About one out of three of these initial applicants were Albanian nationals (25,497), with Bulgarians (7,480) and Romanians (6,257) to follow. Furthermore, the number of renewals in 2006 was doubled compared to 2005. That is from 102,069 renewals in 2005, these climbed to 212,667 in 2006, implying that many immigrants, who had previously lapsed into illegality proceeded to renew their expired permits. Given that the number of such applications by May 2006 was about 85,000, it becomes apparent that at least similar number of immigrants reverted to legality. Taking into consideration these numbers, one can conclude that, despite its limited extent, this regularisation was successful, in the sense that it brought out of irregularity a significant number of immigrants without, at the same time, encouraging new arrivals.

Despite such positive outcomes of the third regularisation programme, the smaller than the expected number of applicants, in conjunction with the allegedly restricted scope of documents proving residence before 31.12.04, sparked the debate and led the government to incorporate additional such documents in a new draft Law it prepared in the last months of 2006. These changes, along with other new provisions agreed upon with the EC, were included in Law 3536/2007, which was promulgated in February 2007.

## **2. Legislative Developments in the Area of Migration and Asylum**

### **2.1 General Structure of Legislative System in the Area of Migration and Asylum**

Since the enactment of Law 2910 in 2001, the Ministry of Interior, Public Administration & Decentralisation is responsible for the planning, co-ordination and implementation of migration policy. In this context, an Immigration and Aliens Directorate operates within the Ministry, while Law 3386/2005 assigned the single authority for the issue and renewal of residence permits to its regional divisions (Regions). Municipalities are responsible for the reception of the migrants'



applications and supporting documents which then forward to the Region for approval. Once issued by the Region, the residence permits are forwarded to Municipalities which hand them out to their holders.

The Ministry of Public Order (Police) remains responsible for the so-called illegal immigration, that is borders control, apprehensions, expulsions and removals of illegal immigrants. The First Instance Administrative Court is the competent authority in the case of appeals against a removal decision. The local public prosecutor of the Magistrate Court is also involved in cases of illegal entry or residence of third country nationals, since his abstinence from prosecution, in practice, activates the procedure of administrative expulsion undertaken by local police authorities.

In terms of asylum issues, the Ministry of Public Order is the competent authority for examining asylum applications, along with the handling of the appeal process (Presidential Decree 61/1999). An application for asylum under the regular process can be lodged with any public authority in Greece. The Secretary-General of the Ministry of Public Order makes the decision on the application, after considering the relevant recommendations made by the Division of State Security of the Ministry of Public Order. There is a one level right to appeal to the locally competent Police authority, which forwards the case to the Minister of Public Order.

Apart from these Ministries, other Ministries are also involved in the formulation of migration and asylum policy, especially the Ministry of Foreign Affairs, which has the authority over bilateral and multilateral conventions. Depending on the nature of issues, other Ministries are also engaged to migration legislation and policy.

Within this context, an Inter-ministerial Committee was established with Law 3386/2005. This Committee might be significant because in Greece decisions on migration issues are generally taken at high level by the government. Last, a Parliamentary Committee on Migration Monitoring has been established responsible for the follow up of migration and the drafting of annual reports.

## **2.2 Legislative Developments**

### **2.2.1 Third Regularisation Programme**

A third regularisation programme was implemented throughout 2005-2006 according to Law 3386/2005. Those immigrants from non-EU countries who illegally lived and worked in Greece were eligible to apply for a residence permit, provided they could prove they had entered the country before 31 December 2004 by producing an entry visa or a stamp of entry on their passport. Those who did not enter Greece legally could also apply, as long as they had an income tax roll number (AFM) or proof they had contributed to a public social security fund (IKA, OGA, TEVE) before 31 December 2004. Also, rejected asylum applicants were eligible to apply for a residence permit, provided that the first instance rejection decision was issued before 31 December 2004. Immigrants who were once legal, but for some reason failed to renew their residence permit, were also allowed to apply for regularisation.

Along with other documents, the initial applicants had to provide proof of payment of 150 insured working days for social security (ensima) and a non-refundable application fee of 150 Euros. However, immigrants who were once legal but have lapsed into illegality had to pay 150 secured working days per year since the expiration of their last residence permit. Regularised immigrants are granted with a one-year residence permit, which can be renewed every two years. That is, the duration of initial residence permit is longer than that provisioned by Law 2910/2001. In practice, after extensions the period for the submission of applications for regularisation lasted until the end of May 2006, which is longer than the time-span set in the previous regularisation.

