



HELLENIC REPUBLIC

Ministry of Interior

EMN FOCUSED STUDY 2013:

Attracting Highly Qualified
and Qualified Third Country Nationals



INSTITUTE OF
INTERNATIONAL
RELATIONS

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Authors of the study:

Maria Daniella Marouda

Eleni Koutsouraki

Theodoros Fouskas

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

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

Contact data with the Greek Focal Point of the European Migration Network:

Ministry of Interior
Secretariat for Population and Social Cohesion
General Directorate for Migration Policy
Directorate of Immigration Policy
Department of Immigration Policy

Evangelistrias 2
105 63 Athens
Tel. 0030 213 136 1308
Email: emn@ypes.gr

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EMN FOCUSED STUDY 2013

Attracting Highly Qualified and Qualified Third-Country Nationals

Top-line “Factsheet”
(National Contribution)
Executive Summary
(Synthesis Report)

National contribution (one page only)

Overview of the National Contribution – introducing the study and drawing out key facts and figures from across all sections of the Focussed Study, with a particular emphasis on elements that will be of relevance to (national) policymakers.

Attracting highly qualified and qualified third-country nationals is not considered currently a priority for the Greek immigration policy. According to the recent National Strategy on the Inclusion of third country nationals published by the General Secretariat of Population and Social Cohesion on 24.4.2013, Greece has been placing more emphasis on the management of immigrants already in the country and their social inclusion in the Greek society. Therefore, only when these goals are met, Greece will implement more efficiently the principle of selective migration policy, following the models of other European states.

Notwithstanding the lack of relative policy priorities, the legal framework for attracting highly qualified and qualified third country nationals appears to be complete and supportive of such initiatives, compensating for the lack of targeted attraction policies and cooperation with third countries.

Moreover, it corresponds to the need of adapting Greek legal provisions to EU Directives (Law 4071/2012 that aligns the Greek legal order with Directive 2009/50/EC *on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment* and the Presidential Decree 128/2008 adapting Greek laws to Directive 2005/71/EC of 12 October 2005, *on a specific procedure for admitting third-country nationals for the purposes of scientific research*).

In particular, by transposing Directive 2009/50/EC to the Greek legislation, a significant step was made to the direction of attracting highly qualified third-country nationals to the Greek labour market, considering that it clearly provides more favourable terms than the previous immigration laws. However, for the moment no “blue card” has been issued yet. This is explained by the fact that Law 4071/2012 that transposed the said Directive to the Greek legal order is very recent. We anticipate the issuance of the Joint Ministerial Decision of Article 27, paragraph 1, Law 4071/2012 that will specify the maximum number of highly qualified jobs offered to third-country citizens for each Region and specialisation area and that will create a useful background for the initiation of the implementation of the selective immigration policy when conditions are more favourable.

Synthesis Report (up three pages)

Executive Summary of Synthesis Report: this will form the basis of an EMN Inform, which will have EU and National policymakers as its main target audience.

The national policies in place for the attraction of highly qualified and qualified third-country nationals include mainly legislative initiatives; to be more exact, they include a comprehensive legislative framework on highly qualified workers, which sets out more favourable procedures of admission and residence, e.g. less bureaucratic and less time-consuming procedures, in derogation of the general provisions.

It is also to be noted that for the purpose of this study, we have attempted to adapt the terms used in the legislative provisions to the terms and definitions of (highly) qualified workers, as classified by UNESCO (ISCED) and ILO (ISCO-88 and ISCO-08) and we interpreted them accordingly¹.

It is a fact that the legislative framework was shaped this way, to respond to the actual and – even more so– to the potential future needs of the labour market’s “demand” for qualified third-country nationals –based on planning, however, that had been made before the financial crisis

Greece’s interest on attracting highly qualified employment, focuses, therefore on third country nationals that could contribute to the promotion of the economic development of the country, through positions of responsibility in companies (i.e. members of the board of directors, managers, specialist technical company staff) and develop independent economic activity and investment. In addition, on the facilitation of the arrival of third country nationals, who could contribute to the development of science, research, culture and sports.

Moreover, to satisfy the need of adapting Greek legal provisions to EU Directives, Law 4071/2012 was adopted, to align the Greek legal order with Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment and the Presidential Decree 128/2008 adapting Greek laws to Directive 2005/71/EC of 12 October 2005, on a specific procedure for admitting third-country nationals for the purposes of scientific research.

