



THIRD FOCUSED STUDY 2012
INTRA EU MOBILITY OF THIRD-COUNTRY NATIONALS

NATIONAL CONTRIBUTION OF GREECE

IMPLEMENTED BY



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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://www.emn.europa.eu> or on the Greek website <http://emn.ypes.gr>

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Top line 'Factsheet'

FACTSHEET

The purpose of the report is to better understand the key issues and challenges that the Greek legal order and administrative practice poses in relation to the intra-EU mobility of third-country nationals in the different Member States. Its first section covers the national legislative framework with particular reference to visas and residence permits whereas its second section provides statistical data on the scale of the phenomenon of intra-EU mobility of third country nationals. Finally in its third section it identifies restrictions to intra-EU mobility of third-country nationals (TCNs).

The first section is the longest report's section since it provides extensive data and analyses on procedures of transposition of the relevant EU legislation in the Greek legal order. The underlying assumption here is that TCNs enjoying a long term residence status in another EU state resemble more to TCNs without any residence entitlement in EU rather than to EU citizens. The essential differentiation in relation to usual provisions applied for TCNs who do not possess any residence entitlement within the EU concerns the absence of visa requirements for TCNs long term residents in another Member States. The provisions concerning the conditions and the procedures for acquiring residence for such TCNs differ from the procedures applying for EU citizens in many aspects. The same goes for Blue Card holders, researchers, students and posted workers: rules and conditions for applying a residence permit have a more restrictive nature excepting them only from visa requirements. Provisions concerning residence for all these categories are almost identical to the provisions

applying to TCNs who wish to migrate for the first in the EU territory. Finally, it should be highlighted that the Greek legislation provides identical conditions for each and every group of TCNs of EU, concerning public order and security reasons, public health and social insurance and in all cases, the granting of a visa, if needed, is facilitated.

The second section provides statistics on the scale and scope of the phenomenon. Data were drawn from the relevant contact points. Some comments and remarks were added in order to facilitate the understanding of the data displayed and consequently of the migration flows. The data related with the academic recognition of foreign titles/diplomas (according to the law 3328/2005) and the regulated professions (Directive 2005/36/EC and Presidential Decree 38/2010) are not available.

The final section of the report identifies restrictions to Intra EU mobility of TCNs raised in Greece. Long term residents and Blue Card Holders face such restrictions since volume admission applies for them. Minimum wages are specified in the national legislative framework: for Long term residents the national minimum wage of an unskilled worker, for Blue Card Holders equal to at least 150% of a reference wage (see below), for researchers at least 900 euro, whereas no special provision applies for posted workers. As to long-term residents who are in a self-employed capacity and apply to acquire a residence permit for 'independent economic activity' purposes that must prove rather prohibiting financial resources for current Greek standards (60.000 euro on a yearly basis and 300.000 for investment projects). Finally, no particular provisions and restrictions concerning recognition of degrees, diplomas and professional qualifications apply to those TCNs who have obtained the recognition of professional qualifications in another Member State and exercise their right to mobility in the EU. In such cases the national legislative framework is equally applicable.

Section 1

The National Legislative Framework: Visas and Residence Permits

A. Groups of third-country nationals who enjoy mobility rights under the EU's migration Directives)

1.1 Long-term residents in another Member State

a. What national rules and procedures apply to third-country nationals who are long-term residents in another Member State in respect of their access to a visa and/or residence permit in your country?

The provisions concerning the rights, the conditions and the procedures of residence permits for third country-nationals who are long-term residents in another Member State of the EU are cited in the Presidential Decree 150/2006 (transposition of Directive 2003/109/EC into the Greek legal order), especially articles 13 to 18. In general terms, these provisions adopt rules and procedures that are the same as those concerning third-country nationals who are not residents in an EU country and who seek for the first time to enter and reside in Greece as workers, self-employed ("independent economic activity"), economically independent individuals, as well as students or vocational trainees. In this context it should be stressed article 13 of the P.D. 150/2006 which provides that "The conditions and the procedure of issuing the