The process of regularisation proceeded with various problems, most of which did not differ to a great extent from the previous programmes. The most serious problems stemmed from the complex bureaucracy, language barriers and lack of immigrants' acquaintance with the very specific administrative procedures. On the other hand, the implementation of the programme involved a heavy burden for responsible administrative officials and other personnel.

When the second extension was made known to the public the government broadened the categories of eligible immigrants by including undocumented immigrants, who were issued a visa by a Greek Consulate abroad before 31 December

2004 and did not travel directly to Greece, but had entered via another European country and thus were not able to provide proof of their stamped entry to the country.<sup>2</sup>

Circular no. 17, 6/6/2006, specifies the transition from previous Law 2910/2001 to the new Law 3386/2005, regarding the minimum number of required secured working days for the renewal of residence permit. In this respect, third country nationals who hold residence permits for dependent employment, upon their first renewal for the same type of employment, should possess a minimum of 150 days of social security contributions during the last year instead of 200, according to L.3386/2005, which continues to apply in the case of residence permits for dependent employment. Moreover, it was specified that third country nationals who work to more than one employers need a minimum of 150 secured working days to renew their residence permit. Finally, the specified working days can be reduced for certain documented reasons, such as short-term absence abroad (no more than four months), sickness, maternity, unemployment (on the dole).

In the same context in September 2006 the Ministry of Interior provided clarifications regarding the first renewal of residence permits for those initially legalised in the 3<sup>rd</sup> regularisation programme (L.3386, art.91, par.11). It was specified that they should possess insured working days equal to at least half of the days they were entitled to work legally throughout the base year for renewal. In view of the delay in the issue of the initial residence permit, this provision facilitates its subsequent renewal by requiring less working days than those generally provisioned.

### **2.2.2 Gates of Entry**

Law 3386/2005 unified residence and work permits into a single document (art. 9, par. 2), while it assigned the responsibility of issue and renewal of residence permits to a single authority, the Region (art. 11). In this context, the categories of residence permits have been re-grouped and reduced. At the same time, it provisioned stiffer penalties to employers and transporters of illegal immigrants, while it intensified borders control so as to restrict the entry and residence of illegal immigrants.

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

In 2006, the Ministry of Interior proceeded to the enactment of a number of administrative acts (circulars, Decisions, etc.) to specify the implementation of Law 3386/2005 regarding the entry of third country nationals. The amount of 'minimum sufficient resources' for the various types of residence permits was fixed by a Joint Ministerial Decision (No. 4415, 17/3/2006).

More specifically, third country nationals wishing to enter the country to set up their own business should possess a minimum of 60,000 Euros deposited in a personal account in any recognised bank.

It was specified that third country nationals wishing to invest in Greece can apply for a residence permit on the main provision that their potential investment will be at least 300,000 Euros.

Financially independent immigrants can also enter and reside in Greece, provided that they have minimum sufficient resources (a stable source of income) to cover their cost of living. The amount of 'sufficient resources' is set to 2,000 Euros monthly, increased by 20% for the spouse and 15% for each child.

It was specified that third country nationals wishing to enter Greece for studies or the attendance of vocational training, should have a minimum of 'sufficient resources' set to 500 Euros per month. It is worth-noting, however, that these categories of immigrants were allowed to work part-time during their studies.

In the case of a legal immigrant, wishing to apply for the entry and residence in the country of family member(s) for family reunification, the minimum amount of 'sufficient resources' is set to 8,500 Euros with a 20% increase provisioned for the spouse and 15% for each child. Last, third country nationals, family member(s) of a Greek or EU national, wishing to maintain the right of residence in the country, should prove a minimum of 212 Euros per month as 'sufficient resources.'

### **2.2.3 Integration and Settlement**

Law 3386/2005 provisioned the establishment of an Inter-Ministerial Committee for Immigration Policy Monitoring (art. 3) for the co-ordination of immigration and integration policy.

