“Greek Immigration and Asylum Policy”

Analysis of the Greek institutional framework since the beginning of the 20th century

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in the context of the “European Migration Network - EMN”

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MIGRATION AND ASYLUM: THE GREEK INSTITUTIONAL FRAMEWORK

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REFERENCES
ABBREVIATIONS

L  Law
AL  Amendment law
LD  Legal decree
MD  Ministerial decision
PD  Presidential decree
ML  Mandatory law

RP  Residence permit
WP  Work permit
WC  White card
GC  Green card
SIC  Special identity card
TCN  Third-country national (art. 17§1 revised TEC)

MIPAD  Ministry of Interior, Public Administration and Decentralization
MoPO  Ministry of Public Order
MoL  Ministry of Labour and Social Affairs
MMC  Ministry of Maritime Commerce
MoH  Ministry of Health
MEF  Ministry of Economy and Finance
MFA  Ministry of Foreign Affairs
OAED  Employment and Manpower Organisation
GSR  General Secretariat of the Region (x13)
GSMoPO  General Secretariat at the Ministry of Public Order

NSSG  National Statistical Service of Greece
OECD  Organisation for Economic Cooperation and Development
Eurostat  The European Statistical Office
UNPD  United Nations Population Division

NIF  National Insurance Fund
NIC  National Insurance Contributions

EC  European Community
EU  European Union
EC Summit  European Council summit (heads of state)
EU Council  The Council of the European Union (state ministers)
ECOSOC  The Economic & Social Committee

TEEC  The Treaty of the European Economic Community
UEA  The Unique European Act (1.7.1987)
TUE  The Maastricht Treaty or Treaty on the European Union (7.2.1992)
TEC  The European Community Treaty since Maastricht
Amsterdam  The Amsterdam Treaty (10.11.1997) revising TEC & TUE
Nice  The Nice Treaty (10.3.2001)
CSFP  Common Security and Foreign Policy; 2nd Pillar, Title V, revised TUE
JHA  DG Justice and Home Affairs; 3rd Pillar, Title VI, revised TUE

UNHCR  United Nations High Commissioner for Refugees
PREFACE

The aim of this study is to analyze and interpret the Greek legislative framework in the field of immigration and asylum since the beginning of the 20\textsuperscript{th} century.


examination and permit issue while the MoH supervises refugee reception centres; work permits are the joint responsibility of the MoPO and the MoL (Employment Supervision Divisions). Greek lawmaking in the field of asylum is aligned to the aim of the European Union to create a Common Asylum Policy by 2005.

Although European federal law vertically binds member-states and although international conventions mutually bind contracting states, harmonization at the state level requires intervention by the national legislator to horizontally bind its citizens. The national legislator has discretion in that state law may derogate from European and international standards for the traditional public law objections regarding public order, public health and national security, as long as it does not include any unfair or disproportional discriminatory clauses. As a result, although primary federal immigration law as dealt with in Title IV of the revised EC Treaty (Amsterdam) and the relevant EC Council regulations does not require transposition, secondary or derived federal legislation requires transposition at the state level. Although European immigration law is the jurisdiction of the EU Council, most initiatives are found in action plans set out at EC summits and followed up by the EU Commission after consultation with the EU Parliament and opinion of the ECOSOC and the Committee of the Regions. Decision-making at the Council level requires unanimity with a few exceptions eg uniform VISAs, as the exercise of the fundamental Treaty liberties within the EU is integral part of the “acquis communautaire”.

The Council of the EU has recently attempted to regulate and extend the freedom of movement of foreign immigrants both intracommunity and interstate by means of three draft directives regarding: (a) long-term resident status (b) family reunification and (c) the freedom of EU nationals and their family members to exercise their right to move and reside in other member-states. The Greek Presidency managed to reach a political agreement by June 2003 on both family reunification and long-term resident status. All three draft directives require transposition by July 2005. They express the intention of the EC Seville summit to promote the social integration of TCNs who are legal residents (Title III.29.1 of the EC Seville summit conclusions). To this effect, each member-state should henceforth present an annual progress report to the EU Commission on the basis of Communication “Migration, Integration and Employment” of 2003.

A person’s nationality is a prerequisite for the application of Greek immigration law both in matters of private and public law. The Greek Nationality Code LD3370/1955 as it
holds today mainly relies on the principle of “ius sanguinis” (birth parents) in order to determine a person’s origin while accepting the principle of “ius loci” (birthplace) as well in order to avoid the creation of stateless. It is a person’s origin that determines that person’s nationality under Greek law. In contrast to other countries, nationality is not a synonym of citizenship in Greece. A Greek national is an individual who has the Greek nationality either by birth or by means of naturalization. Even a foreign national may become a Greek national if that person exercises its own will to acquire the Greek nationality by means of naturalization. 1980s legislation in the field of nationality, strengthened and liberalized the concept so that a person’s Greek nationality could no longer be affected by that person’s marital status or sex. The term Greek nation or “Elliniki omogeneia” is a comprehensive one, as it includes all Greeks or Greek persons, not necessarily Greek nationals or “imedapoi”, who are bound by a common language, history, culture and religion.

According to art. 17 of the Greek Municipal & Communal Code PD76/1985 and its amendments PD323/1989, PD497/1991 & PD410/1995, all Greek nationals registered with the local authorities are Greek citizens; this is the so-called “demotikotita” or active nationality.

Greek naturalization law was last reformed in 2001 with L2910: applicants first apply to acquire the Greek nationality (step 1) and then become Greek citizens by inclusion in the local registers (step 2). Jurisdiction in naturalization matters lies with the MIPAD. Applications are examined by the relevant GSR. The final decision is delivered by the MIPAD following interview of the applicant by the newly instituted “Naturalization Committee”.

Greece is characterized by a pattern of reversing trends in immigration: since the start of the 20th century it has been a country exporting immigration ie Greeks were emigrants, whereas it turned into an importing country in the 1970s - partly due to the restrictive immigration policies adopted by other developed countries - and especially since 1981 when it joined the EEC.

The Greek model is a hybrid of the two dominant European trends: the French paradigm which relies on the assimilation of foreign immigrants with French nationals through the
process of naturalization and the German paradigm which segregates them from German nationals and focusses on their integration in the German labour market.

Despite the efforts of the Greek legislator, migration flows have been recorded in a fragmented way. According to NSSG data, actual population has grown as little as 0.6% p.a. in the 11-year period 1991-2001 between laws L1975/1991 and L2910/2001, from 10,259,900 in 1991 to 10,964,020 in 2001. The 2001 actual population figure of 10,964,020 comprises 797,091 foreign nationals, both legal and illegal. This stock figure corresponds to the difference between 2001 actual and legal population after adjusting for Greek travellers abroad. Applying the 1997 proportion of illegal to total foreign population stock, 75%, it implies 597,818 officially undeclared or illegal foreign immigrants. Unpublished data provided by the MIPAD suggest that less than half of these persons were regularized during June-July 2001 upon entry in effect of L2910.

Given the fact that 341,278 RPs were issued following this regularization deadline, the official illegal foreign stock on May 2001, including former legal immigrants whose permit expired, should have been at least twice as many ie 682,556 or 86% of the 797,091 stock. Despite this encouraging reaction on the part of illegal foreign immigrants, L2910 and its four amendments added to uncertainty by setting two additional permit extension deadlines up to July 2003. According to MIPAD DG Immigration officials, a fifth amendment to L2910 regarding, among others, permit renewal for dependent employment is expected around mid-September 2003; it should reduce bureaucracy and allow interested parties to reap the full benefit of the new regime.

The reader is advised to consult ANNEX I and Tables A, B and C, categorizing the various RP/WP types, before proceeding with the main analysis.

ANNEX II offers some insight into the cost of the various RP regimes according to budgetline information provided in the legal acts.

ANNEX III explains the constitutionality issue that arose during the transitional period 1.1.1983-8.5.1984 from the retroactive application of L1438/1984 inserting the principle of the equality of the rights of the two sexes in the Greek Nationality Code.

Full legal references (including act title, FEK number and publication date) should be sought in “References”.
MIGRATION AND ASYLUM: THE GREEK INSTITUTIONAL FRAMEWORK

Preliminary Demographic and Economic Observations

Over the past 50 years, the population of the EU 15 area has grown from 295 million to over 378 million.¹ A rough estimate of the enlarged internal market of the EU 25 area comes up with 450 million.² Individual EU member-state population growth rates are quite heterogeneous with the migration component increasing in significance. First demographic estimates for 2002 suggest that Greek population would have experienced a drop if it were not for migration.³ A first observation regarding Greek population can be made from Table 1:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>TP in '00s - Midyear</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>TP</td>
</tr>
<tr>
<td>1980</td>
<td>9.642</td>
</tr>
<tr>
<td>1981</td>
<td>9.730</td>
</tr>
<tr>
<td>1982</td>
<td>9.790</td>
</tr>
<tr>
<td>1983</td>
<td>9.847</td>
</tr>
<tr>
<td>1984</td>
<td>9.896</td>
</tr>
<tr>
<td>1985</td>
<td>9.934</td>
</tr>
<tr>
<td>1986</td>
<td>9.964</td>
</tr>
<tr>
<td>1987</td>
<td>9.984</td>
</tr>
<tr>
<td>1988</td>
<td>10.005</td>
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<tr>
<td>1989</td>
<td>10.038</td>
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<td>1990</td>
<td>10.089</td>
</tr>
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<td>1991</td>
<td>10.200</td>
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<td>1992</td>
<td>10.322</td>
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<tr>
<td>1993</td>
<td>10.380</td>
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<td>1994</td>
<td>10.426</td>
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<tr>
<td>1995</td>
<td>10.454</td>
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<tr>
<td>1996</td>
<td>10.465</td>
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<td>1997</td>
<td>10.498</td>
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<tr>
<td>1998</td>
<td>10.516</td>
</tr>
<tr>
<td>1999</td>
<td>10.538</td>
</tr>
<tr>
<td>2000*</td>
<td>10.938</td>
</tr>
<tr>
<td>2001*</td>
<td>10.955</td>
</tr>
<tr>
<td>2002*</td>
<td>10.950</td>
</tr>
</tbody>
</table>

*2000, 2001, 2002 total population values are taken from National Accounts; source: NSSG.

We observe a steady annual ratio $M:TP = 0.49:1$ (males to total population) and $F:TP = 0.51:1$ (females to total population) or $49\%$ of annual TP are male and $51\%$ are female. Thus, Greek population including foreign nationals, is evenly split between males and females (50:50) for the period 1980-1999.

**Administrative source.** Like France, Italy and Portugal, Greece does not have neither a population nor a foreigners register ie a population account for nationals and foreigners; it relies on residence/work permit data regarding the inflow of foreign nationals and the population census regarding total population stock. For the time being, the only official registers are local citizen registers which give insight in the actual number of Greek nationals only.

**Stocks.** Greek population figures as reported by the major statistical providers, the NSSG, Eurostat, OECD and UNPD, follow an almost standardized reporting methodology. Population refers to the midyear total population stock, $TP$, which includes both Greek nationals and foreign nationals. According to the NSSG, actual population has grown as little as $0.6\%$ p.a. in the 11-year period 1991-2001 between laws L1975/1991 and L2910/2001, from $10,259,900$ in 1991 to $10,964,020$ in 2001. Foreign population stock, $FPS$, has two components: legal immigrants who can be measured with certainty and illegal immigrants, both short- and long-term entrants, who cannot be measured with certainty. Official foreign population stock figures are obtained from the NSSG on the basis of actual population data. The official foreign stock for a given year corresponds to the difference between that year’s actual and legal population: this difference was equal to $797,091$ for 2001 (actual of $10,964,020$ add Greek travellers abroad of $39,610$ less legal of $10,206,539$). If we apply the 1997 proportion of $75\%$ illegal foreign to total foreign population stock, the official illegal foreign population stock should have been at least $597,818$ in 2001 (see Table 2). Taking into account that $341,278$ RPs were issued following the regularization of June-July 2001 (new law L2910/2001) and that almost half of the illegal immigrants were regularized during that period, we can safely reckon with $597,818-682,556$ official illegal immigrants in May 2001 or $75\%-86\%$ of the 2001 official foreign stock. Furthermore, permanent population for 2001, $10,934,097$, was close to the actual population figure, $10,964,020$. 

11
Table 2

<table>
<thead>
<tr>
<th>YEAR</th>
<th>FPS_L</th>
<th>FPS_ILL</th>
<th>FPS (L+ILL)</th>
<th>Ratio of FP_L to FPS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991</td>
<td>50.363</td>
<td>95.799</td>
<td>146.142</td>
<td>65.55%</td>
</tr>
<tr>
<td>1992</td>
<td>50.655</td>
<td>99.427</td>
<td>150.082</td>
<td>66.25%</td>
</tr>
<tr>
<td>1993</td>
<td>48.213</td>
<td>100.557</td>
<td>148.770</td>
<td>67.60%</td>
</tr>
<tr>
<td>1994</td>
<td>46.524</td>
<td>104.069</td>
<td>150.593</td>
<td>69.11%</td>
</tr>
<tr>
<td>1995</td>
<td>48.986</td>
<td>104.767</td>
<td>153.753</td>
<td>68.14%</td>
</tr>
<tr>
<td>1996</td>
<td>49.426</td>
<td>106.027</td>
<td>155.453</td>
<td>68.21%</td>
</tr>
<tr>
<td>1997</td>
<td>39.197</td>
<td>118.734</td>
<td>157.931</td>
<td>75.18%</td>
</tr>
<tr>
<td>Average</td>
<td>47.623</td>
<td>104.197</td>
<td>151.818</td>
<td>68.58%</td>
</tr>
</tbody>
</table>

Source: NSSG data.
Stocks are opening stocks; as we observe a steadily rising ratio of foreign illegal to total foreign population stock for the period 1991-1997 (7 years), we use the most recent ratio (1997) of 75% as the floor of official illegal to total foreign stock.

Flows. Apart from the annual people inventory as measured by the total population stock and its two components, domestic and foreign population stock, the OECD also reports the annual change in total population stock figures, as measured by the total increase rate, $TI$, which is the ratio of the total population change for a given year over the average midyear population of that year and the previous year. $^5$ $TI$ has three components: (a) annual net migration, $NM$ (b) the annual natural increase rate of total population, $NI$ as measured by annual live births less deaths and (c) a statistical adjustment factor. Migration has two components: immigrants (inflow) and emigrants (outflow). The reported net migration is the net of these two flows. When the net flow is positive (surplus) and rising, the foreign population stock is rising as well i.e. there is usually a positive stock-flow relationship. The NSSG has long reported entrants only i.e migration inflow. Thus, reported net migration figures are immigration figures.

The driving force of Greek population growth in the period 1981-1999 has been the steady net migration surplus flow, $NM$ (Table 3, Figure 1). This is confirmed by the fact that the ratio expressions for $NM$ in Table 3 are consistently $> 1$ with an average of 2.84% for the period. Moreover, $g_{NI}$ assumed non-zero positive growth rates in only 2 out of the 18 years or 11% of the sample period. Compound annual growth

$^4$ 2001 total actual and legal population data, source: NSSG. See also Papanikos for an estimate of the unofficial illegal stock.
$^5$ $TI_t = [(TPCS_t - TPOS_t) / [(TP_t + TP_{t-1})/2]]$, where TPCS$_t$ is total population closing stock and TPOS$_t$ is total population opening stock for a given year $t$. 


rates for the period 1982-1999 were: \(-5.8\%\) for \(g_{\text{TI}}\), \(-22.6\%\) for \(g_{\text{NI}}\), and \(+6.6\%\) for \(g_{\text{NM}}\).