relevant residence permit are determined according to the provisions of Law 3386/2005” [Law concerning the entrance and the residence of third-country national in Greece]. More specifically, these conditions concern public order and security reasons, public health, social insurance and sufficient resources. Referring to the documents, the applicants must necessarily provide valid passport, EU long-term residence permit issued in another Member State, insurance certificate, health certificate as well as documents proving the reasons why the applicant wishes to reside in Greece (e.g. employment contract or university attendance certificate). Finally, regarding the procedure there is no difference in relation to the usual issuing procedure of residence permits established by the Law 3386/2005. The crucial criterion is the place of residence of the applicant and the purposes (e.g. work or studies) of the issuing of the permit. The competent authorities for issuing of residence permits are either (in most cases) immigration services of the decentralized administration at a regional level, or (in certain cases) the Migration Policy Direction of the Ministry of the Interior.

Nevertheless, there is one essential differentiation in relation to usual procedures. This concerns the absence of any obligation for the applicant to provide a special national (Greek) visa relevant to the requested residence permit which means that a long-term resident in another EU Member State can enter Greece and seek for work or enroll at an educational establishment holding exclusively his long-term residence permit issued by the other Member State. The above does not mean though that long-term residents in another EU Member State are exempted from volume admission (quota) procedures for third-country nationals in Greece. In this context a residence permit for work purposes is being issued to a long term resident in another Member State only in the case that there are vacancies for third-country nationals according to the relevant national legislation (article 14 of Law 3386/2005).

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Finally, we underline the fact that the national legislator has chosen not to apply integration requirements for long term residents who exercise their right to mobility in Greece, although such requirements were allowed in the relevant Directive. Additionally the right to mobility is also recognized to family members of the long term residents.

b. Please explain how these national rules and procedures differ from the national rules and procedures that apply to EU citizens

The provisions concerning the conditions and the procedures for acquiring residence certificate (registration certificate) for EU citizens are proscribed in the P.D. 106/2007 (transposition of Directive 2004/38/EC), as it is now in force after the adoption of Law 4071/2012. Regarding the conditions of acquiring this residence certificate, it must be underlined that public order and security reasons are taken into account in a more flexible and lenient way and that the documents required are less in number (e.g. fee and health certificate are not required, while stable and regular resources are considered ad hoc and the minimum financial requirements are equal to minimum pension in Greece). On the other hand, regarding the relevant procedures the applicants need to address the competent police authorities of their place of residence. At the same time the document issued to EU citizens is a simple residence certificate (registration certificate or document certifying permanent residence) and not a residence permit similar to the uniform format of residence permits issued to third-country nationals (Council Regulation (EC) 1030/2002). As a result, in practice, residence certificates for EU citizens are being issued in a much shorter time after application.

A significant differentiation is cited in article 20 par.4 of P.D. 106/2007 which provides that holding a residence document is not a precondition for the exercise of a right or the completion of an administrative formality, as entitlement to rights may be attested by any other means of proof. Additionally, we must note the very protective provisions of article 20 of the P.D. 106/2007 referring to the conditions of expulsion for EU citizens, as well as that EU citizens does not have to pass through any kind of volume admission quotas.

Finally, while EU citizens who wish to reside in Greece for a period longer than 3 months are required to report themselves to the competent police authorities and be registered after the conclusion of this period, EU long-term residents are obliged to apply for a residence permit within a 3-months period after their entrance in Greece. In fact, if a EU long-term resident does not apply for a residence permit in Greece within 3 months after his entrance in the country forfeits his right to stay and seek for job in Greece.

1.2 EU Blue Card holders

a. What national rules and procedures apply to third-country nationals who are EU Blue Card holders in another Member State in respect of their access to a visa and/or residence permit in your country?

The relevant provisions are cited in articles 22 to 41 of Law 4071/2012 (transposition of Directive 2009/50/EC), especially article 37 of the Law referring to the right to reside

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in Greece recognized to EU Blue Card holders in another Member State. According to this article, EU Blue Card holders in any Member State who wish to obtain a residence permit in Greece are subject to the same conditions and procedures as those third-country nationals who migrate for the first time to an EU Member State (Greece) and applying for an EU Blue Card.