An innovation of Law 3386/2005 is the establishment of the right of long-term residence for third country nationals, which is considered a measure of social integration and an intermediate step towards the potential acquisition of political rights by the relevant category of immigrants. These can apply for a long-term residence permit from August 2006, provided that they have been legally residing in the country for at least five consecutive years. This means that anyone who was regularised according to Law 2910/2001 and went on renewing his/her residence permit, he/she can already apply. The Presidential Decree 150/2006, which implemented the Directive 2003/109/EC outlined the 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 migrant should possess 'stable and regular resources', medical insurance and accommodation that 'meets the required hygiene specifications.' He/she must have fluency in Greek language and knowledge of Greek history and culture. Periods of absence are allowed for the calculation of the five-year period, as long as they do not exceed six successive months or represent shorter spells of absence in total up to ten months within the last five years. Half of the period spent in Greece as a student or in a vocational training programme is taken into account for the granting of long-term residence. A fee fixed to 900 Euros is also provisioned.

The requirement of knowledge of Greek language and culture is fulfilled upon the completion of a 150 hours course on Greek language and a 25 hours course on Greek history and culture. These courses, which are organised by the General Secretariat of Adult Education (Ministry of Education), started in December 2006. Upon their completion, the attendees should sit for the relevant written and oral exams and upon their passing the exams they get the required certificate of proficiency in Greek language, history and culture.

Moreover, Declaratory Circular 47/2006 was issued by the Ministry of Interior to specify the detailed procedures and conditions for implementation of PD 150/2006 and to facilitate the responsible local and regional authorities in their relevant tasks. In addition, the Ministry of Interior currently proceeds to the publication of information leaflets in six languages (Greek, English, French, Albanian, Russian and Arabic) on the conditions and procedures for the acquisition of long-term residence status.

Next, Joint Ministerial Decision no. 11702/06 (12/7/2006) prescribes the procedure and conditions for the acquisition of residence permit by third country nationals, who are students or graduates of Greek public educational institutes. This JMD refers to the initial regularisation of these young immigrants in the general spirit of L.3386/05, by setting looser conditions than those of the third regularisation. According to this Decision, third country nationals students in secondary or tertiary educational institutes, who have completed at least two years of study, can be granted renewable annual residence permits until the completion of their studies extended by up to half of the total duration of their studies. Third country nationals graduates of public educational institutes, who have completed three years of study in Greece and reside in the country since their graduation, can be granted an annual residence permit, which also stands as a work permit. This permit is renewable according to the general provisions of L.3386/2005. Last, minor children of third country nationals, who study in any level of education and whose parents reside legally in Greece are also eligible for residence permit for family reunification with a duration in line with the duration of their parent(s)' residence permit. In this case and upon the initial issue of the permit, there is no 'sufficient income' and stamped entry requirements. The initial deadline for the submission of necessary applications and documents was set to 31/12/06. However, it has been extended up to 30/09/2007.

#### **2.2.4 Refugee Protection and Asylum**

Two Presidential Decrees, 189/1998 and 61/1999, continue to regulate refugee and asylum issues. Greece is a signatory party to Geneva Convention of 1951 and the 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*'. It is generally accepted that overall Greek legislation on asylum and refugee status has incorporated all relevant European Legislation.

During the period under review there have been two noteworthy legislative developments. First, as specified in Law 3386/2005, rejected asylum applicants could apply in the third regularisation which took place in 2006. In particular, a third country national who had a rejected decision on his/her asylum application issued

before 31.12.2004 could apply for regularisation. Those with a first instance rejection decision issued before 31.12.2004 and still in the appeal process could also apply provided that they withdraw their asylum application.

The other development was the promulgation of Presidential Decree 80/2006 (14.4.06) on the 'Provision of temporary protection in the event of massive influx of displaced aliens.' The objective of this Presidential Decree was the transposition of Directive 2001/55/EC, 'on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof' into domestic legal order.

This Presidential Decree refers to all the relevant categories covered by the relevant EU Directive. More specifically, it provisions the granting of annual temporary protection, which can be *de jure* extended for another six months. The aliens who require temporary protection are granted a residence permit from the relevant Police authorities, which is also valid for work. Moreover, the aliens under temporary protection can reside in special reception centres, where they enjoy the necessary medical and pharmaceutical treatment, the provision of first aid and at least one medical examination. Minors under 18 years of age, who are under temporary protection, are provided with the right of access to public schools. Even though aliens eligible for temporary protection can apply for asylum, the benefits of temporary protection are independent from those of asylum applications. This means that if a third country national eligible or under temporary protection after the examination of an asylum application is not granted the refugee status, the previous applicant continues to enjoy temporary protection for the remaining period.