Table 3

<table>
<thead>
<tr>
<th>YEAR</th>
<th>TP('000)</th>
<th>TI</th>
<th>NI</th>
<th>NM</th>
<th>Stat. Adj.</th>
<th>(T_I = (1)+(2)+(3))</th>
<th>NI (1)</th>
<th>NM (2)</th>
<th>Stat. Adj. (3)</th>
<th>(g_{\text{TI}})</th>
<th>(g_{\text{NI}})</th>
<th>(g_{\text{NM}})</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980</td>
<td>9.642</td>
<td>110</td>
<td>61</td>
<td>50</td>
<td>-1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>1981</td>
<td>9.730</td>
<td>62</td>
<td>54</td>
<td>7</td>
<td>1</td>
<td>6.42</td>
<td>5.6</td>
<td>0.72</td>
<td>0.1</td>
<td>-2.5%</td>
<td>-6.6%</td>
<td>35.0%</td>
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<tr>
<td>1982</td>
<td>9.790</td>
<td>61</td>
<td>51</td>
<td>10</td>
<td>0</td>
<td>6.26</td>
<td>5.24</td>
<td>1.02</td>
<td>0.0</td>
<td>-18.5%</td>
<td>-22.5%</td>
<td>-11.1%</td>
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<tr>
<td>1983</td>
<td>9.847</td>
<td>51</td>
<td>41</td>
<td>9</td>
<td>1</td>
<td>5.2</td>
<td>4.19</td>
<td>0.91</td>
<td>0.1</td>
<td>-6.6%</td>
<td>-8.2%</td>
<td>10.0%</td>
</tr>
<tr>
<td>1984</td>
<td>9.896</td>
<td>48</td>
<td>38</td>
<td>10</td>
<td>0</td>
<td>4.87</td>
<td>3.86</td>
<td>1.01</td>
<td>0.0</td>
<td>-6.6%</td>
<td>-8.2%</td>
<td>10.0%</td>
</tr>
<tr>
<td>1985</td>
<td>9.934</td>
<td>30</td>
<td>24</td>
<td>6</td>
<td>-1</td>
<td>2.93</td>
<td>2.43</td>
<td>0.6</td>
<td>-0.1</td>
<td>-50.9%</td>
<td>-46.5%</td>
<td>-51.5%</td>
</tr>
<tr>
<td>1986</td>
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<td>21</td>
<td>15</td>
<td>-1</td>
<td>3.52</td>
<td>2.11</td>
<td>1.5</td>
<td>-0.1</td>
<td>18.4%</td>
<td>-13.7%</td>
<td>91.3%</td>
</tr>
<tr>
<td>1987</td>
<td>9.984</td>
<td>31</td>
<td>20</td>
<td>0</td>
<td>0</td>
<td>3.1</td>
<td>1.1</td>
<td>2</td>
<td>0.0</td>
<td>-12.5%</td>
<td>-65.0%</td>
<td>28.4%</td>
</tr>
<tr>
<td>1988</td>
<td>10.005</td>
<td>42</td>
<td>15</td>
<td>27</td>
<td>0</td>
<td>4.19</td>
<td>1.5</td>
<td>2.69</td>
<td>0.0</td>
<td>30.0%</td>
<td>30.7%</td>
<td>29.6%</td>
</tr>
<tr>
<td>1989</td>
<td>10.038</td>
<td>63</td>
<td>9</td>
<td>54</td>
<td>0</td>
<td>6.25</td>
<td>0.9</td>
<td>5.35</td>
<td>0.0</td>
<td>40.0%</td>
<td>-51.4%</td>
<td>68.8%</td>
</tr>
<tr>
<td>1990</td>
<td>10.089</td>
<td>79</td>
<td>8</td>
<td>71</td>
<td>0</td>
<td>7.78</td>
<td>0.79</td>
<td>6.99</td>
<td>0.0</td>
<td>21.9%</td>
<td>-12.3%</td>
<td>26.7%</td>
</tr>
<tr>
<td>1991</td>
<td>10.200</td>
<td>94</td>
<td>8</td>
<td>87</td>
<td>0</td>
<td>9.28</td>
<td>0.79</td>
<td>8.49</td>
<td>0.0</td>
<td>17.6%</td>
<td>-0.7%</td>
<td>19.5%</td>
</tr>
<tr>
<td>1992</td>
<td>10.322</td>
<td>55</td>
<td>6</td>
<td>49</td>
<td>0</td>
<td>5.33</td>
<td>0.59</td>
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<td>0.0</td>
<td>-55.4%</td>
<td>-29.6%</td>
<td>-58.1%</td>
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<tr>
<td>1993</td>
<td>10.380</td>
<td>61</td>
<td>5</td>
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<td>5.88</td>
<td>0.48</td>
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<td>-19.0%</td>
<td>12.8%</td>
</tr>
<tr>
<td>1994</td>
<td>10.426</td>
<td>33</td>
<td>6</td>
<td>27</td>
<td>0</td>
<td>3.17</td>
<td>0.58</td>
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<td>0.0</td>
<td>-61.9%</td>
<td>17.7%</td>
<td>-73.4%</td>
</tr>
<tr>
<td>1995</td>
<td>10.454</td>
<td>22</td>
<td>1</td>
<td>21</td>
<td>0</td>
<td>2.1</td>
<td>0.1</td>
<td>2.01</td>
<td>0.0</td>
<td>-40.9%</td>
<td>-179.6%</td>
<td>-25.4%</td>
</tr>
<tr>
<td>1996</td>
<td>10.465</td>
<td>22</td>
<td>1</td>
<td>22</td>
<td>-1</td>
<td>2.1</td>
<td>0.1</td>
<td>2.1</td>
<td>-0.1</td>
<td>-0.2%</td>
<td>-0.3%</td>
<td>4.4%</td>
</tr>
<tr>
<td>1997</td>
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<td>24</td>
<td>2</td>
<td>23</td>
<td>-1</td>
<td>2.29</td>
<td>0.19</td>
<td>2.19</td>
<td>-0.1</td>
<td>8.5%</td>
<td>69.1%</td>
<td>4.2%</td>
</tr>
<tr>
<td>1998</td>
<td>10.516</td>
<td>11</td>
<td>-2</td>
<td>13</td>
<td>0</td>
<td>1.05</td>
<td>-0.19</td>
<td>1.24</td>
<td>0.0</td>
<td>-78.2%</td>
<td>0.0%</td>
<td>-57.2%</td>
</tr>
<tr>
<td>1999</td>
<td>10.538</td>
<td>24</td>
<td>-1</td>
<td>25</td>
<td>0</td>
<td>2.28</td>
<td>-0.1</td>
<td>2.37</td>
<td>0.0</td>
<td>77.9%</td>
<td>-69.5%</td>
<td>65.2%</td>
</tr>
<tr>
<td>Average</td>
<td>48</td>
<td>18</td>
<td>30</td>
<td>-0.2</td>
<td>4.42</td>
<td>1.59</td>
<td>2.84</td>
<td>-0.01</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

Average compound growth for the period 1982-1999 (% p.a.)  
\(-5.8\%\) - \(-22.6\%) - \(+6.6\%\)

The following two regressions examine the impact of the annual net migration growth rate, $g_{NM}$, jointly with the annual natural increase growth rate, $g_{NI}$ (multiple regression), and on a stand-alone basis (simple regression) on the annual total increase growth rate, $g_{TI}$, for the period 1982-1999, on the basis of the OECD data of Table 3. Growth rates are calculated as the LN(.) of year $t$ ratio to year $(t-1)$ ratio.

**Multiple regression (MR):**

$$g_{TI} = \alpha + \beta_1 g_{NM} + \beta_2 g_{NI} + \varepsilon_t$$

$$g^{^\wedge}_{TI} = -0.09 + 0.77 g_{NM} - 0.07 g_{NI} + ^\wedge \varepsilon_t$$

OLS estimate

$$R^2 = 79\% ; \; n = 17 ; \; df = 15$$

**Simple regression (SR):**

$$g_{TI} = \alpha + \beta_1 g_{NM} + \varepsilon_t$$

$$g^{^\wedge}_{TI} = -0.11 + 0.76 g_{NM} + ^\wedge \varepsilon_t$$

OLS estimate

$$R^2 = 78\% ; \; n = 17 ; \; df = 16$$
Both regressions suggest a *significant positive linear relationship* of \(0.77:1\) between the net migration growth rate, \(g_{NM_t}\), and the total increase growth rate, \(g_{TI_t}\) or \(770,000:1,000,000\) persons. On the contrary, the natural increase growth rate, \(g_{NI_t}\), suggests a *non-significant negative linear relationship* of \(-0.07:1\). These results are in line with the observation that net migration has been the driving force of Greek population growth (Table 3, Figures 1-2). The coefficient of \(g_{NM_t}\), does not change as we move from the multiple to the simple regression case (not shown), suggesting no significant linear interdependence between the two growth components, \(g_{NM_t}\) and \(g_{NI_t}\). In both cases, the amount of \(g_{TI_t}\) explained by either \(g_{NM_t}\) alone or \(g_{NM_t}\) and \(g_{NI_t}\) jointly, is a high 78%, the residual 22% being explained by chance.

**Figure 2**

*Source: OECD Statistics (1980-2000, 1981-2001); period 1981-1999. Figure 2 should be read together with Figure 1 and Table 3.*

\(^6\) A simple regression of \(g_{NM_t}\) on \(g_{NI_t}\) and vice versa can prove the lack of significant linear interdependence between the two explanatory variables of \(g_{TI_t}\).
Table 4

<table>
<thead>
<tr>
<th>OBS</th>
<th>YEAR</th>
<th>FPS\textsubscript{open}</th>
<th>FPS\textsubscript{close}</th>
<th>FPS\textsubscript{average}</th>
<th>g\textsubscript{FPS} av.</th>
<th>NM</th>
<th>g\textsubscript{NM}</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>1979</td>
<td>83.969</td>
<td>87.469</td>
<td>85.729</td>
<td>50.000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>1980</td>
<td>83.969</td>
<td>87.469</td>
<td>85.729</td>
<td>50.000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>1981</td>
<td>87.469</td>
<td>93.327</td>
<td>90.408</td>
<td>7.000</td>
<td>-196.6%</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>1982</td>
<td>93.327</td>
<td>97.698</td>
<td>95.513</td>
<td>10.000</td>
<td>35.7%</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>1983</td>
<td>97.698</td>
<td>99.934</td>
<td>98.816</td>
<td>9.000</td>
<td>-10.5%</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>1984</td>
<td>99.934</td>
<td>102.820</td>
<td>101.377</td>
<td>10.000</td>
<td>10.5%</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>1985</td>
<td>102.820</td>
<td>110.947</td>
<td>106.884</td>
<td>5.3%</td>
<td>6.000</td>
<td>-51.1%</td>
</tr>
<tr>
<td>8</td>
<td>1986</td>
<td>110.947</td>
<td>115.018</td>
<td>112.983</td>
<td>5.5%</td>
<td>15.000</td>
<td>91.6%</td>
</tr>
<tr>
<td>9</td>
<td>1987</td>
<td>115.018</td>
<td>122.951</td>
<td>118.985</td>
<td>5.2%</td>
<td>20.000</td>
<td>28.8%</td>
</tr>
<tr>
<td>10</td>
<td>1988</td>
<td>122.951</td>
<td>133.621</td>
<td>128.286</td>
<td>7.5%</td>
<td>27.000</td>
<td>30.0%</td>
</tr>
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<td>11</td>
<td>1989</td>
<td>133.621</td>
<td>142.367</td>
<td>137.994</td>
<td>7.3%</td>
<td>54.000</td>
<td>69.3%</td>
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<td>12</td>
<td>1990</td>
<td>142.367</td>
<td>146.162</td>
<td>144.265</td>
<td>4.4%</td>
<td>71.000</td>
<td>27.4%</td>
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<tr>
<td>13</td>
<td>1991</td>
<td>146.162</td>
<td>150.082</td>
<td>148.122</td>
<td>2.6%</td>
<td>87.000</td>
<td>20.3%</td>
</tr>
<tr>
<td>14</td>
<td>1992</td>
<td>150.082</td>
<td>148.770</td>
<td>149.426</td>
<td>0.9%</td>
<td>49.000</td>
<td>-57.4%</td>
</tr>
<tr>
<td>15</td>
<td>1993</td>
<td>148.770</td>
<td>150.593</td>
<td>149.682</td>
<td>0.4%</td>
<td>56.000</td>
<td>13.4%</td>
</tr>
<tr>
<td>16</td>
<td>1994</td>
<td>150.593</td>
<td>153.753</td>
<td>152.173</td>
<td>1.7%</td>
<td>27.000</td>
<td>-73.0%</td>
</tr>
<tr>
<td>17</td>
<td>1995</td>
<td>153.753</td>
<td>155.453</td>
<td>154.603</td>
<td>1.6%</td>
<td>21.000</td>
<td>-25.1%</td>
</tr>
<tr>
<td>18</td>
<td>1996</td>
<td>155.453</td>
<td>157.931</td>
<td>156.692</td>
<td>1.3%</td>
<td>22.000</td>
<td>4.7%</td>
</tr>
</tbody>
</table>

Average compound growth rate (% p.a.) 3.78\% -5.13\%

Figure 3

Foreign Population Stock (FPS) and its growth (g\textsubscript{FPS})

Source: NSSG Opening Foreign Population Stock data (legal & illegal); see Table 2 for a decomposition into legal and illegal for the subperiod 1991-1997 (7 years).

Opening foreign stock in year \( t \) + \( \Delta \) Foreign Population = Closing stock in year \( t \)
Opening foreign stock in year \( t+1 \) + \( \Delta \) Foreign Population = Closing stock in year \( t+1 \) etc.
Average annual foreign population stock in the period 1981-1996 has been about 130,000 persons. Figure 3 implies an increasing growth rate that reached a peak of almost 7.5% in 1989 and a trough of almost 1% in 1991. The average compound growth rate for the entire period was 3.78% p.a. but Figure 3 suggests a narrow band of 1%-2% for the post-1991 period (Table 4, Figure 3). The jump to the upper limit of the band (2%) from mid-1993 to mid-1994 could be explained by the mass influx of Albanians from the Northern Greek borders following the Balkan crisis (1992-1995) and the 1993 Pontian repatriation.

Net migration inflows peaked to a surplus of 87,000 persons in 1991 compared to an average of about 31,000 persons for the period. The growing trend was disrupted in 1991 with L1975 setting an all-time high for the post-1991 period of almost 20% p.a. (Table 4, Figure 4).

The comparison of the annual growth rates of net migration, g_NM and foreign population average annual stock, g_FPS reveals a negative relationship between the growth of net migration flow and foreign population stock for the subperiod 1992-1996 probably because the majority of entrants were short-term entrants ie less than 6 months stay: g_NM is rising post-1994 while g_FPS is stable-to-declining. Thus, our previous observation of a positive stock-flow relationship holds but should be restricted to long-term entrants ie at least one year of residence (Figure 5).
Combination of Figures 3 & 4

It might make sense for future evaluations to compare the two growth rate trends as from 1996, as the zero of the y-axis used to measure $g_{\text{FPS}}$ coincides with the 4,7% rate of $g_{\text{NM}}$ for 1996 ie 1996 is the new base year (OECD uses 1995 as the base in population statistics).

Remark regarding future Greek policymaking

Comparison of the growth rates of per capita real GDP, $g_{\text{RGDP}}$ and total population, $g_{\text{TP}}$ implies steady growth of around 3,6% p.a. of both $g_{\text{TP}}$, $g_{\text{RGDP}}$ and their absolute spread, $|g_{\text{RGDP}} - g_{\text{TP}}|$ or SPREAD 1 (Table 5, Figure 6). This in turn, suggests an effort by the Greek government since 2000 to manage migration flows as per EC summit requirements in order to keep total population growing at or below but not above the pace of per capita real GDP.
A recent study by KEPE makes a forecast of a lower $g\_{RGDP}$ of 3.3% p.a. for 2003.\(^7\) Other things being equal (if $g\_{TP}$ remains at its 0.1-0.2% p.a. level and CPI keeps on growing above its 1999 base value), the *absolute spread* will start dropping to below the 3.7% p.a. level which it maintained over the past three years (ie increasing inflation, increasing nominal GDP, CPI deflator factor <1, decreasing real GDP). This suggests that $g\_{TP}$ incurs a real cost to the national economy when it outgrows $g\_{RGDP}$, as *per capita* real GDP declines. Given the importance of immigration in the growth of Greek population (Tables 2-4, Figures 1-5), future socioeconomic policy-making should factor in immigration.

### Table 5

<table>
<thead>
<tr>
<th>YEAR</th>
<th>TP mid-y</th>
<th>$g_{TP}$</th>
<th>GDP at MPs</th>
<th>$g_{GDP}$</th>
<th>GNP at MPs</th>
<th>$g_{GNP}$</th>
<th>CPI units(^1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1995</td>
<td>10.634.535</td>
<td>0.70%</td>
<td>7.516</td>
<td>8.70%</td>
<td>8.432</td>
<td>8.40%</td>
<td>81.2</td>
</tr>
<tr>
<td>1996</td>
<td>10.709.656</td>
<td>0.70%</td>
<td>8.203</td>
<td>9.022</td>
<td>9.754</td>
<td>9.50%</td>
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<tr>
<td>1997</td>
<td>10.777.393</td>
<td>0.60%</td>
<td>9.761</td>
<td>7.90%</td>
<td>10.026</td>
<td>7.80%</td>
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<tr>
<td>1998</td>
<td>10.835.976</td>
<td>0.50%</td>
<td>10.372</td>
<td>6.10%</td>
<td>10.559</td>
<td>5.20%</td>
<td>97.2</td>
</tr>
<tr>
<td>1999*</td>
<td>10.883.566</td>
<td>0.40%</td>
<td>11.140</td>
<td>7.10%</td>
<td>11.274</td>
<td>6.60%</td>
<td>102.9</td>
</tr>
<tr>
<td>2000*</td>
<td>10.937.669</td>
<td>0.20%</td>
<td>11.970</td>
<td>7.20%</td>
<td>12.045</td>
<td>6.60%</td>
<td>106.4</td>
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<tr>
<td>2002*</td>
<td>10.950.200</td>
<td>0.20%</td>
<td>12.889</td>
<td>7.40%</td>
<td>12.923</td>
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</table>

<table>
<thead>
<tr>
<th>YEAR</th>
<th>RGDP</th>
<th>RGNP</th>
<th>$g_{RGDP}$</th>
<th>$g_{GNGP}$</th>
<th>$g_{CPI}$</th>
<th>$g_{RGDP} - g_{TP}$</th>
<th>$g_{NGDP} - g_{TP}$</th>
</tr>
</thead>
<tbody>
<tr>
<td>1995</td>
<td>9.228</td>
<td>9.520</td>
<td>0.90%</td>
<td>0.50%</td>
<td>7.90%</td>
<td>0.20%</td>
<td>8.00%</td>
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<tr>
<td>1996</td>
<td>9.309</td>
<td>9.569</td>
<td>4.10%</td>
<td>4.10%</td>
<td>5.40%</td>
<td>3.50%</td>
<td>8.90%</td>
</tr>
<tr>
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<td>9.701</td>
<td>9.973</td>
<td>3.20%</td>
<td>3.10%</td>
<td>4.70%</td>
<td>2.70%</td>
<td>7.30%</td>
</tr>
<tr>
<td>1998</td>
<td>10.019</td>
<td>10.290</td>
<td>3.50%</td>
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<td>2.60%</td>
<td>3.00%</td>
<td>5.60%</td>
</tr>
<tr>
<td>1999*</td>
<td>10.372</td>
<td>10.559</td>
<td>3.90%</td>
<td>3.30%</td>
<td>3.30%</td>
<td>3.70%</td>
<td>7.00%</td>
</tr>
<tr>
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<td>10.800</td>
<td>10.930</td>
<td>4.00%</td>
<td>3.50%</td>
<td>3.10%</td>
<td>3.70%</td>
<td>6.80%</td>
</tr>
<tr>
<td>2001*</td>
<td>11.226</td>
<td>11.296</td>
<td>3.80%</td>
<td>3.30%</td>
<td>3.30%</td>
<td>3.70%</td>
<td>7.00%</td>
</tr>
<tr>
<td>2002*</td>
<td>11.664</td>
<td>11.694</td>
<td>3.80%</td>
<td>3.50%</td>
<td>3.60%</td>
<td>3.70%</td>
<td>7.30%</td>
</tr>
</tbody>
</table>

*Source: National Accounts (per capita), CPI annual data, 1995-2002 (NSSG).*

* stands for provisional midyear total population figures.