The only differentiation in relation to general provisions is that EU Blue Card holders in another Member State do not have to provide a special national visa for Blue Card in order to submit an application or request for such a residence permit in Greece. Nevertheless, the relevant volume admission quotas and procedures apply also to them.

b. Please explain how these national rules and procedures differ from the national rules and procedures that apply to EU citizens

Rules and procedures of obtaining a residence permit in Greece by Blue Card holders in another Member State are essentially different in relation to relevant rules and procedures applying to EU citizens and they have a much more restrictive in nature. On the contrary to the legislation concerning free movement of EU citizens, as it is noted above (point 1.2a), the provisions concerning EU Blue Card holders are almost identical to the provisions applying to third-country nationals who wish to migrate for the first time to an EU Member State (Greece) for purposes of highly qualified employment. In this context it is underlined the fact that EU Blue Card holders in another Member State have to pass through volume quota procedures and restrictions. The only provision resembling to the status of EU citizens treatment is the

provision permitting EU Blue Card Holders in another EU Member State to enter Greece and seek for a highly qualified employment without a previous special national visa (article 37 par.1, Law 4071/2012).

1.3 Researchers

a. What national rules and procedures apply to third-country nationals who are residents in another EU Member State who wish to undertake work as a Researcher in your Member State?

The relevant provisions are included in P.D. 128/2008 (transposition of Directive 2005/71/EC), especially in article 10 of the above P.D.. According to this article the right to undertake work as Researcher in Greece confers to the third-country nationals that are holders of an equivalent residence permit in another EU Member State. In this context, if the research work does not exceed a 3-months period there is no need for a special authorization document. On the other hand, if the research work exceeds the 3-months period, applicable rules and procedures are those cited in the general provisions of the P.D. concerning the obtaining of residence permit in Greece for purposes of Research. The only differentiation in relation to general provisions is that holders of residence permits for purposes of Research in another Member State do not have to provide a special national visa for Research in order to make an application for such a residence permit in Greece. The concerned third-country national can initiate the whole procedure being in Greece.

b. Please explain how these national rules and procedures differ from the national rules and procedures that apply to EU citizens

Rules and procedures of obtaining a residence permit for purposes of Research in Greece by holders of a residence permit in another Member State are essentially distinct in relation to relevant rules and procedures applying to EU citizens and they have a much more restrictive character. As it is noted above (point 1.3a), contrary to the legislation about free movement of EU citizens, the provisions concerning holders of residence permit for Research in another Member State are almost identical to the provisions applying to third-country nationals who wish to migrate for the first time to an EU Member State (Greece) for purposes of Research. The only provision resembling to the status of EU citizens treatment is the one permitting to initiate the relevant procedure being already in Greece without a previous special national visa. Moreover, any favorable provision is applied only to holders of a residence permit for purposes of Research in another Member State and not to holders of any other type of residence permits.

1.4 Students

a. What national rules and procedures apply to third-country nationals who are residents in another EU Member State who wish to undertake studies in your Member State?

The relevant provisions are included in P.D. 101/2008 (transposition of Directive 2004/114/EC), especially in article 7 of the above P.D.. According to this article the

right to undertake studies in Greece have third-country nationals that are holders of an equivalent residence permit in another EU Member State and wish either to follow in Greece part of the studies already commenced, or to complement them with a related course of studies. The conditions and the procedures applicable in this case are the general provisions cited in P.D. 101/2008. The only differentiation in relation to general provisions is that holders of residence permits for purposes of studies in another Member State do not have to provide a special national visa for studies in order to make an application for such a residence permit in Greece. Nevertheless, obtaining a visa is required, where this is provided for according to Council Regulation (EC) 539/2001.

b. Please explain how these national rules and procedures differ from the national rules and procedures that apply to EU citizens