In particular the recent Law 4071/2012, incorporating even more favourable conditions than the 2005 legal framework, constitutes an important step towards attracting, in the future, highly qualify third country nationals. A step that remains, however, hesitant, since, it is a very recent development and no blue card has been issued yet. This is mostly due to the fact that the law remains inactive, in anticipation of the issuance of the Joint Ministerial Decision of Article 27, paragraph 1, that will specify the maximum number of highly qualified jobs offered to third-country citizens for each Region and specialisation area. (L. 4071/2012)

1

See guidelines of the EMN First Focused Study 2013, Attracting Highly Qualified and Qualified Third Country Nationals, Common Template, Doc 285 as proposed by the European Commission EMN NCP, p. 2, 8 in order to include Major Groups 1-3 as they are enshrined in Greek legislation

With regard to statistical data on the number of residence permits that have been issued from the first year of application of Law 3386/2005, i.e. 2006, until the end of 2012², they reveal significant information for the following categories of (highly) qualified employees³:

- The remarkable increase in the permits issued for members of Board of Directors, managers and company staff (Article 17) in 2008 and 2009 as compared to the two previous years -2006 and 2007. We could therefore conclude that the respective policy had positive outcomes. The fact that in 2010 and 2011, the numbers remain stable, while in 2012 there is a clear reduction, we think is owed to the financial crisis and/or other unforeseeable factors, and less to problems connected with the implementation of the laws.
- We, also, remarked considerably less new residence permits issued in 2010 for athletes or coaches that wish to enter Greece in view of a registration, transfer or engagement (Article 20), while in 2012 less than half permits were granted (106 overall) than in 2006 (248 overall).
- The same trend is also evident for the members of archaeological schools (Article 23), since, the number of respective permits issued since 2006 remained almost fixed each year until 2011 (70-80), while they decreased in 2012 (61 overall).
- Moreover, the rise of permits granted in 2008 (1241 overall) and 2009 (1246 overall), for third-country nationals participating in exchange programmes, such as in the context of interstate agreements, co-operation programmes funded by the European Union and scholars of ministries, organisations, non-profit organisations and the National Scholarship Foundation (Article 34), as compared to 2006 (523 overall) was significant, while we remark a considerable decrease in 2012 (738 overall).

In the abovementioned categories, a considerable decrease evident following 2010 and culminating in 2012, is probably owned to the economic situation prevailing in Greece, the decrease in employment placements, salary cuts, few research grants⁴ and less to the actual implementation of the legal framework, which did produce results with increased permits from 2006 to 2009.

2

Unpublished Data, Directorate of Immigration Policy, Ministry of Interior

3

In the current study, we included in the definition of highly qualified and qualified third country nationals the categories enshrined in Articles 17-24, 26, 33-34, 43 of Law 3386/2005, based on the definition and the approach adopted and recommended by EUROSTAT on highly qualified workers, as classified in ISCO-88 and ISCO-08. In this context, Labour Force Surveys (LFS) define as “highly qualified” those workers that fall in the first three employment categories of ISCO-88, and as “simply qualified” those that fall into categories 6-8. Self-employed entrepreneurs and investors are also included, as they have to demonstrate their managerial skills, provide consolidated business plans, and prove how they will promote national interest, in order to gain the benefits of the fast track permits. (See relevant definitions as previous EMN Focused Researches, such as EMN 2007 Highly Skilled Workers Study, Synthesis Report, accessed at.

http://ec.europa.eu/home-affairs/doc_centre/immigration/docs/studies/emn_highly_skilled_workers_study_synthesis_report_may07.pdf p. 18

4

— See, inter alia, Report by, DB, EU Monitor, Greece, Portugal, Ireland, στο More Groth via innovation, 2012, http://www.dbresearch.com/PROD/DBR_INTERNET_EN-PROD/PROD0000000000283994.pdf

As regards, permits issued for all remaining categories of (highly) qualified workers of our concern, under articles 18, 19, 33 of L.3386/2005⁵, the number is so limited (less than 50 per year and/or overall) that does not allow us to make safe conclusions.

Furthermore, the fact that no statistical information for the application of a.43 regarding Researchers, was identified, while on the other hand, there is statistical evidence about the application of P.D. 128/2008 as of 2006, i.e. 3 years prior to beginning its implementation, leads us to the conclusion that article 43 remains inactive since the adoption of P.D 128/2008.

Consequently, although the legal framework in Greece entails privileges for certain categories of (highly) qualified third country nationals, such as entry and residence permits for family members, equal treatment with Greek nationals, and therefore favorable for their attraction, the general situation of the last 3 years in Greece does not contribute to that effect.

When it comes to evaluating the reasons for such developments following 2010, the main barriers for the attraction of highly qualified employment in Greece, are of practical nature, setbacks that had been already detected in a previous relevant study (EMN Study 2006, “Conditions of entry and residence of Third Country Highly Skilled Workers in Greece”) and have not been eliminated to this date. For example, science and research in Greece have not yet been developed enough to attract highly qualified third-country nationals, that the Greek language is considered by many a significant obstacle and that the rules governing the recognition of diplomas and degrees acquired abroad are quite harsh, as in other EU member states

However, the key impediment to attracting (highly) qualified workers from third countries is the financial crisis that torments Greece. High unemployment rates, wage reductions and restrictions to social rights make the country non-attractive even for the (highly) qualified Greek citizens themselves, who rise well over the jobs offered.

Finally, considering its geographic location and the difficult role it has been called to play in the context of the Common European Policy on matters of Asylum and Immigration, Greece already deals with a huge challenge consisting in managing the vast majority of mixed immigration flows towards all EU Member States.

Managing the largest sum of mixed migration flows in comparison to other EU member states, and prioritizing the inclusion strategies for immigrants already in Greece, leaves behind any attempt to formulate new initiatives for blue card holders, or attraction of highly qualified employment campaigns.