\(^1\)1999=100

**SPREAD 1**

**SPREAD 2**

---

TP = Total Population (mid-year);  
GDP = Gross Domestic Product; GNP = Gross National Product (= GDP less Net Foreigners’ Income);  
GDP at MPs = GDP at market prices or NGDP = Nominal GDP; idem for GNP;  
RGDP = Real GDP (using CPI\_1999 as deflator); idem for RGNP;  
Growth rates $g\_{(.)}$ are the continuously compounded growth rates calculated as $\ln(X_t/X_{t-1})$;  
CPI units = the annual average of the Consumer Price Index (year-end to year-end); 1999 is the base year.

\(^7\) KEPE, Economic Outlook, No. 2, April 2003, Table 6, p. 27.
**Immigration and economic activity.** Immigrants are usually absorbed as seasonal, legal or illegal labour in economic sectors such as agriculture and tourism (hotels & restaurants), which are free of trade union activity and enjoy low regulation, making them difficult to detect. Most of the illegal cases in these two sectors concern immigrants who entered Greece either on the basis of tourist VISA or as undeclared seasonal labour and continued to reside illegally once their tourist VISA or employment contract expired.

Over the period **1977-2000**, the Greek economy has experienced a labour force shrinkage in agriculture (primary sector) from about **33%** in **1977** to **17%** in **2000** and an expansion in services (tertiary sector) from about **36%** in **1977** to **54%** in **2000** (Figure 7).

---

8 See Kassimis et al. 2002 for an account of the consequences of foreign immigration on Greek agriculture.
Figure 7


CLF = CE + U = CE (= AGR + IND + SERV) + U
CLF = Civilian Labour Force; people aged 16-65 (included).
CE = Civilian Employed in the three main economic sectors: AGR, IND, SERV.
U = Unemployed (including those actively looking for employment).
AGR = agriculture; IND = the industrial sector; SERV = the service or tertiary sector.
TLF = Total Labour Force;
CLF = TLF in the case of Greece (OECD does not account separately for Greek armed forces).

Furthermore, a recent KEPE study suggests that over the period 1995-2001, the average annual labour productivity growth rate has been positive for both agriculture and tourism (hotels & restaurants) but a closer look shows that the growth rate of agriculture, 1.76%, was below while that of tourism, 3.33%, above the period median (between 2.96% and 3.10%) for all 15 economic sectors reported.9

This observation combined with lax sector regulation explains why these two sectors show greater tolerance towards foreign immigrants, even illegal ones.

9 KEPE, Economic Outlook, No. 2, April 2003, Table 2, p.35.
Illegal immigrants are attracted to Greece due to the country’s geographical proximity facilitating such entry – 16.000 Km coastline and over 3.000 islands\textsuperscript{10}. Illegal immigrant workers are undeclared unqualified labour translating to low operating costs for domestic employers, even below the legal minimum wage floor. In this way, illegal immigrant workers undercut both native Greek and legal immigrant workers causing wage depression. They continue to reside and work illegally for fear of being detected and expelled, creating an ever-perpetuating vicious circle. The negative externality for the Greek host-society is a growing black-market economy, distorted price signals in the labour and goods markets, racism & xenophobia, and criminality.

I. L4310/1929 (6/16.8.1929): the aliens act
The first Greek law in the field of immigration was L4310/1929 of 6/16.8.1929 on “the establishment and movement of foreign nationals in Greece, police control, passports, expulsions and extraditions” whose main objective was to regulate the mass return of refugees from Asia Minor following the evacuation of the Greek population. The main sources of the law were the British Alien Act of 1919 and the French Decrees of 1917.

The postwar era, especially the 1950s-1970s, was characterized by Western economies that recovered from the war and boomed during 1950-1965, matured and slowed down by the end of the 1960s and faced a double oil crisis during the 1970s. The end of this cycle was marked by a change in international migration flows toward developed countries of the West. Greece first experienced this change in the mid-1970s following the return of first generation emigrants. The political and socioeconomic events of the past two decades - the end of the Cold War, the Balkan crisis, the collapse of Communism in the former Soviet Union and CSE Europe and the transition to the market economy – exacerbated the situation. Partly due to the lack of the social structures that would enable integration, Greece witnessed a high degree of illegal immigration contributing to the Greek black market economy rather than to Greek Gross National Product (GNP).

Entry-exit, stay, work, expulsion of foreign immigrants. Recognition procedure for refugees (10 chapters, 43 articles)

\textsuperscript{10} “Guarding National Sea Borders and Illegal Immigration”, January 2003, Greek MMC, Greek Presidency. The delineation of Greece’s Eastern sea borders (Aegean Sea) lacks precision in contrast to land borders which are fixed, so that this waterzone has the status of an “innocent passage”.

22
The developments of the 1980s led the Greek legislator adopt official measures to combat illegal immigration with law L1975/1991, focussing on policing Greek external borders.

L1975 conferred jurisdiction and RP grant authority to the MoPO. It abolished former law L4310/1929 after 62 years of application.

L1975 “punished” on one side illegal immigrants with administrative expulsion and inclusion in the *unwanted entrants list*, on the other side traffickers of illegal immigrants with pecuniary penalties and imprisonment. Residence was classified on the basis of duration and objective. The residence *scope* was very narrow, limited to work or studies (art. 19, Scope). An important step of L1975 is that it was the first legal act that harmonized Greek immigration policy with the international conventions on the recognition of refugees.

**Definition.** *Foreign nationals* (excluding EU nationals) were all those persons who either did not have the Greek nationality or were stateless (art. 1). Greek entry-exit points were defined with presidential decree on joint proposal of the MFA, MoD, MEF, MoPO (art. 3). *Foreign nationals* (excluding transit) were subject to *police control* (passport and VISA) during entry-exit except for *foreign nationals* whose status was governed by international conventions eg recognized political refugees (art. 4). If police controls were obstructed, the Prosecutor intervened *instantaneously* (after telephone consent by Appeals) and notified the relevant police authorities who ordered the expulsion of the person involved to its country of origin. If immediate expulsion was impossible, the person was held in custody and expulsion was executed within 3 months. Entry was forbidden (a) for the traditional public order and health objections (b) if the *foreign national* lacked the economic means to cover personal and family living expenses (c) if the *foreign national* entered Greece to work without preadvice (art. 6). For the first time, an *unwanted entrants list* was created conforming to EU practice (art. 11).

**II.1. Interpretation.**

II.1.i. **Residence on the basis of entry objective and duration of stay**

(A) **Short stay permit: 3+1 = 4 months (art. 7)**

This type of permit has 3-month duration renewable for another month. However, renewal is granted for extraordinary reasons only. In order to *prevent abuse* of the right to short-
stay, art. 7§5 stipulates repeal of the permit and automatic expulsion as well as 2-5 year reentry ban from Greece with possible inclusion in the unwanted entrants list.

(B) STRP: 3+1 = 4 months (art. 12)
Although the short-term RP or STRP had the same duration as the short stay permit of article 7, it was granted to foreign nationals who entered Greece (a) for tourism or (b) for reasons other than those specified in art. 13-16.\(^{11}\) Entrants should apply for STRP within 15 days from entry provided the following conditions were met: (a) entry objective (b) adequate funds to cover living expenses (c) possibility of repatriation (d) intention to long-term residence. STRP holders could exit and reenter Greece (maximum absence of 2 months) and appeal against any decision rejecting renewal.

Art. 13 AL2713/1999 (effect 30.4.1999) added art. 12A to art. 12 of L1975/1991. Art. 12A provided for a special RP application procedure for those short-term entrants of art. 12 who entered Greece for exceptional reasons other than those specified in art. 13-16 L1975. Exceptional reasons included: (a) humanitarian reasons (b) force majeure (c) public interest.\(^{12}\) The special grant procedure provided for personal interview in front of a Special Committee made up by representatives of the Greek state serving in a consultative function to the Vice President of the Legal Counsel to the Greek State at the MoPO, who, in derogation to the general rule, granted RP with 1-year duration renewable for equivalent length equivalent to WP provided the exceptional grant reasons still applied. These applicants were not entitled to appeal against grant refusal.

(C) RP for work (art. 13)
Economic immigrants who entered on the basis of work preadvice were entitled to apply for RP for work of 1-year duration renewable annually for a total of 5 years.\(^{13}\) At the end of the 5 years, the immigrant had (a) the right to apply for 2-year renewal or (b) had 1-month notice to leave Greece or face expulsion.

\(^{12}\) Current law L2910/2001 provides for a similar RP grant procedure at the discretion of the Minister of Interior for the above three exceptional reasons. See other reasons E5-2, E5-3 and E5-6 in Table A, ANNEX I.
\(^{13}\) Current law L2910/2001 raised the number of annual renewals of RP for dependent employment to five (total residence duration of 6 instead of 5 years under L1975).
(D) Study permit (art. 15)
RP for studies had duration equal to the studies length, renewable annually.\textsuperscript{14}

(E) Family reunification (art. 14)
Foreign economic immigrants had the right to invite their family members (husband/wife and non-adult children) to Greece. The latter were granted a conditional RP which did not entitle them to work and whose prospects (renewal or repeal) were linked to the WP of the principal holder.

(F) Permanent residence status for foreign economic immigrants (art. 13)
Foreign economic immigrants ie workers, obtained permanent resident status if they met two conditions concurrently: (a) they had resided legally for 15 years (since 1991) in Greece\textsuperscript{15} and (b) and had been paying social insurance contributions to a primary NIF for 120 months ie for 10 years or 2/3 of the 15-year legal residence period (13§4).

(G) RP for persons of Greek origin (art. 17)
The Greek legislator distinguished repatriots of Greek origin by regulating their residence and work rights in a separate article. They were subject to origin verification by the police authorities upon entry in Greece.

(H) Work permit (ch. 5, art. 21-23)
If the entry reason was work, apart from RP for work, foreign economic immigrants should, within one month from entry in Greece, apply for WP jointly with their employer (art. 23). The WP was linked to the RP so that repeal of one signified automatic repeal of the other. It was renewable on application by both the foreign economic immigrant and the employer. The right of entry for work was conditional on the existence of work preadvice confirming entry for specific work activity. The preadvice was granted by the MoL and did not apply to the following types of foreign entrants as their entry and residence were regulated by separate legal acts: intracorporate key personnel, technical staff (heavy industry and metallurgy), athletes, refugees. The preadvice was granted after a survey of the Greek labour market with preference to the unemployed registered with OAED (art. 21). A maximum number of WPs classified by nationality, job and duration

\textsuperscript{14} Current law L2910/2001 raised the total duration of RP for studies to 1,5 times the studies length.
\textsuperscript{15} Current law L2910/2001 reduced the foreign immigrant worker’s waiting period for the acquisition of permanent resident status to 10 years and extended this right to his/her foreign family members holders of conditional RP.
was set by ministerial decision (annual ceiling or foreign labour import quota). Contract and WP renewal depended on the domestic demand for labour.

(I) Political refugees (ch. 6, art. 24-25)
Political refugee recognition is carried out on the basis of the Geneva Convention of 1951 and the Protocole of New York of 1967. The main jurisdiction lies with the MoPO and the MoH. The Greek state supervises and finances (health budget) Refugee Reception Centres which provide various services (accommodation, medical support, social integration, employment search). All other needs are funded by the UNHCR.

Art. 24-25 L1975 were replaced by art. 1-2 AL2452/30.12.1996. New art. 24-25 have been maintained by current law L2910/2001 as the legal basis for Greek asylum legislation (see part VII.).

SOPEMI/Greece reports 42,782 asylum applications for the period 1980-2001 of which 6,659 or 15,5% have been accepted. The degree of acceptance has slowed from 9% in 1999, to 7% in 2000 and 4% in 2001.

II.1.ii. Expulsion (ch. 7, art. 26-29)
L1975 provided for administrative expulsion (burdening the public budget) (a) for the traditional public law objections and (b) in the case of convicted persons who did their prison term giving them 24h to raise objections (art. 27). Its advantage is that it can be executed on the spot without judicial order. It was the procedure applied by Greek police authorities in the so-called “broom” operations of Albanian illegal immigrants who fled into Greece through Corfu and the Northern Greek borders following the Albanian turmoil in 1992-1995.

II.1.iii. Sanctions (art. 4, 10, 33)
Sanctions are a mixture of imprisonment and pecuniary penalty. Pecuniary penalties are set in multiples of EUR 150 (the least severe) and EUR 300 to indicate the severity of the criminal act.

Illegal immigrants were subject to 3 months imprisonment and 1*EUR 150, carriers who misinformed the police authorities were subject to 3 months imprisonment and 2*EUR150, and captains of vessels trafficking illegal immigrants were subject to 2 years imprisonment and 100*EUR150 (art. 4,33).

Hefty pecuniary penalties in the range EUR300-3.000 (1-10*EUR 300) were imposed by the regional authorities on those who imported illegal immigrants included in the unwanted entrants list (art. 10).

The sanctions consisted in 2 years imprisonment and EUR 1.500-15.000 (10-100*EUR150) if trafficking illegal immigrants was the main activity of the carrier or if a Greek Public Service Officer was involved (art. 33).

Current regime L2910/2001 maintained severe pecuniary penalties in the range EUR 1.500-15.000 and imprisonment conforming to EU requirements.

L1975 inspired a logic of police enforcement, undervaluing the importance of social integration. As a result, attitudes of racism and xenophobia intensified, linking immigration to criminality while encouraging exploitation of foreign immigrants by domestic employers. To remedy this situation, the MoL assigned the Greek Economic and Social Committee - ECOSOC (art. 16§1 L2434/20.8.1996) to draft joint PDs 358-359 published on 28.11.1997 with effect on 1.1.1998, in the context of a series of political measures for the labour market. Their scope was (a) to regularize those foreign illegal immigrants who had been residing and/or working illegally in Greece and (b) record them officially.

PD 358/1997 WC – White Card or First card or Short stay card.
PD 359/1997 GC – Green Card or Second card or RP of limited duration or Long-term RP.

III.1. PD 358/1997 WC – Step 1: regularize illegal entry of existing stock
At the time the Greek ECOSOC submitted its opinion (March 1997) to draft PDs 358-359, illegal immigration in Greece was experiencing an unprecedented growth. The lack of official records made it impossible to measure and quantify it. The Greek government

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18 Greek ECOSOC opinions No. 8&9 of 7.3.1997 regarding the PD drafts.
came up with an approximate estimate of 400,000 illegal foreign immigrant workers, a figure that rose in the aftermath of the political crisis in Yugoslavia.

The scope of PD358 was to officially record illegal immigrants who either (a) resided and worked illegally in Greece or (b) resided illegally and sought employment (art. 1, Scope).

Its application was limited to those illegal foreign immigrants who were already in Greece at the time of its publication, in order to discourage the mass influx of new immigrants. Focussing on the existing illegal stock, the legislator excluded those illegal foreign immigrants who might enter Greece post publication, implying their automatic expulsion.

Official record and grant authorities were the regional branches of OAED regulated by the MoL. PD358 set a 5-month registration period leaving the initiative to illegal foreign immigrants or their employers ie it was a measure of defensive enforcement. Failure to apply for WC within the 5-month registration period triggered automatic expulsion. The only valid grant refusal grounds were the traditional public law objections. WCs expired on 31.12.1998.

In order to provide illegal residents with an incentive to show up and register, a copy of the employment contract was optional (art. 2§2a). In contrast, the Health Certificate and the NIF booklet were mandatory.

Employers of illegal immigrant workers had the obligation to register them with OAED. In order to provide employers with a positive incentive, PD 358 wrote off any ex-ante claims of the NIFs against them ie claims that had arisen before registration date.

III.2. PD 359/1997 GC – Step 2: regularize illegal employment of existing stock
The objective of the GC was to tackle the problem of illegal economic immigration (art. 1§1) by foreign nationals, once illegal entry and residence were regularized by the WC. Prerequisite for GC grant was proof of employment. In this way, the GC offered illegal immigrants the opportunity to regularize their employment in Greece covering a wide

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19 Greek ECOSOC opinion No. 8 of 7.3.1997 on the draft of PD 358, p. 5.
22 The registration application included the following information fields: identity, sex, age, occupation, education, family status, country of origin, duration of stay in Greece.
23 Those illegal immigrants who did not have a valid NIF booklet (no legal work history in Greece) urged to buy out NIC stamps from the Farmers’ NIF, which is the cheapest one.
range of working activities. Applicants should provide proof of employment by means of NIF stamps equivalent to 40 working days or 2 months from 1.1.1998 to the date of submission of the proving documents.

Eligible for GC were (a) WC holders whose entry was regularized during the 5-month registration period and (b) WC applicants (art. 2§2). The GC offered those illegal immigrants who were in Greece before 1.1.1998 incentives to regularize their residence and work. Regularization of these workers at the entry level (unqualified labour) would help combat the black-market economy, as it would automatically require employers to give up paying them the ceiling nominal wage (undeclared expense-revenue) and upgrade their wage expenses to the national wage floor level (declared expense-revenue).

GCs were issued by OAED upon decision of the socalled “National Committee” which operated at the regional level. GC duration ranged from 1-3 years (1999-2001) renewable for another 2 years (2003) if the following conditions were met concurrently: (a) the holders had been employed for half the time between the date of GC issue and the renewal application date (b) according to the conditions prevailing in the Greek labour market and the national economic interest (art. 3§1-3). After 5 years of legal residence and employment (2003), foreign immigrants could long-term RP of 5-year duration. After this 10-year period (1998-2008), the immigrant could apply to acquire permanent resident status on conditions. These permit durations were not chosen by chance. The Greek legislator implicitly set a first evaluation for the year 2001 which actually coincided with current law L2910/2001 and took a long-term view of 10 years to 2008, providing for three subperiods: the short-term (2001), the medium-term (2003) and the long-term (2008), on the basis of the situation of the Greek labour market and national economic policy.

However, the national economic interest which is the basis of the country’s long-term macroeconomic policy may adjust from time to time creating trade-offs in the demand for labour, inserting additional uncertainty even to legal foreign immigrants.