Rules and procedures of obtaining a residence permit for purpose of studies in Greece by holders of a residence permit in another Member State are essentially distinct in relation to relevant rules and procedures applying to EU citizens and they are much more restrictive in nature (e.g. there is no provision for dependent family members and also a requirement to present a certain amount of financial resources). On the contrary to the legislation about free movement of EU citizens, and as it is noted above (point 1.4a), the provisions concerning holders of residence permit for studies in another Member State are almost identical as the provisions applying to third-country nationals who wish to migrate for the first time to an EU Member State (Greece) for purpose of studies. The only provision resembling to the status of EU citizens treatment is the provision permitting to initiate the relevant procedure being already in Greece without

a previous special national visa. Moreover, any favorable provision is applied only to holders of a residence permit for purpose of studies in another Member State and not to holders of other type of residence permits.

1.5 Posted Workers

a. What national rules and procedures apply to third-country nationals who are resident in another EU Member State who are posted by a service provider for the purposes of cross-border provision of services in your Member State?

The relevant provisions are included in article 18 of Law 3386/2005: Residence permits might be issued and renewed for those TCNs legally employed in a company established in the EU, who have to move to Greece for providing their services under a contractual obligation between the company established in another Member State and a counterpart active in Greece. The article refers to the conditions and procedures cited in the general provisions of Law 3386/2005 concerning the entrance and residence of third-country nationals migrating for the first time to an EU Member State (Greece). In this context, a condition in order one to obtain a residence permit in Greece as a posted worker is even to have a special national visa for that purpose. The only favourable provision is that this category of third-national workers are exempted from the rules and procedures concerning volume quota.

b. Please explain how these national rules and procedures differ from the national rules and procedures that apply to EU citizens

Rules and procedures of obtaining a residence permit for posted workers in Greece by residents in another Member State are essentially distinct in relation to relevant rules and procedures applying to EU citizens and are much more restrictive in nature. As it is noted above (point 1.5a), on the contrary to the legislation about free movement of EU citizens, the status of entrance and stay in Greece for posted workers is the same as for any other third-country national who wishes to migrate to an EU country (Greece) for the first time. The exemption from the rules and procedures concerning admission quota remain unchanged compared to the mobility enjoyed by EU citizens.

B. Groups of third-country nationals who are not provided for by the EU acquis

1.6 Cross-border workers

1. Do specific national rules and procedures governing access to a visa and/or a residence permit apply to third-country nationals who are resident in another Member State but are employed as cross-border workers in your Member State?

There are no special provisions.

2. If specific national rules and procedures apply to the third-country nationals described in 1.6 (1) above, how do these differ from the national rules and procedures that apply to EU citizens in a similar situation?

See answer 1.6 (1).

1.7 Seasonal workers

1. Do specific national rules and procedures apply to third-country nationals who are resident in another Member State and who exercise an economic activity as seasonal workers in your Member State in respect of their access to a visa and/or residence permit?

There are no special provisions.

2. If specific national rules and procedures apply to the third-country nationals described in 1.7 (1) above, how do these differ from the national rules and procedures that apply to EU citizens in a similar situation?

See answer 1.7 (1).

1.8 Workers in regulated professions

1. Do specific national rules and procedures apply to third-country nationals who are resident in another Member State and who apply to work in a regulated profession in your Member State in respect of their access to a visa and/or residence permit?

There are no special provisions.

2.If specific national rules and procedures apply to the third-country nationals described in 1.8 (1) above, how do these differ from the national rules and procedures that apply to EU citizens?

See answer 1.8 (1).

1.9 Any other category of migrant worker not mentioned above

1. Are there any specific national rules and procedures that apply to any group of third-country nationals who are resident in another Member State that has not been mentioned above?

There are no special provisions.

2. If yes, please describe how these rules differ from the national rules and procedures that apply to EU citizens.)

See answer 1.9 (1).

1.10 Common rules and procedures for all mobile third-country nationals

1. Does the national legislative framework in your Member State contain rules and procedures that are relevant to all mobile third-country nationals (rather

than rules that differentiate between different groups) in respect of their access to a visa and residence permit?