### **2.2.5 Other Legislative Developments**

Even though passed in 2005, a worth mentioning new legislation is Law 3304/2005 entitled "On the application of the principle of equal treatment irrespective of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation" (O.J. 16/27.01.2005). Actually, this Law is based on Directives 2000/43/EC and 2000/78/EC and imposes equal rights of immigrants vis-à-vis the natives in a broad scope, such as access to work and employment, professional counselling and training, terms of employment and remuneration, membership in

trade unions, and equal access to social benefits, health and education. The Law is considered as a useful tool towards the immigrants' gradual social and labour market integration.

At the end of 2006, the government publicised a draft law on the regulation of migration policy and other issues, pertaining to the jurisdiction of the Ministry of Interior, Public Administration & Decentralisation, which was put into force at the beginning of 2007, as Law 3536 (23-2-2007). This Law included several new provisions and amendments of Law 3386/2005. In addition to an Inter-ministerial Committee for the Monitoring of Immigration Policy, which was established with Law 3386/2005, a National Committee for the Social Integration of Immigrants was established. This Committee is consisted of high-level representatives of Ministries and social partners, with a main mission the conduct of social dialogue with civil society on integration policies for migrants.

With regard to the renewal of residence permits for dependent employment, the Law loosens the conditions by allowing the purchase of up to 20% of the required social security stamps by third country nationals who possess a smaller number.

The submission of a work contract for permit renewal has been abolished for third country nationals who are employed by more than one steady employers. In this way the obligation of employers to secure immigrant workers, which is ensured by work contracts, is in practice transferred to immigrant workers.

In the case of third country nationals with residence permits for dependent employment, the Law abolishes restrictions of movement to other prefectures in the country after the lapse of one year from the initial issue of their permit.

Third country nationals who enter the country by revocation for dependent employment are allowed to transform their permit into a permit for independent employment after the lapse of a three-year period from the issue of their initial residence permit.

For minor children, the person who has the parental care submits the application for individual residence permit for family reunification, whereas no fee is required.

The examination in Greek language, history and culture of applicants for long-term residence is replaced by a single certificate after the completion of a course on



Greek language (150 hours duration) and another course on Greek history and culture (25 hours duration). Both these courses are to be held in Centres of Adult Education and followed by written and oral exams.

The Law expands the types of documents proving the immigrants' residence in Greece before 31.12.2004, while it provisions a deadline for their submission up until 30.09.2007. Hence, third country nationals can now submit for this purpose a certificate of enrolment of their children to public primary or secondary schools, on provision that their registration was made before 31.12.2004 and that their attendance continues until the promulgation of this Law. Another document accepted for this purpose is birth certificate of immigrants' child(ren) born in Greece before 31.12.2004, provided that one of the spouses resides legally in Greece. A marriage certificate is also accepted provided that the marriage was conducted no later than 31.12.2004 and one of the spouse is an EU or Greek national or third country national who legally resides in Greece. Finally, rejected applications for residence permit or for issue of Special Identity Card for omogeneis (third country nationals of Greek origin) are also accepted provided that the applications were submitted before 31.12.2004.

Last, immigrants in the process of acquisition or renewal of their residence permit can be represented. Such representation was initially confined to lawyers (Circular 12/2006), while the Law extended it to immigrants' descended and ascended family members, on provision that they hold an authorisation signed by the immigrant and validated exclusively by the Police.