The GC maintained the right to family reunification of L1975 (art. 14§2-4) but limited its application to those foreign immigrants who resided and worked in Greece for 5 years in a row. 24

III.3. WC & GC: more similarities and differences

24 Current law L2910/2001 reduced the waiting period to 2 years.
Joint art. 4§1 inserted an equal treatment clause for Greek and legal foreign immigrant workers. However, the Greek ECOSOC correctly observed that apart from equal treatment in the host country, legal foreign immigrants should also enjoy the mutual recognition of their employment rights and obligations in their country of origin. This could be achieved by means of bilateral treaties, as in the field of Fiscal Law. Joint art. 4§2 repealed the validity of the card on the traditional public law grounds.

In contrast to the GC, illegal immigrants had no right to appeal against OAED’s WC grant refusal, differentiating the rights of the two types of cardholders, as each card tackled a different issue (illegal entry, illegal work).

Joint PDs 358-359 tackled political refugees separately in their articles 6 and 8, respectively. These articles provided for the recognition of political refugees on the basis of the Geneva Convention of 1951 as completed by the Protocole of New York of 1967.

As it was more difficult for immigrants to meet GC requirements, out of 371,641 WC applicants only 212,860 or 57% applied for GC (Table 6a-c below), whereas an estimated 150,000 illegals did not apply for WC in the first place: 25

\[371,641 + 150,000 = 521,641 \text{ illegals (1.1.1998)}\]

Table 6a-c below provides a breakdown by nationality and family status offering insight on the number of accompanying family members which are usually excluded from stock reports. It relies on data compiled and elaborated by OAED and the National Employment Observatory.

Strikingly, over 2/3 of WC-GC applicants were Albanian.

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25 The 150,000 estimate is taken from “Immigration trends and European immigration policy” by INE/GSEE, Study No 15, 2002, p. 96.
### Table 6a

<table>
<thead>
<tr>
<th>No.</th>
<th>NATIONALITY</th>
<th>NUMBER</th>
<th>% RELATIVE</th>
<th>NATIONALITY</th>
<th>NUMBER</th>
<th>% RELATIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>ALBANIAN</td>
<td>241.344</td>
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<td>ALBANIAN</td>
<td>131.590</td>
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<td>2</td>
<td>BULGARIAN</td>
<td>25.123</td>
<td>6.76%</td>
<td>BULGARIAN</td>
<td>16.412</td>
<td>7.71%</td>
</tr>
<tr>
<td>3</td>
<td>PAKISTANI</td>
<td>10.852</td>
<td>2.92%</td>
<td>PAKISTANI</td>
<td>9.089</td>
<td>4.27%</td>
</tr>
<tr>
<td>4</td>
<td>ROMANIAN</td>
<td>16.910</td>
<td>4.55%</td>
<td>ROMANIAN</td>
<td>8.238</td>
<td>3.87%</td>
</tr>
<tr>
<td>5</td>
<td>UKRAINIEN</td>
<td>9.811</td>
<td>2.64%</td>
<td>UKRAINIEN</td>
<td>5.896</td>
<td>2.77%</td>
</tr>
<tr>
<td>6</td>
<td>POLISH</td>
<td>8.622</td>
<td>2.32%</td>
<td>POLISH</td>
<td>5.279</td>
<td>2.48%</td>
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<td>7</td>
<td>EGYPTIAN</td>
<td>6.206</td>
<td>1.67%</td>
<td>EGYPTIAN</td>
<td>5.172</td>
<td>2.43%</td>
</tr>
<tr>
<td>8</td>
<td>INDIAN</td>
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<td>INDIAN</td>
<td>4.385</td>
<td>2.06%</td>
</tr>
<tr>
<td>9</td>
<td>GEORGIAN</td>
<td>7.544</td>
<td>2.03%</td>
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</tr>
<tr>
<td>10</td>
<td>PHILIPINESE</td>
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<td>1.45%</td>
<td>PHILIPINESE</td>
<td>&lt;1%</td>
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<tr>
<td>11</td>
<td>MOLDAVESE</td>
<td>4.385</td>
<td>1.18%</td>
<td>MOLDAVESE</td>
<td>2.788</td>
<td>1.31%</td>
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<tr>
<td>12</td>
<td>SYRIAN</td>
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<td>SYRIAN</td>
<td>2.788</td>
<td>1.31%</td>
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<tr>
<td>13</td>
<td>BANGLADESI</td>
<td>&lt;1%</td>
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<td>BANGLADESI</td>
<td>2.469</td>
<td>1.16%</td>
</tr>
<tr>
<td>14</td>
<td>OTHER (&lt;1%)</td>
<td>29.062</td>
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<td>OTHER (&lt;1%)</td>
<td>18.753</td>
<td>8.81%</td>
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<td></td>
<td><strong>TOTAL</strong></td>
<td>371.641</td>
<td>100.00%</td>
<td><strong>TOTAL</strong></td>
<td>212.860</td>
<td>100.00%</td>
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</table>

"Other" has been adjusted to yield the total reported by OAED.

### Table 6b

<table>
<thead>
<tr>
<th>No.</th>
<th>MARRIED (1)</th>
<th>DEPENDENT (2)</th>
<th>TOTAL (1 + 2)</th>
<th>MARRIED (1)</th>
<th>DEPENDENT (2)</th>
<th>TOTAL (1 + 2)</th>
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<tr>
<td>0</td>
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<td>0</td>
<td>66.192</td>
<td>0</td>
<td>36.924</td>
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<td>20.569</td>
<td>20.569</td>
<td>41.138</td>
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<tr>
<td>2</td>
<td>48.126</td>
<td>96.252</td>
<td>144.378</td>
<td>27.856</td>
<td>55.712</td>
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</tr>
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<td>24.524</td>
<td>73.572</td>
<td>98.096</td>
<td>15.883</td>
<td>47.649</td>
<td>63.532</td>
</tr>
<tr>
<td>4</td>
<td>9.077</td>
<td>36.308</td>
<td>45.385</td>
<td>5.414</td>
<td>21.656</td>
<td>27.070</td>
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<td>5</td>
<td>3.078</td>
<td>15.390</td>
<td>18.468</td>
<td>1.672</td>
<td>8.360</td>
<td>10.032</td>
</tr>
<tr>
<td>&gt;5 (OR 6)</td>
<td>1.956</td>
<td>11.736</td>
<td>13.692</td>
<td>1.044</td>
<td>6.264</td>
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<td></td>
<td><strong>190.881</strong></td>
<td><strong>462.067</strong></td>
<td><strong>652.948</strong></td>
<td><strong>18.753</strong></td>
<td><strong>109.362</strong></td>
<td><strong>128.115</strong></td>
</tr>
</tbody>
</table>

### Table 6c

<table>
<thead>
<tr>
<th>WC APPLICATIONS</th>
<th>GC APPLICATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Males</td>
<td>269.075</td>
</tr>
<tr>
<td>Females</td>
<td>93.831</td>
</tr>
<tr>
<td>Not declared</td>
<td>8.735</td>
</tr>
<tr>
<td><strong>371.641</strong></td>
<td><strong>212.860</strong></td>
</tr>
</tbody>
</table>

Source: OAED and the National Employment Observatory.
IV. L2910/2001 (effect 2.6.2001): the positive leverage act

Entry and residence of foreign immigrants in Greece – Acquisition of the Greek citizenship by means of naturalization (15 chapters, 81 articles)

IV.1. Reforms & Innovations

- Definition of the rights and obligations of legal foreign immigrants.
- Consolidation of entry-residence objectives: work, study, family reunification, other.
- Institution of regional “Immigration Committees” in a consultative function to the 13 Regions.
- Reform of the naturalization procedure; institution of a “Naturalization Committee” in a consultative function to the MIPAD.
- The main jurisdiction in immigration matters is taken away from the MoPO, the MoL and OAED, and transferred to the MIPAD and the 13 Regions (DGs Immigration). The MoPO, the MoH and the MoL maintain authority in asylum matters. 26 27
- Administrative expulsion should be executed in conformity to the international standards. A “maximum detention period” and “special detention places” are specified.
- Foreign nationals are granted legal access to the national system of justice and social protection and their equality of treatment is guaranteed.
- Xenophobia and racism are punished without preadvice.

IV.2. Differentiation from past legislation

While the WC & GC aimed to regularize and record the illegal stock as at 1.1.1998, L2910 aimed to regularize those with minimum legal or illegal residence in Greece of at least one year before 2.6.2001, in order to “track” any illegal entrants in the interim period 1.1.1998-1.6.2001. Those illegal immigrants who could not prove at least one year of residence before 2.6.2001 could alternatively buy out NIF stamps equivalent to 250 days of unqualified labour. To this effect, L2910 set a 2-month registration period (June-July 2001).

26 The 13 Regions or “Peripheries” are divided into 54 Prefectures or “Nomarchies” (second level of local government) which are subdivided into electoral constituencies (901 Municipalities or “Demi” & 130 Communities or “Kinotites”, first level of local government) in the context of decentralization and self-government (OTA); source: NSSG, 19.12.2002.
27 The legal basis of Greek administration is to be found in art. 101-102 of the Greek Constitution 1975/1986: art. 101 refers to the constitutional principle of decentralization and regional administration while art. 102 outlines the constitutional frame of local government and describes its functional guaranties as an independent unit of administration.
L2910 abolished most of former immigration law L1975 and joint PDs 358-359; it maintained the following L1975 provisions: art. 5 – *Special combat forces fighting illegal immigration at the border*, art. 9 – *Special cases of entry by sea and air* and art. 24-25 – *Political refugee recognition* (as amended by AL2452/1996, see Title V).

L2910 added positive leverage to Greek immigration policy by setting the legal basis for a series of reforms while ensuring intertemporal continuity.

L2910 covers all third country nationals, TCNs (as defined in art. 17§1 TEC) excluding: EU nationals, refugees and persons of Greek origin irrespective of whether they reside in Greece. L1975 was stricter regarding the latter as it excluded only those who resided in Greece (art. 2).

Main entry requirements are travel document & special entry VISA, the so-called national VISA. The special entry VISA should specify one of the entry objectives defined in chapters 4-8, articles 10-38. It entitles the entrant to apply for RP for the same objective.

Article 8 defines the general RP grant procedure applying to all entry objectives with a few exceptions (see ANNEX I).

**IV.3. Analysis of the entry objectives (ch. 4-8, art. 10-38)**

A. Studies / Vocational training (ch. 4, art. 10-18);

B. Dependent employment (ch. 5, art. 19-24);

B. Self-employment or Pursuit of independent economic activity (ch. 6, art. 25-27);

C. Family reunification (ch. 7, art. 28-33);

D. Other reasons (ch. 8, art. 34-38): athletes/coaches (art. 34), intracorporate key personnel (art. 35), artists (art. 36), other (art. 37), short stay (art. 38).

As ANNEX I and Table A provide the reader with a full account of the entry objectives, part IV.3. should be used as legal reference.

**Employment:**

- The term *employment* of art. 19-24 refers to *dependent employment*. It covers two types of workers: employees and seasonal workers. The money deposit requirement of
article 19§6b applies to both. The entry procedure of article 19 is currently frozen.\footnote{According to MIPAD officials, the duration of the second renewal of WP (and RP) for dependent employment will be increased from 1 to 2 years. This change is expected in autumn 2003 and should reduce bureaucracy. See ANNEX I, Table A for a full account and affected categories.} According to MIPAD DG Immigration officials, a fifth modification to L2910 is expected around mid-September 2003 which, among others, will increase the duration of the second renewal of WP for dependent employment to 2 years.\footnote{The amendment is expected to raise 9 points in total.} The new time span of WP (and RP) for dependent employment will be: 1 year initial WP duration + 1 year first WP renewal duration + 2 years subsequent WP renewal duration up to a total of 10 years required for permanent residence status.\footnote{The current time span for chapter 5 WP for dependent employment is as follows: initial WP of 1 year duration + 5 annual renewals of equivalent length for a total of 6 years from entry; renewal possibility for another 2 years for a total of 8 years from entry; eligibility to acquire permanent resident status after a total of 10 years from entry.} While the MIPAD makes a broad interpretation of the term dependent employment to include all categories of employees referred to in L2910 (chapter 5 and chapter 8), the MoL is for a narrow interpretation of the term as applying to chapter 5 entrants only. The MoL’s interpretation practically forbids immigrants who entered for dependent employment on the basis of special entry VISA under a different provision of L2910 eg chapter 8 entrants for dependent employment, to make use of chapter 5 without the need to leave the country and reenter on the basis of chapter 5 special VISA for dependent employment. (See also ANNEX I, Table A, categories B1, E2, E3).

- **Self-employment** and the pursuit of independent economic activity refer to the provision of services by and the establishment of natural persons. Independent service providers are classified by the Greek Inland Revenue as “epitidefmaties” while people who run their own business are called entrepreneurs or “epicheirimaties”.

**Family reunification:**

- **Art. 32 L2910 – Family members of legal foreign immigrants.** The recent Council Directive on family reunification\footnote{MIGR 16, 28.2.2003.} added the foreign immigrant’s unmarried partner to eligible family members, provided the couple could prove a stable and viable relationship (personal interview).

- **Art. 33 L2910 – Family members of Greek or EU nationals.** Preferential RP treatment is provided for foreign nationals married to Greek or EU nationals and their adult children (art. 33§1-2); they are granted five-year RP automatically renewable for
equivalent length subject to control by Immigration that the couple is not the product of a convenience marriage, conforming to EU requirements.

Amendments to **art. 33 L2910**:

- **art. 19§5a AL3013/2002** modified **art. 33§1-2 L2910** extending its application to the non-adult unmarried children of foreign nationals married to Greek or EU nationals;
- **art. 19§5b AL3013/2002** added §3 to **art. 33 L2910** in order to extend the preferential RP treatment to the following two categories: foreign husbands/wives (including widows) & non-adult children of Greek persons and EU nationals;
- **art. 11§2 AL3074/2002** added §4-5 to **art. 33 L2910** specifying the persons who qualify as family members of the Greek or EU national.

During the Greek Presidency (1st semester 2003), a political agreement was achieved on the basis of the draft Council directive on family reunification, abolishing the mandatory character of residence permit for the family members of EU nationals exercising their freedom of movement within the EU. TCNs who are family members of EU nationals were already excluded from the scope of the mandatory uniform RP requirement of Council Regulation No 1030/2002 (art. 5).

**Other reasons (art. 34-38 L2910):**

- According to art. 19§6-8 AL3013/2002, all types of foreign entrants who apply for RP for other reasons are also required to obtain WP granted by the Prefect on the basis of special entry VISA. This requirement does not apply to intracorporate key personnel of parent firms established in another EU member-state (primary establishment) with operations in Greece (secondary establishment: subsidiary, branch, agency), transferred to work in Greece. The imminent fifth amendment to L2910 regarding dependent employment might also affect employees who entered under other reasons, as well (ANNEX I, Table A, categories E2, E3).

**Other – art. 37 L2910:**

- according to **art. 37§1-3**, RP for other reasons is also granted to other who are not covered by any of the previous articles provided they can afford their living expenses and their income is derived from sources other than work (see ANNEX I, category E5-1);
- **art. 8§1 AL3146/2003** consolidates the entry requirements of **art. 37§2-3**;

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- **art. 37§4a-c L2910** exceptionally provided for RP grant on the basis of MIPAD decision to (a) foreign immigrants who, although they do not fulfil the conditions for legal residence in Greece, are allowed to stay for humanitarian reasons (b) foreign immigrants who were forced to quit their country of origin on the ground of force majeure and (c) distinguished foreign scientists and foreign scientists in the fields of new technologies and information technology (see ANNEX I, categories E5-2, E5-3, E5-4).  

- **art. 20§2 AL3013/2002** added §5-8 to **art. 37** extending RP for other reasons to: the foreign parents of non-adult Greek nationals and the foreign parents of adult Greeks who have acquired the Greek nationality (§5); foreign domestic personnel and adult children of accredited diplomats (§5a-b); accredited foreign press correspondents (§7a); public interest (§7b); foreign students at the Athos ecclesiastical academy (§8) (see ANNEX I, categories E5-5, E5-6, E5-7, E5-8, E5-9);  

- §5 was further amended by **art. 11§2 AL3074/2002** in order to include the foreign parents of adult Greek nationals, as well;  

- **art. 11§1 AL3074/2003** added Athos guests to §8;  

- finally, **art. 8§4 AL3146/2003** added foreign students of archaeology schools supervised by the Hellenic Ministry of Culture (see ANNEX I, category E5-10).  

**IV.4. Rights and obligations of foreign immigrants (ch. 9, art. 39-41)**  
L2910 defines for the first time the constitutional rights and obligations of foreign immigrants. The rights (art. 39) are those guaranteed by the Greek Constitution. The obligations (art. 41) include: (a) the obligations of foreign immigrants defined by LD57/1973 on Social Protection (b) mandatory nine-year education (as for the children of Greek citizens) (c) compliance with the Greek Constitution and the Greek law and order (d) mandatory insurance cover (e) clear tax status (f) compliance with any GSR restrictive order.  

**IV.5. Repeal (ch. 10, art. 43)**  
The RP may be repealed by the GSR for the traditional public law objections. Repeal of the RP of the principal holder triggers the automatic repeal of his/her WP as well as the dependent RPs of those family members who have not yet obtained autonomous ones.  

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IV.6. Special Detention Centres, Expulsion, Unwanted entrants list (ch. 10, art. 44-49)

Art. 44 L2910 is the provision regarding administrative expulsion. This type of expulsion has been applied by the Greek authorities since 1991 (former immigration law L1975/1991) and is more flexible compared to judicial expulsion which requires advance penal court decision (art. 74 & 99 of the Greek Penal Code). Expulsion expenses are born by either the foreign immigrant or his/her employer (money deposit) and no longer by the Greek state.

Art. 48 L2910/2001 provides for the creation of special detention centres on the basis of GSR decision, which should also stipulate their specifications and internal regulation. In the meantime, the Greek authorities use premises owned by the local police authorities and the local government.

Subject to administrative expulsion order are all those foreign nationals who:

- have been finally condemned to minimum one year imprisonment;
- have committed crimes of the ultimate degree, such as treason, international economic crimes, drug-trafficking, illegal immigrant trafficking etc (art. 44§1a);
- have violated the provisions of current immigration law L2910/2001 and its amendments;
- should be removed from Greece on the traditional public order grounds ie public order, national security, public health.