Greek national legislation contains different rules and procedures of obtaining a residence permit for each different group of third-country nationals who enjoys the right or status of mobility.

Nevertheless, it should be pointed out that:

- a) in all cases the granting of a visa, if needed, is facilitated,
- b) concerning the rules for obtaining a residence permit there are certain conditions which are the same for all different groups of third-country nationals, e.g. public order and security reasons, public health, financial resources, social insurance,
- c) concerning the procedures, in most cases, the competent authorities who receive the applications are migration services of either municipalities or decentralized administration. In addition the competent authorities who issue the residence permits are migration services of decentralized administration.

2. If yes, please describe the rules and procedures and explain how they differ from the national rules and procedures that apply to EU citizens.

See answer 1.10 (1).

As regards to the variances in relation to the rules and procedures that apply to EU citizens it should be pointed out that:

- a) in general, terms and conditions that apply to EU citizens are essentially more favorable. This remark is valid not only for issues like the entrance in Greece, the

control of public order, security and public health, but also for more specific issues like less demanding work contracts, the preference for EU citizens and more generally the access of EU citizens to labor market without serious restrictions. On the contrary, mobile third country-nationals are obliged to conform with specific preconditions (e.g. special work contracts for Blue Card holders or special contracts for researchers), while certain groups (e.g. long-term residents and Blue Card holders) have also to pass through volume quota procedures.

b) the procedure for issuing the relevant residence certifications for EU citizens concerns only one public authority (The Greek police). This procedural arrangement, in combination with less demanding preconditions and less documents required, results to a rapid receipt of residence certifications.

It must be stressed though that during the last year a serious effort initiated in Greece aiming to establish one stop shops for TCNs. A significant number of one stop shops are already in operation, a development that will reduce the problems arising in the residence permits procedure.

Section 2

Scale and scope of the phenomenon

2.1. Are statistics on overall intra-EU (work-related) mobility of third-country nationals available in your (Member) State

Greek statistics on migration flows and residence permits have been improved about five years ago. Nowadays figures are generally considered quite credible.

However, certain classification criteria, e.g. age, professional profile, are not available.

For the data available, see tables below.

2.2. Are statistics based on administrative registrations available in your (Member) State on the following groups of mobile third-country nationals? If they are not available could they in principle be made available from existing registrations?

Yes, they are based on the official administrative registrations.

Groups of third-country nationals who enjoy mobility rights under the EU's migration Directives:

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- 1) Long-term residents coming from another Member States (information should be collected by national contact points established under Directive 2003/109/EC on third-country national long-term residents)

Numbers of Nationals of	Member State of Origin
Albania 1	Italy
China 3	Italy
Morocco 1	Spain
Total number 5	

Remark: Total number is of negligible importance.

- 2) EU Blue Card holders (information should be collected by national contact points established under Directive 2009/50/EC on EU Blue Card holders)

Blue Card residence permits have not been issued so far. The relevant law (4071/2012) was adopted by the Parliament last April and it seems that there is no particular interest from EU Blue Card holders.. .

- 3) Researchers

Such residence permits have not been issued. Probably due to lack of interest.

- 4) Students

Such residence permits have not been issued. Probably due to lack of interest.

- 5) Posted workers

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(according to law 3386/2005, art. 18)

Nationals of	Number
India	20
USA	3
Venezuela	3
Serbia-Montenegro	3
Other	13
Total	42

Groups of third-country nationals who are not provided for by the EU acquis:

6) Cross-border workers

Not regulated

7) Seasonal workers

Not regulated

8) Workers in regulated professions

No data available. The number of TCN who exercise the right to mobility and reside in Greece and could pursue a regulated profession is less than tiny (5 long term residents who reside in Greece exercising their right to mobility). It must also be noted that there is no specific national regulation.

9) Any other category of migrant not mentioned above

Not regulated

2.3. Are there any other/proxy sources of statistics that could provide indications of patterns and trends?

(i) Number of applications for the recognition of diplomas/certificates acquired in another Member State.