### **3. Implementation of EU Legislation**

In addition to the transposition of the above-mentioned Directive 2001/55/EC, Greece proceeded with Law 3386/2005 to transpose Directive 81/2004/EC 'on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who co-operate with the competent authorities.' More specifically, Law 3386/2005 in Section 9 (arts. 46-52) stipulates the conditions for the issue and renewal of residence permits for victims of trafficking in human beings. According to these provisions, a third country national, who has been characterised

as victim of trafficking in human beings (unaccompanied minors included), is issued a residence permit of limited duration for which no fee is required, provided that he/she co-operates with the competent authorities in the fight against trafficking. These persons are given a reflection period of normally up to one month (except for unaccompanied minors for which this period can be extended for another month) so as to get the appropriate treatment, an appropriate standard of living, protection and security that will allow them to recover and take an informed decision as to whether to co-operate with the competent authorities. During this reflection period, these persons are not expelled and any decision of expulsion is withdrawn. The person in question is granted a one-year residence permit renewable each time for an equal period of time, on provisions that the extension of his/her stay will facilitate the investigations or judicial proceedings, he/she has shown a clear intention to co-operate and he/she has severed all relations with the suspect perpetrators of offences. The residence permit confers the right of access to the labour market, for the period of its duration, to the provisions of treatment, as well as vocational training and education.

Two other EU Directives on migration (Directives 2003/86/EC and 2003/109/EC) were also transposed into domestic Law in 2006. The first one concerns family reunification and the second long-term residents, which were transposed by Presidential Decrees 131/2006 (13/7/2006) and 150/2006 (31/7/2006) respectively. It should be mentioned that most of the provisions of both these EC Directives had already been incorporated into the Greek legal order by relevant migration laws, starting in 2001 for family reunification and in 2005 for long-term residence.

According to the Presidential Decree 131/2006, Greece grants entry and residence to a) spouses, over 18 years of age, as well as their single common children under 18 years of age, including those who have been legally adopted in Greece or by a decision that is *ex officio* or has been pronounced executable or its *res judicata* has been recognised in Greece, and b) the rest minors, under 18 years of age, single minors of the provider or the other spouse, including adopted minors, provided that the custody has been legally assigned for the provider's children upon him/her, and for the other spouse's children, to that spouse.

Third country nationals who apply for the entry and residence of their family members in the country should prove that they have stable and regular income

sufficient to cover the needs of their family, which is independent of the national system of social assistance. This income cannot be less than the annual income of an unskilled worker (8.500 Euros), increased by 20% for the spouse and 15% for each child. If both parents reside legally in the country, the above 15% increase is not required regarding their unification with their children. Also, the provider should be able to prove that he/she has an adequate accommodation to cover the needs of him/herself and his/her family members. Moreover, the provider should hold a full health insurance, which can cover members of his/her family as well. Eligible to apply for the entry and stay of their family members in Greece are those third country nationals who legally live in the country for at least two years.

It becomes apparent that all the obligatory categories for family reunification, as specified in the relevant EU Directive, are implemented in this Presidential Decree. Other categories for family reunification indicated by the Directive, such as relatives in the direct ascending line, adult unmarried children who are objectively unable to provide for their own needs, or unmarried partners of foreigners, are not implemented because they are not in conformity either with family law, or migration legislation.

During the reference period, Greece also transposed Directive 2003/109/EC with the Presidential Decree 150/2006 (31/07/2006). It is worth noting however that the main provisions of this PD, as outlined below, were already included in Law 3386/2005. The main requirement for the acquisition of long-term residence is the previous five-year residence in the country, which should be legal and continuous. Nevertheless, short intervals of absence are stipulated, on provision that these are less than six successive months or do not exceed a total of ten months within the five-year period. The absence intervals are also counted for the calculation of the five-year period, while the status of long-term resident is established on an individual (personal) basis.

According to the Presidential Decree, apart from the requirement of the continuous legal five-year residence, the third country national should be in a position to meet his/her subsistence needs along with the respective of his/her supported family members. In addition, he/she should possess full health security and a sufficient knowledge of Greek language, history and culture.

#### **4. Other Policy Implementation Issues**

A noticeable development during the reference period is the acceleration in the examination of asylum applications. Even though the number of asylum application in 2006 rose to 12,267 from 9,050 in 2005, at the same time, the number of examined application in 2006 climbed to 10,468 from 4,624 in the previous year. This development is mainly due to the employment of additional personnel in the Asylum Department of the Aliens Sub-directorate of Athens and the setting in operation of online computerised link to the Asylum Department of the Police headquarters.

Moreover, the competent personnel was trained by the UNCHR. Upon the reception of the application, police authorities in the wider Athens area proceed immediately to the fingerprinting of the applicant and the conduct of initial interview as well as the short dispatch of those applications apparently fake, while the average waiting time for the issue of the initial special card of asylum applicant (the so-called 'pink card') is approximately one month.