Administrative expulsion with or without personal detention is ordered by the relevant Police Director after providing the foreign national with 48 hours deadline to submit any objections. The foreign national is entitled to appeal against a detention or an expulsion order. Appeal against an expulsion order should be filed within 5 days from notification object the expulsion order in front of the GSR who should decide within 3 days. In case of administrative expulsion order with personal detention, the objection suspends the expulsion order but not the detention.

The GSR may decide to:

34 These three exceptional categories were covered by addendum 12A to art. 12 of former immigration law L1975/1991 (inserted by art. 13 AL2713/1999) abolished by current law L2910/2001 [see part II.1.i.(B)].
temporarily suspend the detention order following opinion of the Immigration Committee (instituted with L2910/2001) for exceptional reasons, such as humanitarian or health reasons, public interest, force majeure (art. 44§6).


If the foreign national under expulsion is a suspected runaway or his/her presence in Greece puts public order, national security or national health at risk, personal detention may not exceed 3 months. The foreign national should be notified in his/her preferred language. He/she is entitled to verbally object the legality of his/her arrest in front of the President of the Regional Administrative Court of First Instance (Protodikeion) who should decide on the basis of the judicial procedure specified by art. 243 L2717/1999. To avoid undue detention, the foreign national is taken to the President of the Regional Administrative Court of First Instance or a Deputy Judge (Protodikis) on the spot.

Otherwise or if the President of the Administrative Court of First Instance accepts the objection, the foreign national is released and given 30 days deadline to leave the country.

If the President of the Administrative Court of First Instance rejects the objection, the foreign national is placed under detention.

Art. 46 L2910 distinguishes 3 groups of foreign nationals who cannot be expelled eg non-adult children of legal immigrants, the elderly (>80 years old).

Art. 49 L2910 confirms the fact that the MoPO maintains an unwanted entrants list. The Greek officials may expulse foreign nationals included in the unwanted entrants list without preadvice and impose sanctions (pecuniary and imprisonment) to traffickers of unwanted entrants.
IV.7. Acquisition of the Greek citizenship by means of Naturalization


The Greek Nationality Code of 1955 became part of the Greek legal order with LD3370/1955. Although it is the principle of *ius sanguinis* (art.1§1, blood origin ie Greek parents) that determines the Greek nationality, the Code also recognizes the principle of *ius soli* (art. 1§2, country of origin ie birthplace) to avoid the creation of stateless. A foreign national may acquire the Greek nationality by means of naturalization. The term Greek nation or “Elliniki omogeneia” is more comprehensive than the term Greek nationals or “imedapoi” as the latter refers to Greeks who have the Greek nationality whereas the former also includes Greeks or Greek persons or “omogeneis” who do not have or have not acquired the Greek nationality yet belong to the Greek nation as they share the same language, history, culture and religion. These Greeks or Greek persons may choose to acquire the Greek nationality by means of naturalization in order to become Greek nationals. This naturalization procedure is identical to the one applicable to foreign nationals who choose to acquire the Greek nationality but different from the repatriation regime or “epanapatrismos” L2130/1993 and the mini-naturalization regime or “palinostisi” L2790/2000 (see part A.6.i-ii).

The determination of an individual’s nationality is of primary importance as it is the Greek nationality ie the Greek origin that horizontally links the Greek national to the Greek state in public law matters. According to Papassiopi, the Greek citizenship is the active nationality that vertically links the Greek national to the Greek state. Acquisition of the active nationality or “demotikotita” occurs by means of inclusion in the local registers of a person's residence. The Greek nationality is stated on national identity cards issued to Greek nationals when they become adults (18 years old) on the basis of previous registration with the local authorities. The Greek identity card proves the holder’s Greek nationality. New identity cards are issued in Greece since June 1986 according to L1599/11.6.1986. Art. 10 L1599 reduced the number of certificates required by Greek Public Sector Officers when they transact with the public to the minimum necessary. L1599 was executed in November 1986 with MD81604/1986 maintaining in force all legal acts regulating the inclusion of Greek nationals in the local registers, taking into account the minimum requirement of art. 10 L1599. Since 1985, all Greek nationals registered with the local authorities are Greek citizens (art. 17 of the Greek Municipal & Communal Code – PD76/1985 and its

PD323/1989 was modified in 1990 with L1900/1990 of 17.9.1990. L1900 ratified MD24755/1990 which replaced MD81604/1986. §1 MD24755 adopted art. 10 L1599/1986. §3 MD24755 adopted art. 6-8 L1599/1986 which enable Greek nationals living abroad to prove their identity (including their origin) on the basis of passport information, allowing them to prove all other information regarding their identity (not included in the passport) on the basis of official statement form of art. 8 L1599/1986 filed with the local authorities. §4 MD24755 extended the application of §3 to include those Pontians from the former Soviet Union returning to Greece for permanent settlement who, despite their willingness, had difficulty in providing the certificates proving their origin, in order to facilitate their inclusion in the local registers. §4 MD24755 applied in derogation to the general rules.

The status of Greek political refugees is no longer an issue as the Greek state allowed their unconditional repatriation.

The Greek Nationality Code of 1955 was modified several times before it assumed its present form. Its main modifications are the following:

A.1. Stateless persons of Greek origin
The first modification occurred with ML481/1968. Art. 2 ML481 allowed the naturalization of stateless persons of Greek origin on the basis of origin recognition.

A.2. Adoption deed

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35 Greek parents should register their children within 90 days from birth (or at a later stage) in their own locality of residence.
37 The applicant should fill in and sign the official statement form declaring his/her Greek origin. This occurs in the presence of a witness (police officer or local authority officer) and has legal force so that the applicant can be held liable in case of misrepresentation.
38 MD106841/29.12.1982 (MIPAD).
A.3. Political marriage – L1250/1982
Art. 7§1 of L1250/1982 published on 7.4.1982 with effect on 18.7.1982 recognizes the validity of political marriages (§1) and the children who are the product of such marriages (§3) for the pre-L1250 period (retroactive effect).

A.4. Equality of the rights of the two sexes – L1483/1984
L1438/1984 published on 1.1.1983 with effect on 8.5.1984 recognizes the equality of rights of the two sexes in nationality matters. It reinforces individual rights by recognizing a person’s own will (parent, child). The drawback of L1438 is that it created multinationals.

A.5. L2910/2001: Reformed naturalization (ch. 13, art. 58-64)
L2910 abolished:

- Art. 7§1-2, 8 and 9§1-2 L1438/1984 (transitional provisions, ANNEX III).
- Art. 4§3 L2130/1993 (pending naturalization applications – transitional provision) and art. 8§3-4 L2130/1993 (acquisition of Greek name – Prefect), art. 9§1-2 L2307/1995 (determination of a person’s eligibility to acquire the Greek nationality on the basis of the Greek Nationality Code as modified by L2130/1993; these provisions required origin verification by the Prefect after MIPAD control in order to include repatriots in the local registers) and art. 1§8 L2790/2000 (transitional provision).

A.5.i. General provisions (art. 58-62)
Entitled to apply for the acquisition of the Greek citizenship are all foreign nationals who have legally resided in Greece for ten years during the twelve-year period prior to their naturalization application and command the Greek language. This ten-year period is reduced to five years in the case of recognized refugees and stateless persons (art. 58). The naturalization application is subject to payment of a EUR 1,500 stamp duty (art. 59§1b) waived by art. 21§3 L3013 for applicants who apply to acquire the Greek nationality on the basis of their Greek origin.

Applications are addressed to the Minister of Interior, Public Administration and Decentralization and lodged with the local authorities. The local authorities forward the applications to the relevant GSR for examination (art. 60). The GSR decides whether to accept or reject the application on a case-by-case basis. Its decision is preceded by two controls: (a) by the MoPO on the grounds of public order and national security and (b) by MIPAD Nationality Department B.\(^{40}\) If the GSR accepts the application, it forwards it to the MIPAD. In this case, the applicant is invited for a personal interview by the Naturalization Committee of article 64. The final decision is delivered by the Minister of Interior and published in the Official Journal (art. 61§1). Negative decisions do not require justification. The applicant whose naturalization application has been rejected (negative decision) may reapply after one year from rejection (art. 61§2). Art. 8§5 AL3146/2003 allows applicants whose applications have been rejected once, to reapply at half the original cost ie EUR 750. The applicant who receives an affirmative decision becomes a Greek citizen by means of verbal oath in front of the GSR or any other Greek authority, as ordered by the Minister of Interior (art. 62).

A.5.ii. Greeks living abroad or “omogeneis” (art. 63)
The naturalization of Greeks living abroad may take place in their country of residence (art. 63). The naturalization application and accompanying documents are filed with the Greek Consular authorities abroad in the presence of the Greek Consul and two Greek witnesses. The documents are forwarded by the Greek Consular authorities to the MIPAD for examination and final decision. Article 62 applies in case of affirmative decision.

A.5.iii. Transitional provisions (art. 69)
The intention of the Greek legislator to give children and Greek mothers the right to acquire/discharge the Greek nationality is evident in article 69. §4-5 maintain the right of Greek females married to foreign nationals who acquired their husband’s nationality upon marriage to either (a) apply for the acquisition of the Greek nationality if they lost it upon marriage or (b) apply for the discharge of the Greek nationality if they maintained it upon marriage. With respect to the right of children of mixed marriages to apply for the acquisition of the Greek nationality: (a) §6 reactivates the retroactive application of L1438/1984 for the period prior to its effect (8.5.1984) regarding the right of the children of Greek mother while (b) §7 reactivates the retroactive application of L1250/1982 for the period prior to its effect (18.7.1982) regarding the right of the children of Greek father. In

\(^{40}\) MIPAD Nationality Department A handles political refugees.
order to avoid problems of intertemporal application of art. 69, L2910 applies to all applications submitted by 15.11.2000 while AL3013 to all applications submitted after 15.11.2000 (art. 15§5 AL3013).

A.6. Repatriation: naturalization on the basis of origin verification

A.6.i. Repatriation or “epanapatrismos”: repatriots from Pontos, Turkey and the Black Sea

L2130/1993 harmonized the Greek Nationality Code with the international naturalization standards. It retroactively abolished art. 11&12 L2280/1940, giving persons of Greek origin the right to prove their origin on the basis of the Treaties of Lausanne (30.1.1923) and Ankara (10.7.1930). This is an important modification as art. 12 L2280/1940 limited the right to acquire the Greek nationality to those persons of Greek origin from the former Soviet Union who had entered Greece as refugees by the end of 1937.

L2130/1993 regulated entry in Greece on the basis of a special repatriation VISA. Art. 7 L2130 added art. 18A to art. 18 PD323/1989, in order to allow inclusion in the local registers of repatriots returning to Greece for permanent settlement who applied for the acquisition of the Greek nationality on the basis of their Greek origin. The Greek nationality was activated by inclusion in the local registers of the applicant’s residence in Greece and was subject to verification by the Prefect. Art. 7 L2130 was last modified together with art. 1§13-16 L2307 by art. 19 PD410/1995 modifying the Greek Municipal and Communal Code.

Art. 6 L2130/1993 facilitated the repatriation of Pontians, allowing Pontian holders of special repat VISA who, despite their willingness, had difficulty in obtaining the certificates proving their origin, to register with the local authorities of their residence in Greece on the basis of passport and official statement of art. 8 L1599/1986. Art. 6 was reserved to Pontians and applied in derogation to the general rules.

A.6.ii. Mini-naturalization or “palinnostisi” of Greeks from the former Soviet Union

Development law L2790/2000 implicitly extended the scope of L2130/1993 in order to enable the repatriation of all those adults still living in the former Soviet Union whose origin could not be proven on the basis of the Treaties of Lausanne and Ankara required by L2130. This condition distinguishes L2130/1993 repatriation or “epanapatrismos” from L2790/2000 mini-naturalization or “palinnostisi”.
L2790 was based on the draft report of 30.12.1996 on the situation of Greek repatriots living in Greece by the General Secretariat for repatriated Greeks at the Hellenic Ministry of Macedonia-Thrace.

In contrast to L2130, L2970 no longer requires repatriots to first enter Greece on the basis of special repat VISA; they may apply locally to the Greek Consular authorities (art. 1). A decision is then issued by the GSR of the applicant’s stated residence in Greece after consultation of a Special Consular Committee. The children of the repatriot who acquires the Greek nationality on the basis of his/her Greek origin, are Greek nationals and should register with the local authorities as do children of Greek nationals (§6). The naturalized Greek may also apply for the acquisition of a Greek name (§7).

A special provision, art. 1§11, is reserved to all those Greeks who have the nationality of the country of their last residence and will lose it (according to that country’s nationality law) by applying to acquire the Greek nationality. This is the case for Greeks from Kazakhstan and Ukraine, countries which do not allow multinationals. These persons may either (a) apply to acquire the Greek nationality on the basis of their Greek origin or (b) be issued a special identity card (SIC) allowing them to recognize or discharge the Greek nationality on the basis of their Greek origin. The SIC is a flexible option as (a) it can also be used to discharge the Greek nationality on the basis of Greek origin (b) does not require the opinion of the Special Consular Committee and (c) is not dependent on the applicant’s residence. The SIC is issued by the MoPO.

The SIC holder is granted RP equivalent to WP (§11). RP equivalent to WP may also be granted (a) to the foreign husband/wife of the SIC holder for as long as the marriage is valid (§14) and (b) to their non-adult children on the basis of birth certificate (§13).

Art.76§6 L2910/2001 (ch. 15, final provisions) provides that pre-May 2001 entrants who applied to acquire the Greek nationality on the basis of art. 1§11 (naturalization or SIC) were issued a certificate of 6-month duration equivalent to RP & WP, renewable for equivalent length while the final decision was pending.

Lianos Th., et alia confirm the assimilation of persons of Greek origin from the former Soviet Union with Greek nationals by observing that they were not required to apply for WP in order to work.
In derogation to the general rule, L2970/2000 reserves the application of art. 6 L2130/1993 to all those repatriots who entered on the basis of special repat VISA and applied to acquire the Greek nationality on the basis of their Greek origin but, despite their willingness, had difficulty in obtaining the documents proving their origin (§9).

ANNEX I provides a detailed review of mini-naturalization or “palinnostisi” both pre- and post-L2910/2001; the pre-May 2001 stock of Greeks from the former Soviet Union could apply to either acquire the Greek nationality on the basis of their Greek origin or SIC from Greece; post-May 2001 applicants were obliged to relocate and apply locally to the Greek Consular authorities.

Chapter C, art. 3-7 L2790 provide for accommodation by means of subsidized property ownership or rental subsidies in four settlement zones:

**Zone A:** Eastern Macedonia, Thrace, the Northern Aegean islands (on the basis of demographic and development facts).

**Zone B:** Border provinces of Central-Eastern Macedonia and Ipiros.

**Zone C:** Rest of Greece apart from Athens, Heraklion, Thessaloniki, Piraeus, Patras.

**Zone D:** Athens, Heraklion, Thessaloniki, Piraeus, Patras.

Applicant eligibility and the number of subsidized home loans is administered by the National Centre. The National Centre for the Reception and Settlement of Repatriated Greeks was created by PD2068281/7859/0022/23.11.1990 on the basis of an MFA initiative to institute a centre for repatriated Greeks or “palinnostountes omogeneis”; it is a not-for-profit organization funded by public and private funds under the auspices of the MFA; it has been in charge of the creation, operation and construction of reception centres in cooperation with the Greek Ministry of Environment and Public Works (Υ.ΠΕ.ΧΩ.ΔΕ.). Applications are lodged with DG Immigration at the Social Integration Department of the relevant GSR, competent for verifying loan eligibility on the basis of the L2790 naturalization status (acquisition of nationality or SIC). Eligible applicants were those repatriots who either had acquired the Greek nationality or SIC and settled in Greece before 31.12.1999. ANNEX I Tables B2-3 provide a detailed review of the subsidized loans.
Another important initiative regarding the settlement and accomodation of repatriated Greeks from the former Soviet Union was undertaken by the former General Secretariat for repatriated Greeks at the Hellenic Ministry of Macedonia-Thrace.

A.6.iii. Important Statistical Observations regarding Greeks repatriots from the former Soviet Union

The statistical obeservations which follow cover the total inflow of Greek repatriots from the former Soviet Union who entered Greece in the period 1977-2001 irrespective of regime. The data source is the Kamenidis 2000 study by the General Secretariat for repatriated Greeks at the Hellenic Ministry of Macedonia-Thrace which recorded repatriots on the basis of a census in the form of an 8-page questionnaire carried out in the period **August 1997-October 2000** in three phases:

**Phase I:** August 1997-March 1998; total of 120.000 persons.

**Phase II:** 15.2.-16.4.1999 in support of the parliamentary debate regarding draft L2790/2000; cumulative total of 140.000 persons.

**Phase III:** September-October 2000; includes Greeks who entered on the basis of special repat VISA before publication of L2790/2000 ie before 16.2.2000 and were thus entitled to apply for acquisition of the Greek nationality from Greece; cumulative total of **155.000** persons.

**Addition I:** Statistical adjustment of 8.000 unrecorded persons (or 5%); cumulative total of 163.000 persons.

**Addition II:** 10.000 persons residing and working in Cyprus + 7.000 in Western Europe; cumulative total of 180.000 persons.