No data available. In most cases though, TCNs who exercise their right to mobility no visa is required for the submission of an application for residence permit in Greece.

(ii) Number of visa applications by third-country nationals who are resident in another EU Member State.

No data available.

(iii) Number of social security registrations by third-country nationals who were resident in another Member State before arrival?

No data available.

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(iv) Information about previous country of residence contained in the latest population census.

The relevant data of the 2011 census still to be published.

(v) Any information that might be collected about the motivations of third-country nationals who apply for citizenship in (your) Member State (e.g. as a proxy source of information on the number of third-country nationals wishing to travel within the EU).

(vi) Any other proxy sources of statistics.

Not to our knowledge.

2.4. Please provide any statistics available on the flows of EU nationals within your (Member) State over the last 5 years in order to provide a comparison with the flows of third-country nationals

The available statistical data are considered to ensure a high level of reliability. However, only figures related to the number of persons and the nationality of the EU nationals residing and working in Greece are available.

In the table below, the first figure indicates registration certificate holders (a) and the second one permanent residence status holders (b) (see EU directive 2004/38/EC and P. D. 106/2007)

Nationality	2008	2009	2010	2011	2012
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Bulgarian	1815	976	442	1238	4119
	10771	13188	6201	3932	2313
Romanian	876	445	266	719	2453
	9652	9403	5000	3673	2269
U.K.	290	440	575	569	402
	749	942	1027	995	883
Polish	112	623	1093	810	471
	1576	1823	1371	1067	690
German	307	344	347	378	330
	624	814	702	495	424
Cypriot	291	615	816	535	304
	621	539	502	430	380
Italian	205	223	180	228	211
	412	394	406	366	298
Other nationalities	2091 (a+b)	2880 (a+b)	2816 (a+b)	2412 (a+b)	1964 (a+b)
Total	30392 (a+b)	33649 (a+b)	21744 (a+b)	17847 (a+b)	17511 (a+b)

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Remarks: 1. In “Other nationalities” the (a) number is always significantly smaller compared to the (b) number, with the exception of the Dutch nationality. 2. Slovakian nationals are unexpectedly high in numbers, outdoing nationals of member states like Spain. 3. It is quite risky to relate financial crisis in Greece with the decline of numbers. This is due to the fact that: 1. Greek Police authorities up to 2007 (when the relevant P.D. was issued) and the malfunction of the competent Police departments involved were discouraging many EU nationals to contact the relevant Police Offices in order to obtain their registrations. Still the issue of the relevant registrations is much shorter and simplified than the issue of residence permits for TCNs. 4. It is quite clear that neighbouring Balkan States nationals consist around two thirds of the total EU population residing in Greece. The high number of Cypriot nationals is related with the close ties between the two Member States. The rather small number of Polish nationals is the result of the continuous trend of their return in Poland or the migration to other EU countries.

The real number of EU nationals residing in Greece for a fairly long period of their life or permanently is much higher. This not only due to the administrative malfunctions but to the fact that in Greece undeclared work is widespread and the underground/informal economy is estimated at 25 to 30% of GDP. There are indirect but strong indications for much higher numbers of EU nationals from Bulgaria, Romania and Cyprus. In a recent study (2012) the number of Bulgarian residents in Greece was estimated at double the official figures, e.g. registration certificate and permanent status holders. Other studies underline the very low number of Bulgarian and Romanian Roma who contact Police Offices in order to obtain their registrations.

Section 3

Identified Restrictions to Intra EU mobility of third-country nationals

3.1. Member States (and Norway) may examine the situation of the labour market and give preference to Union (or EEA/EFTA) citizens when considering applications for work from a third-country national in another Member State or EFTA country.

Long-term residents

In the case of long-term third-country nationals who wish to live/reside in Greece for work purpose it should be stressed article 13 par.3 of P.D. 150/2006. This very article provides that, even if there exist vacancies according to the volume quota legislation, the applications to obtain a residence permit in Greece are being satisfied only if there is no interest by a) EU citizens, b) third-country nationals who stay in Greece under EU legislation (e.g. family reunification Directive) or c) unemployed third-country nationals who receive unemployment benefits.

