ANNUAL REPORT ON STATISTICS ON MIGRATION, ASYLUM AND RETURN IN GREECE (Reference Year 2004)

Athens
January 2008
Migration issues

1) Analysis and interpretation of the migration statistics

During 2004 recorded immigration, as measured by the new residence permits issued by the Ministry of Interior, amounts to 50,101. Recorded immigration for 2003, according to the same source, is estimated to 45,500. Consequently, a 10 per cent increase of recorded immigration is observed in 2004 compared to the previous year. On the other hand, even though there are no published statistics on emigration, we have compiled such figures using published information on population by citizenship and the natural movement of population. These figures that presumably depend upon the precision of the number of population by citizenship indicate that in 2004 emigration was 8,713 individuals. Thus, net migration is estimated at 41,388, which accounts for almost all population change as the number of births slightly overcame that of deaths. Data on recorded immigration are not available for 2002, since at that time the database of the Ministry of Interior was not fully developed.

In terms of population by citizenship, the total number of non-EU nationals on 1st January 2004 is estimated to 580,092. The largest and dominant group of third country nationals is Albanians, who are estimated to 434,810, while the second one, that of Bulgarians follows far behind at 33,638. In terms of the number of EU14 and EU10, the data shown in the relevant table (5,952 and 4,999 respectively) are presumably extremely underestimated. They are based on those EU nationals with residence permits issued by the Ministry of Public Order. However, many EU nationals do not apply for residence permits, as there are no sanctions. Indicative of this underestimation is that according to 2001 Population Census, the number of EU nationals approaches 80,000.

With regard to the number of residence permits issued in 2004, the total number of course equals the above-mentioned recorded immigration, that is 50,101. 861 out of these entered for studies and 6,167 were granted residence permit for family formation/reunification. It is worth-noting that in 2004 the number of residence permits for family reunification from 3,502 increased to 6,167.

2) Contextual and interpretation (legal, political and international)

Most of migration legislation in 2004 is composed of amendments of Law 2910/2001. In this context, AL3242/2004 was enacted on 24/5/2004 to automatically extend residence permits, expiring after 30/6/2003, for one more year up to 30/6/2004.
Moreover, this Law provided the immigrants with the right to buy out at least 150 days working stamps for a time period from 1/7/2003 to 30/6/2004.

In addition, AL3274/2004 was issued on 19/10/2004 to regulate residence permit issues along with issues pertaining to first and second degree Organisations of Local Administration. In more detail, the Law (art. 34, pars. 1-8) provisioned the following. Third country nationals with an authorised entry for studies or vocational training in Greece after 1/7/2002, who did not apply for residence permit within the specified deadline (19/10/2004) could apply within 60 days from the promulgation of the Law, under the condition that they fulfilled the provisions of Law 2910/2001 (art. 11), and could prove that they keep on with their studies. This Law, also, modified Article 15 of L2910/2001, by allowing the immigrants who had an authorised entry for studies the possibility to change field of study only once, on condition that they should not exceed the time limit of their initial studies. Moreover, the Law specified the conditions for the entry and 6-month stay in the country of foreign students for vocational training. The Law defined as family members of Greek or EU citizens the spouses, their children less than 21 years of age and their parents under their support. In addition, it provided for the suspension of expulsion in the case of illegal immigrants who denounce actions of prostitution, in which case the immigrants are granted a temporary residence permit. The suspension is valid until a final decision is reached regarding the denouncement. The last provision of this Law refers to the immigrants’ children who had not completed 21 years of age when L2910/2001 came into effect, who could now apply for residence permit according to specified legal procedures.

Within the context of the then forthcoming Olympic and Para-olympic Games, L3254/2004 was enacted on 22/7/2004 to regulate (art. 6), residence permit issues for foreign athletes, trainers and other specialised personnel who were to enter the country for preparation and participation in international athletic events.

In September 2004, the Parliament approved a new Citizenship Code (Law 3384/2004), which did not contain any sweeping changes to existing regulations. Overall, this new Law slightly loosened certain requirements for naturalisation. First, it provisioned for a ten-year specified time period during which the applicant should not have committed certain offences, such as culpable homicide and grave bodily harm. Second, it granted third country national spouses of Greek nationals with child/ren the right to apply for naturalisation after three years of residence in Greece.
Other measures referring to immigrants included the announcement by the Ministry of Public Order (July 2004) that immigrants in the process of renewing their residence and work permits, could travel abroad and re-enter the country, as long as they were back before the end of September.