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42 „The identity of repatriated Greeks from the former Soviet Union” by Professor and General Secretary Christos Kamenidis ordered by the former General Secretariat for repatriated Greeks at the Hellenic Ministry of Macedonia-Thrace, Thesaloniki 2000.
Table 7

<table>
<thead>
<tr>
<th>No.</th>
<th>YEAR</th>
<th>TOTAL Persons</th>
<th>% Total</th>
<th>Special repat VISA Persons</th>
<th>% Total</th>
<th>Simple tourist VISA Persons</th>
<th>% Total</th>
</tr>
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<tr>
<td>1</td>
<td>1977-1986</td>
<td>334</td>
<td>0,22%</td>
<td>321</td>
<td>0,33%</td>
<td>13</td>
<td>0,02%</td>
</tr>
<tr>
<td>2</td>
<td>1987</td>
<td>169</td>
<td>0,11%</td>
<td>168</td>
<td>0,17%</td>
<td>1</td>
<td>0,002%</td>
</tr>
<tr>
<td>3</td>
<td>1988</td>
<td>669</td>
<td>0,43%</td>
<td>653</td>
<td>0,67%</td>
<td>16</td>
<td>0,03%</td>
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<td>4</td>
<td>1989</td>
<td>5,195</td>
<td>3,34%</td>
<td>5,099</td>
<td>5,25%</td>
<td>96</td>
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<tr>
<td>5</td>
<td>1990</td>
<td>16.716</td>
<td>10,76%</td>
<td>15.968</td>
<td>16,43%</td>
<td>748</td>
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<td>6</td>
<td>1991</td>
<td>17.331</td>
<td>11,16%</td>
<td>15.055</td>
<td>15,49%</td>
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</tr>
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<td>7</td>
<td>1992</td>
<td>19.846</td>
<td>12,78%</td>
<td>14.050</td>
<td>14,46%</td>
<td>5.796</td>
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<td>8</td>
<td>1993</td>
<td>25.720</td>
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<td>16.680</td>
<td>17,17%</td>
<td>9.040</td>
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<tr>
<td>9</td>
<td>1994</td>
<td>14.737</td>
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<td>8,32%</td>
<td>6.653</td>
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<td>10</td>
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<td>6.954</td>
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<td>536</td>
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<td>1,03%</td>
<td>1.006</td>
<td>1,04%</td>
<td>587</td>
<td>1,01%</td>
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<tr>
<td></td>
<td>TOTAL</td>
<td>155.319</td>
<td>100,00%</td>
<td>97.163</td>
<td>100,00%</td>
<td>58.156</td>
<td>100,00%</td>
</tr>
</tbody>
</table>

Total inflow of Greeks from the former Soviet Union who entered Greece for permanent settlement (by inflow year and type of VISA); Kamenidis, Table 3, p.46.

According to Table 7, 84.808 or 55% of the total entered Greece during the 5-year period 1989-1993 and 135.615 or 87% over the 8-year period 1990-97. 1993 accounts for most entrants: 25.720 or 17% of the total. Moreover, 97.163 persons or 63% entered on the basis of special repat VISA and 58.156 or 37% on the basis of simple tourist VISA. Out of the 97.163 special repat VISA entrants, 69% arrived during the 5-year period 1989-1993 and the rest during the 7-year period 1994-2000.

*Kamenidis* reports that 114.657 persons or 74% of the total settled in the Regions of Macedonia and Thrace (91.673 or 59% in Macedonia and 22.984 or 15% in Thrace) and 33.837 or 22% in the Region of Sterea Ellada (including Attica). 51.139 persons or 1/3 of the 91.673 Macedonia settlers settled in the city of Thessaloniki and 13.594 or 9% of the 33.837 Sterea Ellada settlers, in the city of Athens.
### Table 8

<table>
<thead>
<tr>
<th>No.</th>
<th>Country of origin</th>
<th>Number of persons</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Persons</td>
</tr>
<tr>
<td>1</td>
<td>Georgia</td>
<td>80,644</td>
</tr>
<tr>
<td>2</td>
<td>Kazakhstan</td>
<td>31,271</td>
</tr>
<tr>
<td>3</td>
<td>Russia</td>
<td>24,042</td>
</tr>
<tr>
<td>4</td>
<td>Armenia</td>
<td>8,810</td>
</tr>
<tr>
<td>5</td>
<td>Ukraine</td>
<td>4,660</td>
</tr>
<tr>
<td>6</td>
<td>Uzbekistan</td>
<td>3,442</td>
</tr>
<tr>
<td>7</td>
<td>No answer</td>
<td>970</td>
</tr>
<tr>
<td>8</td>
<td>Kirghizstan</td>
<td>844</td>
</tr>
<tr>
<td>9</td>
<td>Azerbaijan</td>
<td>204</td>
</tr>
<tr>
<td>10</td>
<td>Moldova</td>
<td>182</td>
</tr>
<tr>
<td>11</td>
<td>Turkmenistan</td>
<td>79</td>
</tr>
<tr>
<td>12</td>
<td>Tajikistan</td>
<td>60</td>
</tr>
<tr>
<td>13</td>
<td>Belarussia</td>
<td>50</td>
</tr>
<tr>
<td>14</td>
<td>Latvia</td>
<td>32</td>
</tr>
<tr>
<td>15</td>
<td>Osetia</td>
<td>14</td>
</tr>
<tr>
<td>16</td>
<td>Estonia</td>
<td>10</td>
</tr>
<tr>
<td>17</td>
<td>Lithuania</td>
<td>5</td>
</tr>
</tbody>
</table>

**TOTAL** 155,319 100,00%

Entrants by country of origin; Kamenidis, Table 5, p.50.

In descending order, 52% or more than half of the entrants came from Georgia, 20% or 1/5 from Kazackstan, 15% from Russia, 6% from Armenia, 7% from other regions of the former Soviet Union (Table 8).

### Table 9

<table>
<thead>
<tr>
<th>No.</th>
<th>Property - Belongings</th>
<th>Families</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>% Total</td>
</tr>
<tr>
<td>1</td>
<td>Abandoned them</td>
<td>16,299</td>
</tr>
<tr>
<td>2</td>
<td>Sold them</td>
<td>8,616</td>
</tr>
<tr>
<td>3</td>
<td>Have been closed</td>
<td>5,220</td>
</tr>
<tr>
<td>4</td>
<td>Were destroyed</td>
<td>500</td>
</tr>
<tr>
<td>5</td>
<td>Are managed by relatives</td>
<td>672</td>
</tr>
<tr>
<td>6</td>
<td>Relatives live in them</td>
<td>2,976</td>
</tr>
<tr>
<td>7</td>
<td>Expropriated by the state</td>
<td>573</td>
</tr>
<tr>
<td>8</td>
<td>Seized by others</td>
<td>79</td>
</tr>
<tr>
<td>9</td>
<td>No answer</td>
<td>14,045</td>
</tr>
</tbody>
</table>

**TOTAL** 48,980 100,00%

Kamenidis, Table 7, p. 54.

33% or 1/3 of the entrants abandoned their property in the former Soviet Union; only 18% managed to sell it out before departure (Table 9).
Table 10

<table>
<thead>
<tr>
<th>No.</th>
<th>Type of home property status</th>
<th>Families</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Number</td>
<td>% Total</td>
</tr>
<tr>
<td>1</td>
<td>Rented</td>
<td>39,401</td>
<td>80.44%</td>
</tr>
<tr>
<td>2</td>
<td>Owned</td>
<td>5,921</td>
<td>12.11%</td>
</tr>
<tr>
<td>3</td>
<td>Live as guests</td>
<td>2,387</td>
<td>4.87%</td>
</tr>
<tr>
<td>4</td>
<td>Greek state concession</td>
<td>87</td>
<td>0.18%</td>
</tr>
<tr>
<td>5</td>
<td>No answer</td>
<td>1,184</td>
<td>2.40%</td>
</tr>
<tr>
<td><strong>T O T A L</strong></td>
<td></td>
<td><strong>48,980</strong></td>
<td><strong>100.00%</strong></td>
</tr>
</tbody>
</table>

Kamenidis, Table 21, p. 86.

80% of the families live in rented houses and only 12% own them (Table 10).

Table 11

<table>
<thead>
<tr>
<th>No.</th>
<th>Type of home property status</th>
<th>Families</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Number</td>
<td>% Total</td>
</tr>
<tr>
<td>1</td>
<td>Self-constructed</td>
<td>2,674</td>
<td>45.14%</td>
</tr>
<tr>
<td>2</td>
<td>National Centre concession</td>
<td>1,294</td>
<td>21.85%</td>
</tr>
<tr>
<td>3</td>
<td>Other concession</td>
<td>657</td>
<td>11.09%</td>
</tr>
<tr>
<td>4</td>
<td>Bought a flat</td>
<td>441</td>
<td>7.44%</td>
</tr>
<tr>
<td>5</td>
<td>Property of Greek husband</td>
<td>80</td>
<td>1.35%</td>
</tr>
<tr>
<td>6</td>
<td>Off national construction boundaries</td>
<td>18</td>
<td>0.30%</td>
</tr>
<tr>
<td>7</td>
<td>No answer</td>
<td>760</td>
<td>12.83%</td>
</tr>
<tr>
<td><strong>T O T A L</strong></td>
<td></td>
<td><strong>5,924</strong></td>
<td><strong>100.00%</strong></td>
</tr>
</tbody>
</table>

Kamenidis, Table 22, p. 88.

Out of the 5,924 homeowners, 45% build their houses themselves while 7% purchased a house in the real estate market (Table 11). National Centre concessions account for 22%.

Table 12

<table>
<thead>
<tr>
<th>Zone</th>
<th>Number of granted loans</th>
<th>Amount granted</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>4,135</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>640</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>853</td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>1,817</td>
<td></td>
</tr>
<tr>
<td><strong>T O T A L</strong></td>
<td></td>
<td><strong>7,445</strong></td>
</tr>
</tbody>
</table>

of which National Centre concessions:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Number of granted loans</th>
<th>Amount granted</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>980</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td><strong>T O T A L</strong></td>
<td></td>
<td><strong>992</strong></td>
</tr>
</tbody>
</table>

Source: confidential.
Table 12 reports the L2790 grant activity of one of the four major commercial banks in Greece for the period January 2000 to June 2003. The bank granted a total of $7,445$ loans of which $992$ loans or $13.3\%$ correspond to homebuilding by beneficiaries of land concessions by the National Centre. The aggregate amount granted by that bank was EUR 273 Mn of which EUR 23 Mn or 8.4% were granted to beneficiaries land concessions by the National Centre.

A.7. Bilateral convention with Albania for seasonal labour
The first initiative to regulate immigration from Albania was driven by the mass influx of Albanians through the Northern Greek borders in the beginning of the 1990s. Greece signed a provisional agreement with Albania to grant 30,000 WPs\(^43\) for seasonal employment which was finalized with a formal bilateral agreement regarding seasonal employment, ratified in Greece with L2482/1997. The objective of the agreement was to cover existing seasonal labour needs in the primary sector of the Greek economy i.e. agriculture. Instead of specifying a ceiling of seasonal workers, L2482/1997 regulates the terms of their entry-exit and employment. Placement occurs on the basis of domestic needs in seasonal labour by sector and activity, with the Greek Representation in Albania acting as intermediary. Employment duration is 2-6 months (art. 2, Title 1). The Albanian applicant should present himself/herself at the Greek Representation and sign the employment contract in order to obtain seasonal WP, on the basis of which he/she is granted special entry VISA for seasonal work (Annex, art. 5). Within 10 days from entry, the seasonal worker should apply for RP for seasonal work on the basis of the entry VISA. The RP lasts as long as the WP depending on the employment contract’s duration ie 2-6 months. Upon expiration of the employment contract, the seasonal worker should return both RP and WP to the police authorities at the exit point and leave Greece. Albanian seasonal workers enjoy equal treatment with their Greek counterparts with respect to employment rights and obligations (art. 13, Annex).

A similar attempt to import foreign seasonal labour was made in 1995 with Bulgaria regarding the grant of 3-month seasonal WP and RP which failed to take the form of a formal bilateral agreement.

IV.8. Transitional provisions (ch. 14, art. 65-67)

A. Legal residents (art. 65)

OAED had the obligation to clear all pending GC applications (initial grant, renewal) before joint PDs 358-359/1997 could be declared abolished. Those GCs that had been repealed on the basis of art. 2§3 PD359/1997 (holders who had been absent from Greece for more than two months) were reissued. Those GCs cleared during the transitional period were equivalent to RP and WP.

**First extension:** GCs that expired on 31.12.2001 were automatically renewed for another 6 months to 30.6.2002 and GCs pending for renewal on 2.6.2001 were automatically extended to 30.6.2002.

B. Illegal residents (art. 66) – the catch-all clause

Article 66 is one of the most important provisions of L2910 as it allowed four categories of illegal foreign immigrants to regularize their residence in Greece:

**Category 1:** all holders of WC, GC or RP (expired, renewed, other) provided they had resided in Greece for at least one year, legally or illegally, before 2.6.2001.

**Category 2:** all applicants who had appealed against OAED’s GC grant refusal provided they dismissed their appeal.

**Category 3:** all those entrants who had applied for GC (6-month duration) to the Special Committee of art. 5 of PD 359/1997 for humanitarian reasons.

**Category 4:** Category 1 non-cardholders.

To a great extent, the catch-all clause gave an opportunity to all those illegal entrants who were trapped in Greece since 1997 due to failure to provide the required documents for the grant of WC-GC to regularize their entry and residence and recognize any work experience up to one year before effect of L2910 (2.6.2001).

All categories were granted RP provided they applied during the two-month registration period ie June-July 2001. According to a first evaluation by the MIPAD, a total of 367.504 foreign immigrants applied for RP during June-July 2001, of which 341.278 RPs or 92,86% were issued. 29% of the issued RPs concern Attica.\(^{44}\)

\(^{44}\) Source: unpublished data; courtesy of DG Immigration at the MIPAD.
As far as **Category 2** is concerned, OAED estimated a total of 3.100-3.200 applications since 2.6.2001 of which **3.000** were cleared by 16.5.2003. The clearance decisions were forwarded to the local authorities (municipalities and townships).

The RP issued by the GSR to applicants of all four categories had **six-month duration renewable for one of the reasons of L2910 on the basis of the general procedure of article 8.** Thus, the first extension was **not automatic** for art. 66 immigrants.

AL3013 modified the “unwanted entrant status” of former art. 66§1 L2910 permitting automatic withdrawal from the “unwanted entrants list” of those “unwanted entrants” characterized such on the ground of either (a) administrative expulsion or (b) **on any other ground** but, in the meantime, had acquired RP and/or WP on the basis of L2910.

**C. Family reunification (art. 67)**

The immigrants of art. 65-66 were entitled to family reunification provided that the invited family members had been living with the principal holder before effect of L2910 (2.6.2001) and were obliged to leave Greece due to lack of entry VISA or RP. Art. 65 immigrants should have resided for a total of 2 years in Greece before effect of L2910, whereas art. 66 immigrants could invite their family members on the basis of their own 6-month RP, upon expiration of which (January 2002), each family member should apply for separate RP for family reunification.

**V. AL3013/2002 (effect 1.5.2002): second extension**

**Art. 25§1a** AL3013 extended all those RPs (granted, grant pending) which were equivalent to WP and had been granted according to art. 13 AL2713/1999 (humanitarian refugees – exceptional reasons, former art. 12A L1975/1991) following GSR verification ie **non-automatic extension.**

**Art. 25§8** AL3013 added §9 to art. 66 L2910 **automatically extending** all those RPs which expired on or by 30.6.2002 (first extension, L2910) for another 6 months to 31.12.2002.

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45 Source: OAED official.
46 Art. 13 AL2713/1999 inserted addendum 12A to art. 12 L1975/1991 abolished by L2910/2001 (see part II.1.1.(B) and footnote 44.
VI. AL3103/2003 (effect 29.1.2003): third extension

Art. 23 of AL3103 automatically extended the 31.12.2002 expiration of those RPs that had been granted according to art. 25§1a (second non-automatic extension) and art. 25§8 (second automatic extension) AL3013 for another 6 months to 30.6.2003.

<table>
<thead>
<tr>
<th>ACT</th>
<th>EFFECT</th>
<th>DURATION</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>L2910</td>
<td>02.06.2001</td>
<td>31.12.2001-30.06.2002</td>
<td>First extension</td>
</tr>
<tr>
<td>AL3013</td>
<td>01.05.2002</td>
<td>01.07.2002-31.12.2002</td>
<td>Second extension</td>
</tr>
<tr>
<td>AL3103</td>
<td>29.01.2003</td>
<td>01.01.2003-30.06.2003</td>
<td>Third extension</td>
</tr>
</tbody>
</table>

VII. Greek asylum policy

Greek asylum policy is not a purely national policy: it endorses both international and European standards which offer increased protection.

VII.1. International Conventions

Political refugee recognition and asylum protection\footnote{The term “recognized political refugee” refers to a person who acquired political refugee status on the basis of the Geneva Convention and the Protocol of New York.} were first incorporated in the Greek internal order with LD3989/19.9.1959 of 26.09.1959 ratifying the Geneva Convention of 28.7.1951. As the Geneva Convention governed the pre-1951 events, the Protocole of New York of 31.1.1967 extended its application to cover the post-1951 events. It was ratified by the Greek state in 1968 with ML389/25.4.1968 of 4.6.1968.

VII.2. The Dublin Conventions of 1990 and 2003 – European Union

Greece is bound at the European level by the Dublin Convention of 15.6.1990 or “Dublin I” and its replacement “Dublin II” of 18.2.2003 with vertical effect on 1.9.2003. Both Conventions concern the definition of the member-state responsible for examining asylum applications lodged in one member-state of the EU, expressing the intention of the EC Strassbourg Summit (8-9.12.1989) to harmonize national asylum policies. The Dublin Conventions rely primarily on art. 1A§1-2 of the Geneva Convention, as completed by the Protocole of New York. “Dublin I” was ratified with L1996/13.12.1991 published 16.12.1991. “Dublin II” has vertical effect and does not require transposition. According to the general principle of “Dublin II”, the member-state responsible for examining an asylum claim is the one with which the asylum claim was first lodged, unless the claimant is holder of VISA or RP (valid or expired) issued by another member-state: (a) long-stay VISA (>3 months stay) (b) short-stay VISA (3 months stay) (c) transit VISA (d) airport
transit VISA. In this case, the Convention specifies a series of examination criteria which should be applied in hierarchical order.


New art. 24 determines: (a) the type of refugee recognition procedure (fast-track, ordinary) (b) the type and content of the travel document according to art. 11&13 “Dublin I” (c) the degree of cooperation and exchange of information with the UNHCR according to art. 35-36 of the Geneva Convention and (d) the right to family reunification of recognized refugees. It provides for the creation of Refugee Reception Centres supervised by the MoH (§2) and WP issue (§4) to political asylum applicants whose claim is pending final decision in order for them to cover living expenses.