In any case and notwithstanding these real and outstanding challenges, the legal framework for the attraction of (highly) qualified third country nationals is complete and supportive, compensating partially the lack of targeted policies, or cooperation with third countries and constitutes an important basis for such a policy when the conditions are more favorable.

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— We refer to the categories included in articles 18, 19, 33 of L.3386/2005, analysed in Q 2a

Section 1
National Policies and Measures
(Maximum 8 pages)

This section reviews the national policies and measures that Member States employ in order to attract highly qualified and qualified third-country nationals. Reference is made to the International Standard Qualifications as regards education (ISCED) and occupation (ISCO-08) and/or the respective salary threshold when outlining the target group of these policies and measures (see examples above).

1.1 Policies

Q.1. Are there national policies in place for the attraction of highly qualified and qualified third-country nationals?

The national policies in place for the attraction of highly qualified and qualified third-country nationals are limited to legislative initiatives. This legislative framework consists of the following:

1. Law 3386/2005 on the conditions of the entry, residence and social inclusion of third country nationals in Greece (Articles 17-24, 26, 33-34, 43)⁶;
2. Law 4071/2012 (Articles 22-41) that aligns the Greek legal order with Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment;
3. Presidential Decree 128/2008 adapting Greek laws to Directive 2005/71/EC of 12 October 2005, on a specific procedure for admitting third-country nationals for the purposes of scientific research.

As regards highly qualified workers, these provisions set out more favourable procedures of entry and residence, e.g. less bureaucratic and less time-consuming, in derogation of the general provisions.

Q1.a. If Yes, please indicate the following:

- ***National definition of highly qualified third-country nationals, including references to relevant international standards such as ISCED/ISCO and/or salary thresholds;***

Highly qualified third-country nationals are defined in Article 23, passages b) and g), Law 4071/2012 that transposed to the Greek legal order the definition drawn from Directive 2009/50/EC. Thus, for the application of the provisions of the said Law, “highly qualified employment” means the employment of a person who:

⁶ Article 17, Issuance and renewal of residence permits to corporate members of boards of directors, managers and staff, Article 18, Issuance and renewal of residence permits to third-country nationals traveling from an undertaking established in a Member State of the European Union or the European Economic Area with the purpose of providing service, Article 19, Issuance and renewal of residence permits to third-country nationals traveling from an undertaking established in a third country with the purpose of providing services, Article 20, Issuance and renewal of residence permits to athletes and coaches, Article 21, Issuance and renewal of residence permits to members of artistic groups, Article 22, Issuance and renewal of residence permits to intellectual creators, Article 23, Issuance and renewal of residence permits to members of foreign schools of archaeology, Article 24, Practice of independent economic activity, Article 26, Residence permits for development of investment activity, Article 33, Acquisition of medical specialty, Article 34, Participation in special programmes, Article 43, Issuance and renewal of residence permits for implementing research projects

1. is protected by the Greek labour laws as an employee providing genuine and effective work for or under the direction of someone else, irrespective of the legal form of this relationship;
2. is paid; and
3. had the required adequate and specific competence, as proven by higher professional qualifications, i.e. qualifications attested by evidence of higher education qualifications or, by way of derogation, by at least five years of professional experience of a level comparable to higher education qualifications and which is relevant to the profession or sector specified in the work contract.

- ***National definition of qualified third-country nationals, including references to relevant international standards such as ISCED/ISCO and/or salary thresholds***

There is no definition of qualified third –country nationals, as such, in the Greek legislation.

Note, however, that the Hellenic Statistical Authority (ELSTAT) abides by the definition and the approach adopted and recommended by EUROSTAT on highly qualified workers, as classified in ISCO-88 and ISCO-08; it has also established the Statistical Classification of Occupations (STEP-92), which offers a system to classify and group information regarding occupations, arising either from population censuses, other statistical surveys or administrative sources. In this context, Labour Force Surveys (LFS) define as “highly qualified” those workers that fall in the first three employment categories, and as “simply qualified” those that fall into categories 6-8, without defining “highly qualified or qualified workers” as such. However, in relevant Research Studies of EMN⁷) highly) qualified, are considered third country nationals that are entitled to favorable conditions for entry and residence in the country and contribute to national interest and promote the national economy.

Q1.b. If Yes, do the policies distinguish between highly qualified and qualified third-country nationals?

Yes.

Q1.c. If Yes, please indicate the rationale for their distinction.

Even though, there is no such distinction; it appears in statistical data, and most policies refer to highly qualified third-country nationals.

Q1.d. If Yes, what is the main rationale for these policies? What is the objective? Please consider whether this rationale is linked to circular, temporary or permanent migration.