An important development in 2004 was the enlargement of EU in May of that year. In this context, the new European Union citizens (Czechs, Estonians, Hungarians, Latvians, Lithuanians, Poles, Slovaks and Slovenians) became eligible for a five-year EU residence permit, provided they could prove at least 12 months of legal stay. Citizens of Malta and Cyprus had enjoyed full rights as EU citizens since enlargement. Moreover, a circular issued by the Ministry of Interior provided that citizens of the rest eight new Member-States, who wished to enter Greece for work purposes, were required to apply for residence and work permits, as was the case with non-EU immigrants. They would be considered full EU citizens after 12 months of legally residing and working in Greece.

Thus, the main legislative developments in Greece during 2004 include mostly amendments to Law 2910/2001 and two Laws. L3254/2004 was issued to regulate temporary issues regarding the then upcoming Olympic Games, without a long-term effect. The new Citizenship Code (Law 3384/2004) provisioned only minor changes in the existing Citizenship legislation.

A. Asylum Issues

1) Analysis and interpretation of the asylum statistics

As presented in the relevant Table, even though the number of asylum applications in 2003 climbed to 8,178, which represents 44% increase compared to 2002, in 2004 asylum applications dropped to 4,469 (45.4% decrease).

Applications submitted by Iraqi nationals had the largest share (almost 60%) in the overall decline of asylum applications, since they decreased by 2,212 out of a 3,709 total application decrease, with Pakistani nationals to follow with a decrease of 529 compared to those in 2003. The substantial decline of Iraqi applicants (almost 77%), who up until the previous year represented almost one third of asylum applicants, could be attributed to the political developments in their country following the demise of
Saddam Hussein regime. On the other hand, there was a substantial increase of asylum applicants from Georgia, which could be attributed to the political turmoil in their country during this year.

Overall, however, in 2004 as has been the case in 2003 too, most of the negative decisions were first instance negative decisions, while most positive decisions were second instance decisions. Since there are no separate statistics for first and second instance decisions, the data available do not reflect precisely the situation for each separate year. This means that an asylum seeker whose application has been rejected by a first instance decision in one year would not be granted a status in the same year. However, if the applicant lodges an appeal against the first instance decision he/she may be granted a status the following year or even the year after. As a result, many applications rejected in one year, in practice, are still pending at second instance.

Consequently, the dramatic rise in the number of new applications in 2003 led to a total 5,231 pending applications at the beginning of 2004. The largest group of these pending applications refer to Iraqi applicants, indicating the ongoing suspension in the examination of asylum applications lodged by Iraqi nationals after the outbreak of war in Iraq in March of 2003. Other country groups of citizenship with a relatively large number of pending applications are those coming from Pakistan and Iraq.

Table B1. Number of Pending and New Asylum Applications by Country of Citizenship

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<tbody>
<tr>
<td>TOTAL</td>
<td>1,738</td>
<td>8,178</td>
<td>5,231</td>
<td>4,469</td>
<td>5,328</td>
</tr>
<tr>
<td>Iraq</td>
<td>868</td>
<td>2,879</td>
<td>1,808</td>
<td>667</td>
<td>1,794</td>
</tr>
<tr>
<td>Iran</td>
<td>70</td>
<td>632</td>
<td>258</td>
<td>456</td>
<td>191</td>
</tr>
<tr>
<td>Afghanistan</td>
<td>375</td>
<td>593</td>
<td>440</td>
<td>382</td>
<td>545</td>
</tr>
<tr>
<td>Nigeria</td>
<td>7</td>
<td>468</td>
<td>256</td>
<td>325</td>
<td>352</td>
</tr>
<tr>
<td>Georgia</td>
<td>1</td>
<td>59</td>
<td>37</td>
<td>323</td>
<td>114</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>10</td>
<td>251</td>
<td>199</td>
<td>208</td>
<td>210</td>
</tr>
<tr>
<td>Pakistan</td>
<td>88</td>
<td>703</td>
<td>503</td>
<td>174</td>
<td>411</td>
</tr>
<tr>
<td>Others</td>
<td>319</td>
<td>2,593</td>
<td>1,730</td>
<td>1,934</td>
<td>1,711</td>
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</table>

Source: United Nations High Commissioner for Refugees (UNHCR)

A final decision was reached in 3,755 cases in 2004. In terms of recognition rates, these remain at very low levels in 2004, however slightly higher than those in 2003. Thus, recognised refugees rose from 3 persons in 2003 to 11 persons in 2004. The
recognition rates, however, for both years remain less than one percent. Moreover, 22 persons were granted humanitarian status in 2004 compared to 25 persons in 2003. Thus, there were 3,722 final rejections in 2004, since 22 out of 3,744 rejected asylum applicants in 2004 were granted at a next stage humanitarian status.