New art. 25 redefines the political refugee recognition procedure in conformity with Greece’s contractual obligations at the international and European levels. It explicitly limits the application of new art. 25 L1975 to claimants who qualify for political asylum under art. 1A§1-2 of the Geneva Convention as completed by the Protocole of New York. §2 provides for the in substance examination of asylum claims by applying the fast-track procedure which allows national authorities to quickly reject manifestly unfounded claims or claims by applicants who arrived from safe countries. According to §3, the examination of claims lodged at Greek entry-exit points should not exceed 15 days; these claimants are granted temporary accommodation at the border. In derogation to the general rule, §4-5 grants asylum-seekers the right to stay in Greece for exceptional reasons as long as the exceptional reasons apply, even if their asylum applications have been rejected by the Greek authorities. This provision does not list the exceptional reasons apart from stating that humanitarian reasons are included.

New art. 24-25 L1975 were maintained by current law L2910 as the legal basis of Greek asylum legislation. The MoPO has the main jurisdiction in asylum matters jointly with the MoH regarding the supervision and financing of Refugee Reception Centres and the MoL regarding WP issue. The UNHCR supervises but does not intervene in the conduct of Greek asylum policy.
VII.4. PD61/1999 (effect June 1999): application examination

PD61/22.3.1999 published 6.4.1999 with effect from June 1999 is the asylum examination procedure currently applied by Greek asylum authorities. It completed and replaced the former asylum procedure set out in PD83/16.3.1993.

It takes into account:
(a) the Geneva Convention as modified and completed by the Protocole of New York;
(b) Dublin I;
(c) Joint position 96/196/JHA of 4.3.1996 defined by the Council on the basis of article K.3 TEU on the harmonized application of the term refugee in article 1 of the Geneva Convention;
(d) the London Resolutions of 1992;
(e) the Charter of Fundamental Rights of the EU;
(f) the UNCAT Convention;
(g) UN ExCom conclusions No. 30 and 58.

(A) Application submission (art. 1)

An asylum application can be submitted at the Greek border or upon entry in Greece to any Greek authority which in turn transmits the claim to the relevant police authorities. The claim is accepted for examination (a) if the asylum seeker explicitly asks for political asylum in Greece or (b) does not want to be expelled to another country for fear of being persecuted for one of the reasons mentioned in art. 1A of the Geneva Convention or (c) enters Greece according to “Dublin I” (§1). The asylum application may include the family members accompanying the principal asylum seeker (§3). These can be husbands and wives, the couple’s dependent non-adult children and parents who are unable to apply by themselves. Unaccompanied minors may apply for asylum by themselves as long as they understand the consequences of their actions; otherwise, they should be accompanied by a judicial commissioner (§4). Information required comprises: identity, country of origin, country of last residence, family status (§5). Refugee recognition is not entirely dependent on proof supporting this information.

(B) Application processing (art. 2)

Competent authorities are: (a) all Asylum/Immigration Departments (b) the Security Departments of airports and policestations (§1). Examination may take up to 3 months except for those submitted in transit areas, in which case the examination deadline is
reduced to 24h (§2). The asylum seeker is interviewed in person by a qualified police officer and is offered free legal aid and interpreter services if need be (§3). The applicant is photographed and fingerprints are taken (§5). If the asylum seeker purports that he/she has been a victim of torture, a specialist investigates the claim (§4). The police investigator who interviewed the claimant should draft a report which is transmitted for examination (another 3 months) to his/her immediate supervisor (higher instance). Any doubts regarding the truthfulness and reliability of the information provided by the asylum seeker eg authenticity of the travel documents or itinerary followed to Greece, are in favour of the asylum-seeker (§6). The Police determines whether the asylum seeker qualifies as refugee on the basis of the UN Manual and the 1996 joint JHA position determining the harmonized application of the term refugee employed in the Geneva Convention. The asylum seeker may quit the Greek territory for a maximum of 3 months on the ground of force majeure (§8). Each applicant is provided with asylum seeker permit while the application is examined and the decision of the GSMoPO is pending (§7). During this period, the applicant and his/her family should be able to benefit the most from the refugee reception measures provided for in new art. 24§2c and §4b L1975/1991 (medical care, living conditions, emergencies) (§13). Moreover, dependent minors have the right to basic education.

(C) Ordinary examination (art. 3)
Recognized political refugees (positive decision) are granted asylum SIC according to the Geneva Convention. SIC holders may obtain RP of 5-year duration renewable for equivalent length (§2). If the appeal is rejected, the only valid reason justifying the asylum seeker’s stay in Greece is humanitarian protection (art. 8). If the Greek authorities conclude that the examination responsibility lies with another member-state, they apply the Dublin Convention and grant the applicant a laisser passer for entry in the competent member-state (§9).

(D) Fast-track examination (art. 4)
The fast-track procedure (24h) is applied on a first-in first-out basis to applications submitted at Greek entry-exit points or if the following texts apply: (a) new art. 25§2 L1975/1991 (b) the London resolutions of 1992 and (c) UN ExCom conclusions No.30 and

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48 EURODAC database.
49 OJ L 63, 13.3.1996.
58. These texts provide for rules of proceeding (a) with manifestly unfounded claims and (b) asylum claimants whose country of origin is a safe country.\(^{50}\)

(E) Possibility of appeal against a negative decision

Applicants are entitled to appeal against recognition refusal irrespective of the examination procedure. The appeal is lodged with the Police Authorities of the applicant’s residence in Greece, and should be transmitted as soon as possible to the MoPO. Any repulse/relocation order against the applicant is suspended for as long as the appeal examination lasts. The appellants continue to reside in their usual residence in Greece.

**Ordinary examination (art. 3§3-8):** in case of a negative decision, the applicant may within 30 days (irreversible deadline) appeal against it in front of the Minister of Public Order who should deliver a decision within 90 days. This decision is reached after consultation with a Special Committee (administrative body) made up of 6 members:

(a) the MoPO Legal Counsel as President;
(b) the MFA Legal Counsel and his/her deputy;
(c) an MFA representative and his/her deputy;
(d) a high-rank police officer and his/her deputy.

A UNHCR representative and a member of the Greek Bar Association may be present.

The Committee calls up the appellant to defend his/her case together with his/her lawyer and an interpreter, if necessary. A decision (positive or negative) is taken on the basis of majority voting (4/6 or 3/3 + President’s vote). It is delivered to the appellant by the MoPO. If the decision is negative, the asylum seeker is ordered to either leave the country within a specified deadline or claim asylum for humanitarian reasons on the basis of art. 8 PD61/1999.

**Fast-track examination (art. 4§4-5):** in case of negative decision, the applicant may within 10 days appeal against it in front of the General Secretary of the MoPO who should deliver a decision within 30 days. This decision is reached after consultation with the Special Committee, as described above. Fast-track examination may be suggested by the investigator who interviewed the applicant in case of unfounded claims or if the applicant

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\(^{50}\) A safe country is a country where the claimant would not be threatened by refoulement ie relocation
comes from a safe country. If the examiners adopt the investigator’s suggestion, examination is completed within 10 days.

It should be stressed that the Special Committee serves as an Administrative Court of First Instance since political asylum applicants who receive a negative decision may not appeal against it in front of a Greek Court of Law. However, at any stage of the political asylum claim examination, the applicant may challenge the legality of the acts of the Greek Asylum Administration in front of the Council of the State (Symvoulion tis Epikrateias) (recours en annulation). This is not an in substance examination.

(F) Refugee Reception Centres

As it takes up to 6 months or even longer for political asylum claims to be examined, political asylum-seekers whose application is pending final decision are allowed to stay in refugee reception centres until final decision. Humanitarian refugees are not entitled to residence in a such a centre. Political asylum applicants who receive a negative decision should evacuate the centre and leave the country unless they obtain residence permit either as humanitarian refugees (art. 8 PD61/1999) or legal immigrants (L2910/2001).

These centres are under the administrative supervision of the MoH on the basis of art. 2a-b L2452/1996 and their operational expenses are financed by the MoH budget. As at 27.8.2003, there were 11 operational refugee reception centres in Greece, mainly in the Attica Region, Thessaloniki and Crete.

The “Temporary Residence Centre for Foreign Asylum Applicants” in Lavrion, Attica, is the oldest in Greece and rumoured to be the “toughest” in the Balkans due to the organized pressure groups formed by its residents. It has a capacity of 300-320 persons. Its administrative supervision lies with the MoH while its day-to-day operation is the joint responsibility of the Greek Red Cross and the International Social Service. The institution of the Lavrion reception centre was specifically determined by art. 2a-b L2452/1996. Its Internal Regulation is found in PD266/11.10.1999. The centre provides its residents with accommodation (individual rooms), food and medical services. Residents who receive a positive decision from the MoPO ie become recognized political refugees, should leave the centre within 30 days from notification. The annual budget is set to EUR 205.000 for the
years 2000 onwards. The centre is run by a Director and is divided in three operational units (Health, Social Services, Management).

(G) Reexamination, repeal of status and expulsion (art. 5-6)

Reexamination is not possible if the asylum application has been rejected at the highest instance. In this case, it could exceptionally be reexamined if new evidence is being provided by the claimant. Asylum status is repealed according to art. 32-33 of the Geneva Convention: (a) expulsion is prohibited unless it can be founded on the traditional public order and national security objections or (b) if it is ordered by a criminal court-of-law ie judicial expulsion (art. 32); art. 33 states the principle of non-refoulement\(^{51}\) conforming (a) to art. 3 of the European Convention of Human Rights and Fundamental Liberties (b) to art. 3 UNCAT.

(H) Family reunification (art. 7)

Recognized refugees (positive decision) have the right to invite their dependent family members on conditions (see ANNEX I and Table C).

(I) Humanitarian refugees (art. 8)

Asylum seekers whose asylum application has been definitively rejected may apply for humanitarian protection according to new art. 25 L1975/1991. If the claim is founded, the police authorities issue the claimant RP for humanitarian reasons of one-year duration renewable for another year. The renewal is not automatic; it is authorized by the GSMoPO. Acceptable grounds for humanitarian claims are: (a) non-refoulement (b) force majeure (c) any objective relocation obstacle.


PD189/1998 is the implementation of the requirement of new art. 24§4 L1975/1991 regarding WP grant conditions to asylum seekers. Grant authority lies with the Prefectures (Employment Supervision Divisions).

\(^{51}\) The non-refoulement clause is stated in art. 3 of the European Convention of Human Rights and Fundamental Liberties of 1950; in art. 18-19 of the European Charter of Fundamental Rights of 2000; in art. 3 of the UNCAT Convention of 1984.
(A) Recognized political refugees (art. 1-3)
Recognized refugees holders of RP may apply for WP of equivalent duration (art. 1). If they wish to be self-employed, they should also prove that they have adequate capital to finance their business activity (art. 2). Recognized refugees may alternatively apply for vocational training to OAED. They are accepted on the basis of a test carried out by a Special OAED Committee giving an idea of the candidate’s professional and linguistic skills (art. 3).

(B) Pending applications and humanitarian refugees (art. 4)
Asylum applicants holders of asylum seeker permit as well as humanitarian refugees (art. 8 PD61/1999) holders of RP for humanitarian reasons, may seek employment in order to cover their living expenses. They may be accepted to fill a specific job vacancy as long as it cannot be filled by Greek nationals, Greek persons, recognized refugees (art. 4§1c). Employment seekers of article 4 are granted WP of limited duration with effect on the same date as the asylum seeker permit or the RP for humanitarian reasons and expiration one month following the expiration of the former permits (art. 4§3).

(C) The EQUAL initiative: Social and vocational integration of asylum seekers
In 2000, DG Employment and Social Affairs of the European Union decided to use the European Structural Funds, in particular the European Social Fund (ESF), in order to co-fund at the state level its EQUAL initiative concerning the promotion of new means of combatting all forms of discrimination and inequalities in connection with the labour market. A managing authority of the programme was created in the MoL which in May 2001 issued a summary of the Greek version of EQUAL titled “A labour market open to all”. Subprogramme 5 concerns asylum seekers and aims to support their social and vocational integration. Eligible are asylum seekers whose asylum application is pending final decision, beneficiaries of any form of protection and humanitarian refugees.
CONCLUSION

Greek immigration policy has its origin in 1929 with L4310/1929. This law was an aliens act reflecting the attitude of the early 20th century. It was abolished in 1991 after 62 years of application by law L1975/1991, the first revision, driven by the urgent need to combat illegal immigration and regulate the entry, residence and employment of foreign (non-EU) economic immigrants. As Greece joined the European Union in 1981, one could argue that the 1991 revision was delayed.

The 1980s and 1990s were characterized by a series of politico-economic events. The most important were the ones that took place in Europe, the former Soviet Union and the Balkans involving the collapse of the former Communist regimes and the transition to the market economy. However, most of the underlying economies were primarily agricultural economies which lacked the infrastructures required to facilitate such a transition, leading to a mass outflow towards the West. This situation was a double-edged sword for Greece: on the one side, the net migration surplus flows helped stabilize population growth; on the other side, Greece had to make sure it could offer the socioeconomic infrastructures that would enable the integration of the immigrants in the Greek labour market and Greek society. Moreover, it was faced with the mass repatriation of Greeks from the former Soviet Union, an event that burdened the Greek legislator with the task to reform the Greek naturalization law. More than 155,000 repatriots from the former Soviet Union returned to Greece for permanent settlement in the 15-year period 1977-2001; more than half were from Georgia.

A high degree of regularization of illegal residents was achieved with the White Card – Green Card regimes, enacted in the context of measures for the labour market, in an effort to combat illegal immigration and the black-market economy. The Greek government reckoned with more than 500 thousands foreign (officially) illegal immigrants on 1.1.1998 of which 57% were regularized; more than 60% were Albanian. The beginning of a multifaceted reform occurred in 2001 with current law L2910/2001 adding positive leverage to immigration. This time, The Greek government reckoned with less than 700 thousands foreign (officially) illegal immigrants in May 2001 of which almost half were regularized. L2910 has been modified and completed four times since publication; a fifth amendment regarding inter alia dependent employment, is imminent (expected mid-September 2003).
Greece played an important role in the development of European immigration and asylum policy during the Greek presidency (1st semester 2003) as European leaders achieved a political agreement in two major issues: family reunification of legal immigrants and the long-term resident status.

L2910 transferred jurisdiction in immigration matters to the MIPAD and the 13 Regions. The MoPO maintained jurisdiction in the field of asylum jointly with the MoH regarding the supervision of refugee reception centres and the MoL regarding the issue of WPs. Greek asylum policy endorses both International and European law. Its legal basis is found in new articles 24-25 L1975/1991 maintained by L2910/2001. Greek asylum policy is developed towards a Common Asylum Policy by 2005 as per EC Council projections.

Although these innovations are encouraging, Greece is still facing a practical problem with immigration statistics. Like France, Italy and Portugal, Greece lacks a centralized national and foreign population register; population records are based on population census results and residence/work permit data. Actual population registers exist at the local level (Municipality, Community) but record Greek nationals only. Some progress regarding the centralization and elaboration of immigration data is expected from the MIPAD by 2004.

It has been observed that the growth of total population would incur a real cost to the national economy whenever it outgrew the growth rate of real GDP, other things being equal, leading to real poverty. Given the initial observation that the growth of net migration is the driving force of total population growth, future socioeconomic policy-making should factor in immigration.

As immigration could theoretically close population gaps, improve labour mobility by affecting the elasticity of supply of labour and correct intersectoral productivity deficits, the national policymaker would ideally set the marginal benefit of immigration equal to the marginal cost of social integration of foreign immigrants in the host country.
ANNEX I

Summary of the current procedure regarding permit issue to Foreign immigrants, Greeks from the former Soviet Union and Asylum seekers

Foreign immigrants

The current immigration regime has been in effect from 2.6.2001. Immigrants are considered all third-country nationals (foreign, non-EU) immigrating to Greece for one of the following well-specified objectives (Table A):

- (A) studies (A1) or vocational training (A2);
- (B) dependent employment (B1); seasonal work (specific employer) (B2);
- (C) self-employment (C1); pursuit of independent economic activity (C2);
- (D) family reunification (D1, D2, D3);
- (E) other reasons:
  - hire/transfer of foreign professional athletes/coaches (E1);
  - foreign intracorporate personnel (E2);
  - foreign professional artists (E3);
  - short stay (tourism) (E4);
  - other (E5):
    - high net worth individuals eg foreign pensioners (E5-1);
    - foreign illegal entrants who, although they do not fulfil the conditions for legal residence in Greece, are allowed to stay for humanitarian reasons (E5-2);
    - force majeure (E5-3);
    - distinguished foreign scientists and scientists in the fields of new technologies and IT (E5-4);
    - foreign press correspondents accredited with the Hellenic Ministry of Press (E5-5);
    - foreign entrants allowed to stay in Greece on the ground of public interest (E5-6);
    - domestic personnel (servants) and adult children of accredited diplomats (E5-7);
    - foreign students and foreign guests at the Athos ecclesiastical academy (E5-8);
    - foreign parents of adult Greek nationals including naturalized/repatriated Greeks (E5-9);
    - foreign students of archeological schools supervised by the Hellenic Ministry of Culture (E5-10).
Entry – general rule
Entry for one of the above reasons except for tourism (E4) is conditional on special entry VISA or else national VISA of 6-month duration with the option to stay for any consecutive 3 of the 6 months. The national VISA has a unique purpose – the stated entry objective – and is issued by the Greek Representation in the applicant’s country of residence. The Greek Representation may refuse the issue of special entry VISA for the traditional public law objections. Tourists enter on the basis of tourist VISA.

Residence permit issue – general rule
Legal entrants are those who enter Greece on the basis of valid special entry VISA and travel document eg passport. At least two months before VISA expiration, they should apply for residence permit to the locality (townhall) of their future residence in Greece with a few exceptions. The application should be accompanied by the following documents:

(1) passport copy with special entry VISA (or simple tourist VISA if foreign family member of Greek or EU national);
(2) 2 colour photos;
(3) RP stamp duty;
(4) employment contract if employed, self-employed or other reasons (E1)-(E3);
   acceptance letter by the educational body if student;
(5) health certificate;
(6) social insurance statement proving medical insurance cover [and work accident cover if employed (B1) or self-employed (C2)] (private or public insurance);
(7) written statement declaring the applicant’s home address in Greece;
(8) additional certificates may be required depending on the entry objective.