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See, EMN 2007 Highly Skilled Workers Study, Synthesis Report, στο. http://ec.europa.eu/home-affairs/doc_centre/immigration/docs/studies/emn_highly_skilled_workers_study_synthesis_report_may07.pdf at p. 18

The legislative framework was shaped this way, to respond to the actual and –even more so– to the potential future needs of the labour market’s “demand” for qualified third-country nationals –based on planning, however, that had been made before the financial crisis– (see categories under Q2.a.) governed by the more favourable arrangements of Law 3386/2005 on the one hand, and to meet the need to align Greek laws to Community Directives as regards Law 4071/2012 and Presidential Decree 128/2008 (see Directive 2009/50/EC and Directive 2005/71/EC respectively) on the other. In that respect see National Strategy on the inclusion of third country nationals (General Secretariat of Population and Social Cohesion, Ministry of Interior, 23 April 2013,⁸) (in Greek)

Q1.e. If Yes, briefly outline the main features of the policies. Please consider whether the following exists:

- *Points-based system (i.e. a system that admits third-country nationals who have a sufficient number of qualifications and experiences from a list that typically includes language skills, work experience, education and age⁹);*

No.

- *Employer-led system (i.e. a system that allows employers to select the workers they need, subject to, government regulations¹⁰);*

The current legal framework seems flexible enough, to be able to serve the needs of highly qualified workers, since access to labour market is solely depended on relevant demand.

In particular, article 27 of L. 4071/2012 (Article 6 of the relevant Directive) sets the relevant procedure:

1. By a decision of the Ministers of Interior, Foreign Affairs, Development, Competitiveness and Shipping and Labour and Social Security, issued in the last quarter of every second year, the maximum number of jobs for highly qualified employment granted to of third-country nationals is determined, by region and occupation specialty. By the same decision, the maximum number of positions of highly qualified employment can be increased up to 10% to cover unforeseen needs and emergencies, as well as any other relevant detail.

2. For the issuance of the above-mentioned Joint Ministerial Decision the opinion of the following bodies must be taken into consideration: a) Economic and Social Council of Greece, b) Greek Manpower Employment Organization as well as of c) the Regions of the country, following the submitting of a question by the Ministers of Interior and Labour and Social Security regarding the current needs for highly qualified employees in the Greek territory. These needs will be defined, especially, according to the

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— http://www.ypes.gr/UserFiles/f0ff9297-f516-40ff-a70e-eca84e2ec9b9/ethnikisratig_30042013.pdf

9

— Definition from: <http://www.migrationpolicy.org/pubs/rethinkingpointssystem.pdf>

10

— Ibid

following criteria: the interest of national economy, the feasibility of the employment, the labour offer by Greek nationals, citizens of the European Union or legally residing in Greece third country nationals per specialty and the percentages of unemployment per section of employment. According to the above-mentioned opinions, which are formulated within a deadline of thirty (30) days from the submission of the question, the Ministry of Labour and Social Security undertakes the issuance of the joint ministerial decision of paragraph 1, taking into consideration these opinions, as well as the interest of the national economy.

1. *Hybrid system (i.e. combination of points-based and employer-driven model¹¹);*

No.

Q.2. Are other groups of third-country nationals included in the national policies on attracting (highly) qualified third-country nationals?

Yes.

Q2.a. If Yes, please indicate what other groups are included (i.e. investors, entrepreneurs, international graduates, transferred workers etc.)? (Refer whenever possible to existing EMN studies covering relevant information on these groups)

See EMN Study 2006, “Conditions of entry and residence of Third Country Highly Skilled Workers in Greece”.

Immigrants coming from third countries may be considered highly skilled workers when they enter Greece with a view to practice an economic activity that requires high qualifications (e.g. scientists, artists, transferred company employees, researchers, university professors etc).

Law 3386/2005 foresees the following categories of workers that could be characterised as highly qualified or qualified, (according to the International Standard Classification of Education (*ISCED*) by *UNESCO* and the *ILO International Standard Classification of Occupations (ISCO¹²)*), establishing special arrangements regarding their definition or their criteria for admission in the country:

1. Board of Directors members, managers and company staff, on the conditions set out in Article 17, with a special entry visa.
2. Third-country staff members employed in an undertaking established in a Member State of the EU or the European Economic Area, provided that such staff members travel to Greece with a view to offer their services under a contract concluded between the foreign company and a Greek company (Article 18). In such cases, third-country workers must hold a lawful residence/work permit in the Member State of the EU, where the undertaking is established.
3. Workers employed as specialised personnel in an undertaking established in a third country, who must provide specific services, in the context of a services contract between the said undertaking and a corresponding undertaking conducting business

11

— Ibid

12

— See ILO <http://www.ilo.org/public/english/bureau/stat/isco/> and UNESCO <http://www.uis.unesco.org/Education/Documents/isced-2011-en.pdf>

in Greece (Article 19).

4. Athletes or coaches who wish to come to Greece in view of a registration, transfer or engagement (Article 20).
5. Intellectual creators, such as authors, literature figures, stage directors, painters, sculptors, actors, musicians, singers, choreographers and stage designers (Article 22) and members of artistic groups (Article 21).
6. Members of foreign schools of archaeology (Article 23) may be issued with a resident permit for employment in the context of the school's activity.
7. Third-country nationals entering Greece for acquisition of medical specialty (Article 33).
8. Third-country nationals participating in exchange programmes, such as in the context of interstate agreements, co-operation programmes funded by the European Union and scholars of ministries, organisations, non-profit organisations and the National Scholarship Foundation (Article 34).