Blue Card holders

The request of a Blue Card holder who wish to live/reside in Greece for purpose of highly qualified employment is satisfied under the conditions/restrictions cited in article

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27 of Law 4071/2012. These restrictions include national economy interest assessment, feasibility? of the certain employment, priority given to Greek. EU citizens and third-country nationals already residing lawfully in Greece, field competence/specialty of the applicant and unemployment rate per employment sector.

Researchers

There are no special restrictions

Students

There are no special restrictions

Posted workers

There are no special restrictions

3.2. Minimum wages are often specified in the national legislative framework that may affect the decision of a third-country national, who is resident in one Member State (or EFTA country), to settle in another Member State (or Norway).

Long-term residents

National legislation (article 13 of P.D. 150/2006) determines as a precondition for obtaining a residence permit for work purposes in Greece for long-term residents in another Member State to provide an employment contract that assures that the third-

country national's income will be at least equal to the national minimum wage of an unskilled worker. The above mentioned provision which initially could be perceived as a restriction to mobility rights, after the last years moderations of the minimum wage in Greece could work now on as a positive mobility factor.

Blue Card holders

According to national legislation (articles 26 and 36 of Law 4071/2012) precondition for obtaining a residence permit in Greece for Blue Card holders is to provide an employment contract for a highly qualified job for an one year period at least and a specific minimum wage. The later is determined and published by the Migration Policy Direction of the Ministry of the Interior. as the minimum wage accepted for a highly qualified employment. This minimum wage must be equal to at least 150% of that of the reference wage, which is the average gross annual salary, as it is defined by the Hellenic Statistical Authority.

Researchers

According to national legislation (articles 6, 7 and 10 of P.D. 128/2008), the main precondition for obtaining a residence permit in Greece for third-country nationals who are holding a residence permit for purposes of research in another Member State is to prove stable and regular financial resources at least of 900 Euros per month, without counting any social benefits.

The amount of necessary resources must be laid down in the research contract.

Posted workers

There are no special provisions.

3.3. If the third-country national who moves from another Member State (or EFTA country) is in a self-employed capacity, Member States (and Norway) may require that they have the appropriate funds which are needed, in accordance with national law, to exercise an economic activity in such capacity.

Long-term residents

According to national legislation (article 13 of P.D. 150/2006), the rules for undertaking a self-employment activity are the same as the rules applying for all third-country nationals who want either to undertake an independent economic activity (article 24 of Law 3386/2005) or to develop an investment project (article 26 of Law 3386/2005). To acquire a residence permit for independent economic activity purposes the applicant must provide proves of financial resources of at least 60.000 Euros while in case of investment projects the financial resources should be at least of 300.000 Euros.

3.4. National rules or procedures governing the recognition of degrees and diplomas may affect the decision of a third-country national, who is resident in one Member State (or EFTA country), to settle in another Member State (or Norway).

According to national legislation, all groups of mobile third-country nationals fall under the general provisions and restrictions concerning the recognition of degrees, diplomas and professional qualifications of either Greeks or EU citizens and third-

country nationals. It must be underlined though, that these procedures are generally dysfunctional and significant delays are very usual independently of the status of residence or the nationality of the applicant.

3.5. National rules or procedures governing access to social security and social services for third-country nationals and their families may affect the decision of a third-country national, who is resident in one Member State (or EFTA country), to settle in another Member State (or Norway).

Long-term residents

According to national legislation (article 16 para.1 of P.D. 150/2006), long-term residents in another Member State who hold a residence permit in Greece have access to social security and basic benefits of social assistance and social protection, enjoy tax benefits and have access to goods and services and to procedures for obtaining housing.

Blue Card holders

According to national legislation (article 34 of Law 4071/2012), Blue Card holders in another Member State who hold a residence permit for purpose of highly qualified employment in Greece have access to social security under the provisions of EU Regulations 1408/71 and 859/2003, as well as to goods and services and to procedures for obtaining housing.