Consequently, examined applications in 2004 are even less than those submitted that same year, let alone those already pending from 2003. Thus, the dramatic rise of asylum applications in 2003 led to the reasonable delay in the examination procedure in 2004, since the total number of final decisions are far behind the number of pending plus the total number of new applications.

The very low number of asylum recognitions compared to that of applicants do not allow any significant conclusion with regard to the number of positive decisions by country of citizenship.

2) Contextual interpretations

Throughout 2004 no new or amended laws on asylum have been enacted. Overall, also, there were no significant administrative changes with regard to the application, decision or appeals procedures. The only encouraging development in the refugee determination procedure is the fact that since November 2004, the Appeals Board, the advisory body that conducts interviews with all asylum seekers who appeal against a first instance decision, has been holding its hearings twice per week. This obligation of the Appeals Board was often held responsible for the long delays in the issuance of final decisions and the huge overload of pending asylum applications. Consequently, the above-mentioned development is considered to ease the delays in the process, since the Appeals Board will be able to process more cases, (ECRE Report 2004).

B. Illegal Entry

The official source of data on illegal immigration is the Ministry of Public Order, which is responsible for policy implementation on illegal immigration. This report utilises data from the Ministry, which are in line with the data provided to the CIREFI by the Ministry. However, it is not clear whether the number of apprehended as well as removed aliens excludes the so-called refoulement at the borders consistently.
The total number of refused aliens fell from 17,642 in 2003 to 14,584 in 2004, representing approximately 19% decrease. The decline in refusals that began in 2002 went on throughout 2003 and further to 2004. This might be related to the stricter allowance of visas from Greek Consulates in the countries of citizenship, as well as to the implementation of the Schengen Convention, which implies more thorough passport control. Refused aliens from Bulgaria have a large share in this decline (85%), since their number declined by almost 2,800 in 2004. Refused aliens from Bulgaria remains the largest group with 5,407 refusals in 2004 with refused aliens from Albania (2,878 refusals), Romania (1,916 refusals) and FYROM (1,269) to follow. What could be pointed out is that the vast majority of refused aliens continue to come from the neighbouring Balkan countries, representing 77.4% of the total number of refused aliens in 2004.

The number of refused aliens from most neighbouring countries such as Bulgaria, Romania, Turkey and ex-Yugoslavia, declined. Refused aliens from Russia and Syria declined too. On the other hand, refused aliens coming from Albania, FYROM and Georgia rose in 2004. A noticeable change in 2004 refers to the number of refused aliens from Nigeria. Even though these refused aliens represent a small percentage of the total number of refusals in 2004 (1.7%), their number rose from 61 in 2003 to 246 in 2004.

The total number of apprehensions fell by 6,046 in 2004. Thus, from 51,031 in 2003 these fell to 44,985 in 2004. Apprehended aliens from Albania have the largest share in this decline, since their number fell by almost 4,152 in 2004. The decline in the number of apprehended aliens from Albania does not seem to have any implications, since these still represent the overwhelming majority of apprehensions in 2004, that is 31,637 out a total 44,985. What could be pointed out is the relatively large number of apprehended aliens from Afghanistan in 2004, which became the second largest group of apprehended in 2004, following apprehended from Albania, however with a large margin.

The total number of removals fell from 40,930 in 2003 to 39,842 in 2004. A vast number of removed aliens are Albanians. A noteworthy development in 2004 was the rise of removed aliens from Egypt. However, this does not seem to have any significant implications, since these removed aliens represent 2% of the total number of removed in 2004.
In terms of illegal entry of immigrants by country of citizenship in 2004, the data on refused, apprehended and removed aliens display a similar picture. The first general point to be drawn is that the overwhelming majority of each of these categories of immigrants comes mainly from the neighbouring Balkan countries bordering Greece, such as Albania, Bulgaria, Romania and FYROM. Second, in the case of refused aliens the majority comes from Bulgaria whereas the overwhelming majority of apprehended and removed aliens come from Albania. Third, a good number of apprehended aliens come from certain Asian countries, mainly Afghanistan, which is the second largest group of apprehended, as well as Egypt, and Iraq, the total number of which reaches the total number of apprehended aliens coming from the Balkan neighbourhood (Bulgaria, Romania, FYROM). Last, the main tendency in 2004 as well as the previous years is that aliens coming from the neighbouring countries are apprehended in large numbers and at the same time are removed in large numbers too. On the contrary, even though the numbers of apprehended aliens coming from certain Asian countries is gradually and moderately rising, their respective removals is not an easy task, leading to the eventual illegal residence of most of these in Greece.