The general immigration procedures, complemented by more favourable terms, apply to the following category of highly qualified workers:

9. Self-employed persons or workers practicing independent economic activity, on condition that they have sixty thousand euro (€60,000) deposited at an acknowledged banking institution, which must then be deposited at a domestic bank as soon as their special visa is approved (Article 24), provided that this activity contributes to the growth of national economy¹³.
10. Investors making an investment of at least three hundred thousand euro (€300,000), which shall have positive effects on national economy, subject to the conditions of Article 26.

Q.3. Do the policies in your Member State focus on specific areas of occupations?

Yes

If Yes, please briefly indicate the specific areas of occupations and their link with the policies.

The legal framework in Greece has been adapted accordingly, so as to fit existing or future needs for (highly) qualified workers, who can contribute to the promotion of the economic development of the country through positions of responsibility in companies (i.e. members of the board of directors, managers, specialist technical company staff) and develop independent economic activity and investment. In addition such a regime facilitates the arrival of third country nationals, who will contribute to the development of science, research, culture and sports.

Q.4. Has the transposition of EU Directives¹⁴ led to more favourable legislation/measures/conditions for specific groups of (highly) qualified third-country nationals?

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— This category is included in the current study, as the conditions for the issuance of the permit are demanding and require specific skills (a coherent business plan, sufficient working experience, an important bank deposit, environmental impact study and contribution to the national economy. Conditions that are assessed every 2 years (art. 25)

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— E.g. EU Blue Card Directive and Researchers Directive

Yes, the legislation offers a favourable regime and admission procedures.

Q4.a. If Yes, please indicate the relevant Directives and the more favourable legislation/measures/conditions, which were created for these specific groups (i.e. EU Blue Card Directive and Researchers Directive).

By transposing Directive 2009/50/EC to the Greek legislation, a significant step was made to the direction of attracting highly qualified third-country nationals to the Greek labour market, considering that it clearly provides more favourable terms than the previous immigration laws. However, for the moment no “blue card” has been issued yet. This is explained by the fact that Law 4071/2012 that transposed the said Directive to the Greek legal order is very recent.

We anticipate the issuance of the Joint Ministerial Decision of Article 27, paragraph 1, Law 4071/2012 that will specify the maximum number of highly qualified jobs offered to third-country citizens for each Region and specialisation area.

As regards Presidential Decree 128/2008 that transposes Directive 2005/71/EC, it clearly offers more privileges and makes Greece a more attractive destination as compared to the general wording of Article 43, Law 3386/2005.

Q.5. Are the national policies addressing the aspect of brain drain in the countries of origin?

No.

Due to the small numbers of highly specialized workers arriving in Greece, the brain drain has not been addressed so far in the country’s migration policy.

Q.6. Are the national policies addressing the aspect of brain circulation with the countries of origin?

No. (Please refer to answer of Q. 5).

Q6.a. If Yes (to either of these questions), please briefly indicate how the national policies address these aspects, supporting your answers with reference to research or any other sources of information.

-

Q.7. Have your national policies been the subject of public debate?

Yes.

Q7.a. If Yes, please briefly indicate the main features of the policies which were debated as well as the reasons for such debate and the level at which these occurred (e.g. Parliament, society, media). Please support your answer with reference to research or any other sources of information.

See reference to the public consultation before the adoption of L. 4071/2012, transposing Directive 2009/50/EC to the Greek legislation.

In addition we should mention that article 27, prescribes public consultation with social stockholders (See answer to Q1e).

Q7.b. If Yes, please briefly indicate possible impacts of the debate on the national policies.

Public debate did not bring about changes to the relevant provisions of L. 4071/2012.

1.2 Measures

Refer to the legal framework in case relevant changes to labour migration legislation have occurred as compared to the information contained in the EMN Study on Satisfying Labour Demand through Migration.

Q.8. Does your Member State employ concrete measures in order to satisfy the policy goals?

Yes.

Q8.a. If Yes, please indicate the measures that contribute to the implementation of the national policies and indicate their specific goals.

Fast track procedures for entry and residence permits, equal treatment with nationals and other incentives analysed below at Q9a

Q8.b. If Yes, are there any measures aimed at facilitating the integration of (highly) qualified third-country nationals?

-

Q.9. Do public policies exist in your Member State that specifically aim at positively influencing the immigration decision of (highly) qualified third-country nationals?

Yes.

Q9.a. If Yes, please also indicate such incentives.

Family reunification

As regards (highly) qualified workers falling in the respective provisions of Law 3386/2005, those who fall in the categories below may be accompanied by their family members, who may be granted an individual residence permit at their request, which will expire at the same time as the principal beneficiary's permit:

1. Members of Board of Directors, managers and company staff (Article 17);
2. Third-country employees of undertakings established in another Member State of the EU or the European Economic Area (Article 18);
3. Athletes or coaches (Article 20);
4. Members of schools of archaeology (Article 23);
5. Third-country nationals entering Greece with a view to acquire their medical specialty (Article 33);
6. Researchers under P.D.128/2008
7. Blue card holders under L. 4071/2012

All remaining workers may practice their right for family reunification subject to the general conditions of the applicable legislation.