Researchers

According to national legislation (article 14 of P.D. 128/2008), researchers in another Member State who hold a residence permit for research in Greece have access to social security under the provisions of EU Regulations 1408/71 and 859/2003, as well as to tax benefits, goods and services and to procedures for obtaining housing..

3.6. Any other restrictions

There are no other restrictions apart from those concerning the *acquis communautaire*.

Section 4

Conclusions

A detailed research on the relevant national legislation leads to the conclusion that the Greek legislator, as a rule, follows the norms and conditions posed by the Directives. A more careful look on the national legislation shows that in most of the cases (not in all though, e.g. there is no integration criteria for long term residents in other EU Member States who wish to move to Greece) where the directives leave to the national legislator a certain margin of appreciation, Greece opts for the most rigid framework: the most characteristic example here would be that the TCNs who have a residence permit in another EU member-State enjoying mobility rights are classified according to the procedures of the volume admission definition (cf. art. 14 Directive 2003/109/EC, as transposed with par. 3, art. 13, presidential decree 150/2006 and par.7 art. 18 of Directive 2009/50/EC, as transposed by par .6 of art. 37 L.. 4071/2012).

In the Greek legal framework, the most notable differentiation between third-country residents who apply for a certain residence permit in Greece and those who already possess a certain residence status in another member States and enjoy mobility rights within the EU directives' framework is the latter's privilege to enter Greek soil without having to apply for a special national visa. They can simply start the relevant procedure being already on Greek soil.

In light of the above, it clearly results that the general status of treatment and particularly the mobility rights enjoyed by third-country nationals is far to anything

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comparable to the mobility recognized to EU citizens. This goes both to the level of legislation as well as to the level of administrative practice. Numbers and figures of the official Greek State's data are revealing: In total 5 Long term residents in a EU Member State reside in Greece, compared to at least 120 thousand EU citizens who reside in Greece holding registration certificate or permanent residency.

Further, despite the rigid but satisfactory compliance of the Greek legislator to the EU Directives, we must notice that residence in Greece of the TCNs who have acquired residence permits in other Member-States encounters serious impediments and delays on the level of administrative practice. The procedure concerning residence permits of third-country nationals could hardly be considered as satisfactory, even before the financial crises of 2009. Of course, today, additionally due to the crises, the situation has aggravated. The administrative malfunctions obviously influence third-country national enjoying mobility rights since very regularly they have to address themselves to the same authorities. Most of the times, they have to follow the same procedure as all TCNs regardless of their residence status within the EU. In practice, such administrative malfunctions and delays, prevent TCNs possessing a residence title in another EU state of submitting relevant residence requests before the Greek authorities. There is sufficient administrative data (such as complains before the Greek Ombudsman) leading us to the conclusion that many TCNs would prefer a informal residence in Greece usually of a few months, particularly in domains of Greek economy where unsecured labor is not an exception (such as tourism during summer months). It should be stressed though that the full development and operation of one stop shops will improve significantly the residence permit procedures.

Similar conclusions on the insisting sluggishness of the institutional framework and the administrative problems resulting from it (mainly great delays) are particularly visible in the recognition of university diplomas and certification of professional rights.

As for Blue Card holders, one may note that despite the transposition of the relevant Directive, there has not been until today a substantial implementation of its regulations. Issuing of the prerequisite administrative acts for the implementation of the Directive is still pending as well as the issuing of the decision for the definition of the permitted volume admission which applies for the Blue Card holders in another Member.

Finally, it worth noticing the absence of any provisions regulating mobility of TCNs residing in other member-States, reflecting particular needs and specificities of the country. All relevant provisions emanate from the EU directives. To a certain extend this is due to the fact that Greece does not share common borders with any other EU Member State apart from Bulgaria. Given that Bulgaria does not constitute a particularly attractive migration destination (particularly the region next to the Greek-Bulgarian border) it seems obvious that TCNs - seasonal workers do not virtually exist.