Tax arrangements

There are no special tax arrangements for highly qualified workers; they are subject to the same tax arrangements as the local highly qualified workers.

Renewal of residence permits

They have the right to renew their residence and work permit, as long as their economic activity continues and they have fulfilled their tax obligations.

Long-term residence permit

Following five years of residence in Greece, they have the right to apply for a long-term residence permit, just like any other immigrant, legally staying in the country for the same period of time..

Equal treatment with nationals

As regards highly qualified workers holders of an “EU Blue card” that fall in the respective provisions of Law 4071/2012, Article 34 foresees (subject to the restrictions of paragraphs 2 and 4) “equal treatment” with nationals as regards the following:

- a) working conditions, including pay and dismissal, as well as health and safety requirements at the workplace;
- b) freedom of association and affiliation and membership of an organisation representing workers or employers or of any professional organisation, including the benefits conferred by such organisations, without prejudice to the national provisions on public policy and public security;
- c) education and vocational training;
- d) recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures;
- e) provisions in national law regarding the branches of social security;
- f) without prejudice to existing bilateral agreements, payment of income-related acquired statutory pensions in respect of old age, at the rate applied by virtue of the law of the debtor Member State(s) when moving to a third country;
- g) access to goods and services and the supply of goods and services made available to the public, including procedures for obtaining housing, as well as information and counselling services afforded by employment offices. This right is without prejudice to the freedom of contract in accordance with Community and national law;
- h) free access to the entire Territory (this right may be restricted under the provisions of Article 74, Law 3386/2005).

Furthermore, Article 35 stipulates more favourable terms for exercising the right of family reunification, as does Article 36 on granting the status of “long-term resident”.

Equal treatment is also provided in article 14 of P.D. 128/2008 for researchers.

1.3 Relations with third countries and labour migration agreements

Q.10. Do the policies in your Member State focus on specific third countries?

Yes

Q10.a. If Yes, please list these third countries, providing a brief indication of the reasons for focusing on specific third countries?

Greece has signed bilateral labour agreement with Albania (L.1453/1984) and Egypt (L.2482/1997)

Q.11. Has your Member State entered into labour migration agreements relating to attracting qualified and/or highly qualified third-country nationals to the national territory?

No.

Q11.a. If Yes, what role do these labour migration agreements play in executing your Member State's policies?

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Q11.b. If Yes, please fill out the following:

-

Q.12. Has your Member State adopted legislations facilitating labour migration from specific third countries ('country-specific legislation')?

Yes.

Q12.a. If yes, please elaborate concisely.

See answer to Q 10.

Q.13. Has your Member State entered into other more favourable arrangements with non-EU/EEA countries and/or regions relating to attracting qualified and/or highly qualified third-country nationals to the national territory?

No.

Q13.a. If yes, please elaborate concisely.

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Section 2
Evaluation and Effectiveness of Measures
(Maximum 4 pages)

This section reflects on the effectiveness of national measures as described in Section 1 and the methods used for evaluation. This analysis shall help to identify good practices and lessons learnt in Section 4.

2.1 Evidence of effectiveness based on statistics

- See relevant tables attached.

Q.14. Is there any evidence (quantitative and/or qualitative) of a link existing between the measures outlined in Section 1 and the immigration of highly qualified and qualified third-country nationals?

Yes.

Q14.a. If yes, please elaborate concisely.

Residence permits that have been issued from the first year of application of Law 3386/2005, i.e. 2006, until the end of 2012¹⁵ reveal significant information for the following categories¹⁶ of (highly) qualified employees:

1. Members of Board of Directors, managers and company staff (Article 17).

The increase in such kind of permits issued in 2008 and 2009 as compared to the two previous years -2006 and 2007- is spectacular. We could therefore conclude that the respective policy had positive outcomes. The fact that in 2010 and 2011, the numbers remain stable, while in 2012 there is a clear reduction, we think is owed to the financial crisis and/or other unforeseeable factors, but is in no event owed to problems connected with the application of the laws.

2. Athletes or coaches that wish to enter Greece in view of a registration, transfer or engagement (Article 20).

We remarked considerably less new residence permits issued in 2010, while in 2012 less than half permits were granted (106 overall) than in 2006 (248 overall).

3. Members of archaeological schools (Article 23).

The number of respective permits issued since 2006 remained almost fixed each year until 2011 (70-80), while this category too decreased in 2012 (61 overall).

4. Third-country nationals participating in exchange programmes, such as in the context of interstate agreements, co-operation programmes funded by the European

¹⁵

— Unpublished Data, Directorate of Immigration Policy, Ministry of Interior

¹⁶

— In the current study, we included in the definition of highly qualified and qualified third country nationals the categories enshrined in Articles 17-24, 26, 33-34, 43 of Law 3386/2005, based on the definition and the approach adopted and recommended by EUROSTAT on highly qualified workers, as classified in ISCO-88. In this context, Labour Force Surveys (LFS) define as “highly qualified” those workers that fall in the first three employment categories of ISCO-88, and as “simply qualified” those that fall into categories 6-8. Self-employed and investors are also included, as they, in general, promote national interest. (See relevant definitions as previous EMN Focused Researches, such as EMN 2007 Highly Skilled Workers Study, Synthesis Report, accessed at. http://ec.europa.eu/home-affairs/doc_centre/immigration/docs/studies/emn_highly_skilled_workers_study_synthesis_report_may07.pdf σελ 18

Union and scholars of ministries, organisations, non-profit organisations and the National Scholarship Foundation (Article 34).

The rise of permits granted in this category in 2008 (1241 overall) and 2009 (1246 overall) as compared to 2006 (523 overall) was significant, while we remark a considerable decrease in 2012 (738 overall).

In the abovementioned categories, the considerable decrease evident following 2010 and culminating in 2012, is probably owned to the economic situation prevailing in Greece, the decrease in employment placements, salary cuts, few research grants¹⁷ and less to the actual implementation of the legal framework, which did produce results with increased permits from 2006 to 2009

As regards, permits issued for all remaining categories of (highly) qualified workers of our concern, under articles 18, 19, 33 of L.3386/2005¹⁸, the number is so limited (less than 50 per year and/or overall) that does not allow us to make safe conclusions.

Furthermore, the fact that we did not identify statistical information for the application of a.43 regarding Researchers, while on the other hand, there is statistical evidence about the application of P.D. 128/2008 as of 2006, i.e. 3 years prior to beginning its implementation, leads us to the conclusion that article 43 remains inactive since the adoption of P.D 128/2008.

Q.15. Is there a quota for highly qualified and qualified third-country nationals?

Yes. For highly qualified third-country nationals.

Q15.a. If Yes, is the quota exhausted?

The only quota has been set by Law 4071/2012, under Article 27, paragraph 1, which stipulates that “A decision of the Ministers of the Interior, Foreign Affairs, Development, Competitiveness and Shipping and Labour and Social Security issued in the last quarter of every second year will set out the maximum number of jobs for highly qualified workers offered to third-country nationals, for each Region and area of specialisation. The same decision may also specify a further increase to the maximum number of highly qualified jobs of up to 10%, with a view to cover unforeseeable contingencies, as well as all other relevant formalities”. As also noted above, we anticipate the issuance of the first relevant Joint Ministerial Decision.

Q.16. Is there any evidence (quantitative and/or qualitative) of a link existing between the labour migration agreements (also in the framework of Mobility Partnerships) outlined in Section 1 and the immigration of highly qualified and qualified third-country nationals?

No (considering that there are no relevant agreements).

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— See, inter alia, Report by, DB, EU Monitor, Greece, Portugal, Ireland, στο More Growth via innovation, 2012, http://www.dbresearch.com/PROD/DBR_INTERNET_EN-PROD/PROD000000000283994.pdf

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— We refer to the categories included in articles 18, 19, 33 of L.3386/2005, analysed in Q 2a

Q16.a. If yes, please elaborate concisely.

-

If (statistical) evidence as requested above regarding concrete measures and labour migration agreements is not available, please outline and analyse any other statistics which may provide indications of the effectiveness of the national policies and measures.

See also Annex EMN, Study 2010 “Satisfying labour demand through migration in Greece” pages 11, 15, 16, 17, 20, 28, 29, 30, 35, 43, 44.

2.2 National methods of evaluation

Q.17. Does primary research (using any methods) exist in your Member State evaluating the national policies, related practical measures and labour migration agreements (also in the framework of Mobility Partnerships) implemented to attract highly qualified and qualified third-country nationals?

With the exception of the two relevant EMN surveys “Conditions of entry and residence of Third Country Highly Skilled Workers in Greece” in 2006 and “Satisfying labour demand through migration in Greece” in 2010 integrated in the framework of the research of European Policy on Migration, we did not detect similar research made on a national level, or at the initiative of the state.

Q17.a. If Yes, which methods have been used?

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Q17.b. If Yes, what is the outcome regarding the effectiveness of these measures and labour migration agreements?

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2.3 Policy makers’ or other stakeholders’ (i.e. academics, non-governmental or private sector representatives) experience

Q.18. If evidence (see 2.1 and 2.2) is not available, what is then the national policies makers’ or other stakeholders’ experience and assessment regarding the (perceived) effectiveness of measures (see also questions under 2.2)?

According to the two relevant EMN surveys “Conditions of entry and residence of Third Country Highly Skilled Workers in Greece” in 2006 and “Satisfying labour demand through migration in Greece” in 2010 the experience of the policy makers from the implementation of the legal framework on attracting highly qualified or qualified is positive. However, the real changes in the system, were brought about by a new law of 4071/2012, and the issuance of the article 27 Joint Ministerial Decision that will set out the maximum number of jobs for highly qualified workers offered to third-country nationals, for each Region and area of specialisation, which is still anticipated.

Therefore, at the moment there is not enough evidence to substantiate a valid evaluation of the recent framework.

Section 3 Challenges and Barriers (Maximum 4 pages)

This section reflects on possible challenges and barriers that may affect the attractiveness of a Member State for highly qualified and qualified third-country nationals' immigration.

3.1 Possible challenges and barriers

Q.19. Have challenges and barriers in your country been identified based on previous research which affect the attractiveness of your Member State for (highly) qualified third-country nationals?

Yes. See EMN Study 2006, "Conditions of entry and residence of Third Country Highly Skilled Workers in Greece" and EMN Study 2010 "Satisfying labour demand through migration".

Q19.a. If Yes, please indicate these factors.

The key impediment to attracting (highly) qualified workers from third countries is the financial situation that is unfavorable in wider scale (national, European, international). High unemployment rates, wage reductions and restrictions to social rights make the country non-attractive even for the (highly) qualified Greek citizens themselves, who rise well over the jobs offered.

Considering its geographic location and the difficult role it has been called to play in the context of the Common European Policy on matters of Asylum and Immigration, Greece already deals with a huge challenge that for the moment does not seem to allow for planning and implementing a "selective" immigration policy; this challenge consists in managing the vast majority of mixed immigration flows towards all EU Member States on the one hand and the policies of integration Greece must urgently adopt to deal with problems of uncontrollable scale on the other.

However, even less important setbacks that had been detected in a previous relevant study (EMN Study 2006, "Conditions of entry and residence of Third Country Highly Skilled Workers in Greece") have not been eliminated to this date. We also consider that science and research in Greece have not yet been developed enough to attract highly qualified third-country nationals, that the Greek language is considered by many a significant obstacle and that the rules governing the recognition of diplomas and degrees acquired abroad are quite rigid, as in most EU member states.

Q.20. If such evidence is not available, what is then the national policies makers' or other stakeholders' experience and assessment regarding the challenges and barriers which affect the attractiveness of your Member State for (highly) qualified third-country

nationals?

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Section 4
Conclusions
(Maximum 2 pages)

The Synthesis Report will outline the main findings of the Study and present conclusions relevant for policymakers at national and EU level.

Q.21. What conclusions would you draw from your findings that are relevant to the aims of this Focussed Study? Can you identify good practices and lessons learnt with regard to attracting highly qualified and qualified third-country nationals? What is the relevance of your findings to (national and/or EU level) policymakers?

The main conclusion of the research carried out for the purpose of this Study is that attracting highly qualified and qualified third country nationals is not, at least for the time being, the main objective of Greek immigration policy. This is owed to the difficult situation prevailing in the country because of the disfavorable economic situation and the challenge of effectively managing disproportionately large amounts of mixed migratory flows, in the context of the Common European Asylum and Migration Policy. This also explains the lack of cooperation agreements with third countries.

However, national policies to attract highly qualified and qualified third country nationals have been put in place, despite their limited scope. More precisely, a favourable legislative framework (see relevant provisions of the Law 3386/2005), has been drafted, although in a different economic situation and before the implementation of the Common European Asylum and Migration Policy, facts that hinder its swift implementation in practice. Statistics between 2006 and 2012 witness such a trend. Although there has been an increase in the relative permits for 2006-2007, we remark a standstill for 2008-2010, and then a clear reduction for 2011-12 for almost all the categories of persons who fall into the scope of this Study. This is also evidence that the importance of these provisions should not be underestimated, as they form a solid basis for potential initiatives that can occur in the future, despite the current general negative sentiment.

In the coming years, we consider that the existence of favourable legislation for facilitating the entry and residence of highly qualified and qualified third country nationals, the provision of rights such as the ability to be accompanied by members of their family and to enjoy equal treatment as national workers on key issues, is positive. Thus, the Greek labour market would be able to attract third country nationals, who will be capable of advancing the economic development of the country by holding responsible positions in business and by developing independent business or investment activity. The same holds true for employees, who can contribute to the development of science, research, culture and sports. Such a framework can be considered as "good practice", which, through incorporation of EU Directives into national legislation, continues to expand.

However, for the above-mentioned legislation to be actually effective in the future, national policy should a) take into account initiatives such as the development of science and research; and b) eliminate barriers (e.g. supportive context for learning the Greek language and more flexible rules governing the recognition of diplomas and degrees obtained abroad).

One has to recognise at the same time that European Union policies should take into

account the huge pressure Greece faces as a result of the common European Asylum and Immigration Policy, and consider a revision so as to alleviate disproportionate burden for certain member states of the European South.

When the situation is more favourable for Greece, the extensive and supporting legal framework will be implemented more swiftly and Greece will have the ability to attract (highly) qualified third country nationals, if such need arises. Considering that based on the current data, and because a sufficient number of Greek citizens is already (highly) qualified but unable to offer their expertise due to the high unemployment rates[1], the legislator has forecasted, with the issuance of the Joint Ministerial Decision, that the specific needs of the country for third country highly qualified and scientific nationals, will be impressed. On the other hand, such a human resources input might contribute to the exchange of knowhow and best practices and the development of a favorable investment environment for research and development..

And although National Strategy on the Inclusion of third country nationals published by the General Secretariat of Population and Social Cohesion on 24.4.2013, Greece has been placing more emphasis on the management of immigrants already present in the Greek territory who are currently employed in jobs where they cannot use their knowledge and skills due to the economic crisis and insufficient integration policy[2]. the abovementioned policies are not contradictory, but can prove to be rather complementary, depending on the prevailing economic and social factors.

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