The local authorities forward the application and accompanying documents to the Immigration Department of the relevant Prefecture. The Immigration Department calls up the applicant for personal interview in front of the Regional Immigration Committee (3 members) within one month from application date, after consultation with the police authorities for any public law objections. The Committee conducts a personal assessment during the interview and reaches a decision on the basis of majority voting (2/3). A draft of the Committee’s decision (non-binding) is forwarded to the relevant GSR for final decision (13 GSRs – Tier I).
Immigration Departments (54 Prefectures or “Nomarchies” – Tier II, 901 Townships or “Demi” – Tier I and 130 Communities or “Koinotites” – Tier I) are centralized in DG Immigration at the regional level (13 Regions) and the regional DGs Immigration in DG Immigration at the MIPAD.

RP renewal should occur before current RP expiration (usually 2 months before expiration); it is not subject to special entry VISA.

**WP issue – general rule**

Legal entrants who enter Greece to work as employed (B1) or self-employed (C1), apart from the need to apply for RP, they should also apply to the Prefect for separate WP issue. The Prefect should have preapproved the foreign immigrant’s entry for employment in Greece and notified the Greek Representation abroad in order to issue special entry VISA for employment. Separate WP issue is also required for entry for other reasons (categories E1, E2, E3).

Category C2 immigrants who enter Greece in order to pursue a stated economic activity are issued economic activity permit to be distinguished from WP. This permit is issued while the immigrants are still abroad; the special entry is issued by the Greek Representation abroad on the basis of the issued activity permit transmitted to them by the relevant authority in Greece (Immigration Department of the Region or Townhall depending on the permit).

**WP renewal regarding dependent employment: imminent modification**

According to the Legal Department of the MIPAD, a fifth amendment to the current immigration law will be enacted around mid-September 2003. One of the amendments will increase the duration of the second and consequent renewals of WP (and RP) for dependent employment to 2 years, for a total of 10 completed years from entry for permanent resident status eligibility ie (initial + 1Y) + 4 x (2Y) = 10Y. In this way, WP and RP for dependent employment will follow those for self-employment (category C1). Specifically affected will be applicants of categories B1, E2 and E3 (if employed). The MIPAD and the MoL are split on the affected categories: the MIPAD is for a broad interpretation of the term dependent employment including all of the above categories whereas the MoL is for a narrow interpretation restricting application to category B1 entrants only. If the MoL’s
interpretation dominates, then category \textbf{E2} and \textbf{E3} (if employed) entrants would have to leave the country and reenter on the basis of category \textbf{B1} special entry VISA.

\textbf{(A) Studies (A1) or Vocational training (A2)}

\textbf{Entry:} on the basis of special entry VISA.

\textbf{RP application:} it should be accompanied by documents (1)-(7) and (8) proof that the foreign student/trainee can financially afford his/her stay in Greece eg bank statement.

\textbf{RP duration:} 1,5 times the studies length renewable annually.

\textbf{RP renewal application:} it requires the following documents:
(a) copy of passport or other travel document;
(b) 2 colour photos;
(c) RP stamp duty;
(d) certified copy of current RP;
(e) letter by the educational body confirming acceptance for the stated studies.

\textbf{Work:} right to part-time work only.

\textbf{Entry for (B1) Dependent employment or (C1) Self-employment}

The entry procedure described below (in italics) has been \textit{frozen} since publication (May 2001). It will be activated once the necessary infrastructure is in place. In the meantime, foreign immigrants who wish to enter Greece for employment (as employees or self-employed) may notwithstanding express their intention to the Greek Representation abroad and enter Greece on the basis of special entry VISA (a) depending on the domestic labour market’s needs (b) after the unemployed registered with OAED have been considered (c) upon employment preapproval by the relevant Prefect. In practice, the probability of success of foreign nationals residing abroad applying for entry in Greece for employment is very small. In fact, there were no successful applicants over the 6 months following law publication. This occurred for the following reasons: (a) Greece has been experiencing official annual unemployment rates of above 10% since 2000 (b) domestic job openings which cannot be filled by the unemployed registered with OAED are scarce, implying
virtually no demand for foreign labour. The only specializations which are currently in scarce supply in Greece are in the field of new technologies.

**Frozen entry procedure:** an annual WP ceiling (by nationality, Prefecture, job type, job term) is set on the basis of OAED’s report on the condition of the Greek labour market during the last quarter of each year. A list of vacancies is transmitted to a hub of agents (prefectural employment agencies, Greek Represenations abroad, foreign employment agencies). The agents bid for vacancies and OAED confirms the bids as long as the vacancies cannot be filled domestically; agents who receive bid confirmation from OAED apply to the relevant Prefect who issues WP of 1-year duration. The employer makes a money deposit covering 3 months’ living expenses. The Greek Represenation abroad issues special entry VISA on the basis of the WP transmitted by the Prefect.

**(B1) Dependent employment**

**RP application:** it should be accompanied by documents (1)-(7) as well as (8) certified WP copy.

**RP duration:** the first RP has 1-year duration renewable for equivalent length. It is conditional on the WP. Currently, RP holders may be granted 2-year extension by the MIPAD after 6 years of legal residence and work (6+2=8 years); they may apply to the MIPAD to acquire permanent resident status after 10 completed years of legal residence and work.

**WP renewal application:** it should be accompanied by the following documents:
(a) copy of passport or other travel document;
(b) 2 colour photos;
(c) RP stamp duty;
(d) certified WP copy;
(e) certified employment contract copy;
(f) social insurance statement confirming the existence of medical insurance and work accident cover as well as the fact that the applicant is not liable for overdue premia;
(g) latest tax return;
(h) health certificate;
(i) written statement declaring the applicant’s home address in Greece.
(B2) Seasonal employment
Eligible applicants should not be permanent residents in Greece. They apply locally to the Greek Representation and if successful are granted WP and special entry VISA for seasonal employment. The job offer depends on the domestic demand for seasonal labour. Upon entry, they apply for RP of 6-month duration. They may enter for seasonal employment only once a year. Employer money deposit is required. If the applicant is a national of a third country with which Greece has signed a bilateral agreement regarding seasonal labour imports, such as Albania, the terms of the agreement apply.

(C1) Self-employment
RP application: it should be accompanied by documents (1)-(7) as well as (8) certified WP copy.

RP duration: 2 years initial duration renewable for equivalent length; RP holders may be granted 2-year extension by the MIPAD (6+2=8 years) after 6 years of legal residence and work; they may apply to the MIPAD to acquire permanent resident status after 10 completed years of legal residence and work.

RP renewal application: it should be accompanied by the following documents:
(a) copy of passport or other travel document;
(b) 2 colour photos;
(c) RP stamp duty;
(d) certified WP copy;
(e) certified employment contract copy;
(f) social insurance statement confirming the existence of medical insurance and work accident cover as well as the fact that the applicant is not liable for overdue premia;
(g) latest tax return;
(h) health certificate;
(i) written statement declaring the applicant’s home address in Greece.

(C2) Pursuit of independent economic activity
Entry: the foreign national should have the financial means to exercise the intended economic activity which should contribute to the growth of the Greek economy. The applicant should apply for activity permit to the Greek Representation of his/her
country of residence. The Greek Representation transmits the application and accompanying documents to the Immigration Department of the Region of the applicant’s future establishment in Greece. If the exercise of the intended economic activity requires activity permit issue by a local body specified by Greek law eg by the townhall for activities involving public health such as local restaurant permit, the Immigration Department forwards the file to that body. Otherwise, the permit is issued by the Immigration Department of the Region. The issued activity permit is sent to the Greek Representation in order to issue special entry VISA and the foreign immigrant enters *cum* activity permit.

Activity permit application should be accompanied by the following documents (certified and officially translated in Greek):

(a) economic/technical assessment including activity type, capital required and financing sources;
(b) tax status certificate from the country of last residence;
(c) any documents certifying the applicant’s educational/professional qualifications required for the exercise of the intended economic activity;
(d) penal status certificate from the country of last residence.

**RP application:** it should be accompanied by documents (1)-(7) as well as (8) certified activity permit copy. Work accident cover is *not required.*

**RP duration:** the same as for the self-employed; it *may not coincide* with that of the activity permit.

**RP renewal application:** it should be accompanied by the following documents:
(a) copy of passport or other travel document;
(b) 2 colour photos;
(c) RP stamp duty;
(d) written statement by the applicant that he/she continues to exercise the economic activity of entry;
(e) certified activity permit copy;
(f) certified employment contract copy;
(g) social insurance statement confirming the existence of medical insurance cover;
(h) latest tax return;
(i) health certificate;
(j) written statement declaring the applicant’s home address in Greece.

(D) Family reunification

(D1) Foreign family members of legal foreign immigrants

Entry: Legal foreign (non-EU) immigrants may exercise their right to family reunification after 2 years of legal residence and work in Greece. Eligible family members are:

(a) the immigrant’s foreign husband/wife;
(b) the immigrant’s under-18-year-old children;
(c) the under-18 year old unmarried children of the immigrant’s husband/wife from a previous marriage (divorced) for which the immigrant’s foreign husband/wife is legally responsible.

The legal foreign immigrant exercising the right to family reunification should satisfy the following conditions:

(a) his/her income should be at least equivalent to that of an unqualified worker (tax return);
(b) his/her social security contributions should allow for medical insurance cover of dependent family members;
(c) he/she should be able to accommodate them in the same household.

If these conditions are met, the legal foreign immigrant should apply to the locality (townhall) of his/her residence in Greece for the issue of entry permit for family reunification. The application should be accompanied by the following documents:

(a) certified RP copy;
(b) copy of the latest tax return;
(c) certificate of family status proving relation to the invited family members;
(d) written statement that the invited family members will be part of the legal foreign immigrant’s household.
The local authority forwards the application to the GSR which reaches a decision after consultation with the police department regarding any public law entry objections. If the GSR decision is positive, the Greek Representation abroad issues entry permits.

**RP application:** The invited family members should apply for RP upon entry in Greece. Children under 14 years old are included in the RP application of the legally responsible parent. Children above 14 years old may apply for individual RP. The RP application should be accompanied by documents (1)-(3) & (5).

**RP duration:** 1-year initial duration renewable for equivalent length conditional on the validity of the principal holders’ WP. The dependent foreign family members of legal foreign immigrants may be granted permanent resident status by the MIPAD after 10 completed years of legal residence if this is the case for the principal immigrant as well.

**RP renewal application:** it should be accompanied by the following documents: 
(a) copy of passport or other travel document; 
(b) 2 colour photos; 
(c) RP stamp duty; 
(d) health certificate; 
(e) family status certificate.

**Work:** Family members who are legal residents may be granted WP for work for one of the reasons covered by the current law other than family reunification.

**Autonomous RP application:** Family members who are holders of dependent RP may apply for autonomous RP if one of the following trigger events crystallizes:

(a) children become of age (18 years old); 
(b) the principal holder has died; 
(c) the family members are victims of violence by the principal permit holder; 
(d) divorce.

The autonomous RP application should be accompanied by the following documents:
(a) birth certificate if trigger event (a); death certificate if trigger event (b); certified copy of the police deposit accusing the principal holder if trigger event (c);
(b) divorce deed if trigger event (d);
(c) copy of passport or other travel document;
(d) 2 colour photos;
(e) RP stamp duty;
(f) health certificate.

**Autonomous RP duration:** 1-year initial duration renewable for another year (or from 4.12.2002, until the age of 21 years old as far as adult children are concerned) after which the holder should apply for RP for one of the reasons covered by the current law other than family reunification.

**(D2) Foreign family members of Greek or EU nationals**

**Entry:** initially, only the foreign husband/wife of a Greek or EU national was granted unconditioned RP. During 1.5.2002-4.12.2002, this RP regime also covered the non-adult (under 18 years old), unmarried children of the foreign husband/wife from a previous marriage (divorced) for which the foreign husband/wife was legally responsible (included in the foreign parent’s RP). From 4.12.2002, eligible family members of a Greek or EU national include:

(d) the foreign husband/wife of the Greek or EU national;
(e) the couple’s under-21-year-old children;
(f) the foreign husband’s/wife’s dependent foreign parents (same household).

**RP application:** The invited family members should apply for RP upon entry in Greece. The RP application should be accompanied by documents (1)-(3) as well as:

(4) marriage deed;
(5) certified copy of the Greek or EU husband’s/wife’s national identity card.

**RP duration:** this RP is unconditioned and has 5-year initial duration renewable for equivalent length. From 1.5.2002, RP renewal is automatic. Non-adult children are included in the parent’s RP. RP is equivalent to WP. From 1.5.2002, it is granted under the same conditions to widowed foreign husbands/wives and non-adult children of Greek or EU nationals who died while the marriage was valid.
**Autonomous RP application:** The family members of Greek or EU nationals who are unconditional RP holders may apply for autonomous RP if one of the following trigger events crystallizes:

(a) the children become adults (18 years old);  
(b) the family members are victims of violence by the Greek or EU national;  
(c) divorce.

**Autonomous RP duration:** 1-year initial duration renewable for another year (or from 4.12.2002, until the age of 21 years old as far as adult children are concerned) after which the holder should apply for RP for one of the reasons covered by the current law other than family reunification of Greek or EU national.

**(D3) Foreign family members of Greeks or “omogeneis” belonging to the Greek nation “Elliniki omogeneia” irrespective of whether they have acquired the Greek nationality**  
From 1.5.2002, the above RP regime (D2) also applies to the following family members:

(a) the foreign husband/wife of repatriated Rossopontians and naturalized Greeks from the former Soviet Union;  
(b) the foreign husband/wife of Greeks who have not acquired the Greek nationality eg Greek Cypriots;  
(c) the widowed foreign husband/wife and non-adult children of repatriated Greeks, of naturalized Greeks from the former Soviet Union, and of Greeks who have not acquired the Greek nationality.

*RP renewal is automatic. RP is equivalent to WP.*

**(E) Other reasons**  
**(E1) Hire/Transfer of foreign professional athletes/coaches**  
*Entry:* the foreign sports professional should apply for special entry VISA to the Greek Representation of his/her country of residence. The application should be accompanied by the following documents:
(a) passport or other travel document;
(b) hire/transfer confirmation by the relevant sports association;
(c) penal status certificate.

**RP application:** the foreign sports professional who enters on the basis of special entry VISA should apply for RP for the exercise of professional athletic activity on the basis of written confirmation by the Hellenic Ministry of Athletics, provided the following conditions are cumulatively satisfied:

(a) the foreign sports professional has been hired by or transferred to a Greek sports association;
(b) he/she is healthy and has medical insurance cover;
(c) he/she has accommodation.

If these conditions are cumulatively satisfied, the foreign sports professional may apply for RP accompanied by the following documents:

(a) certified copy of the employment contract (hire/transfer);
(b) health certificate;
(c) written statement of the applicant’s home address in Greece;
(d) proof of medical insurance cover;
(e) written statement by the Hellenic Ministry of Athletics confirming the applicant’s professional qualifications.

**RP and WP duration:** in derogation to the general rule, initial duration of the WP and RP equals the term of the employment contract (usually 1-2 years); both permits are renewable for equivalent length (usually for 2 years) on the basis of employment contract renewal. Employment contracts with duration exceeding 2 years are avoided by domestic employers in order to avoid compensation expenses in case of early dismissal. Roughly 80% of cases involve contracts of 1-year duration.

**WP grant:** from 1.5.2002, sports professionals who enter on the basis of special entry VISA are also granted WP by the relevant Prefecture. The Prefecture should notify the regional Immigration Department of the WP grant.
**Family reunification:** from **1.5.2002**, foreign sports professionals may be accompanied by their family members [(D1) eligible family members]. These are issued individual RP on the basis of travel document and health certificate, which expire together with the principal holder’s RP (and WP).

**E2 Foreign intracorporate personnel**

**Entry:** *Key personnel* and *other personnel* may enter on the basis of travel document and special entry VISA. *Key personnel* refers to management, members of the BoF and Directors of foreign (non-EU) firms with legal commercial activity in Greece. *Other personnel* refer to:

(a) exclusive foreign staff of foreign firms governed by special regimes: foreign maritime firms, foreign firms engaged in mineral extraction and industry, foreign manufacturing firms, foreign capital investment (including machinery and commercial brands);

(b) foreign technical staff working in industry or metallurgy under the conditions stipulated by special regime;

(c) foreign personnel employed by firms established in another EU member-state who have been transferred to work for one of the firm’s subsidiaries, agencies or branches in Greece (secondary establishment by the firm in Greece; intracommunity interstate transfer of foreign firm personnel);

(d) other foreign personnel as might be specified by Greek ministerial decision.

*Other personnel* in manufacturing (a) represent a large proportion of **E2** cases since law publication.

Technical staff employed in industry, mineral extraction and maritime commerce should apply for RP on the basis of written confirmation by the Greek MEF or MMC. Ministerial consent is required for employment in these strategic economic sectors on the ground of national security.

**RP application:** it should be accompanied by documents (1)-(7).

**RP renewal:** it should be accompanied by documents (1)-(4) & (6)-(7) ie health certificate (5) is *not required* for RP renewal.
**RP duration:** 1-year duration renewable for equivalent length.

**WP grant:** from 1.5.2002, foreign intracorporate personnel who enter on the basis of special entry VISA are also granted WP by the relevant Prefecture. WP issue does not apply to category (c) of *other personnel*. The Prefecture should notify the regional Immigration Department of the WP issue.

**Family reunification:** from 1.5.2002, foreign intracorporate personnel may be accompanied by their family members [(D1) eligible family members]. These are issued individual RP on the basis of travel document and family status certificate, which expire together with the principal holder’s RP (and WP). RP renewal is not subject to interview by the regional Immigration Committee.

**(E3) Foreign professional artists**

**Entry:** they enter on the basis of travel document and special entry VISA issued on the basis of some kind of employment proof in Greece eg contract/hire confirmation. These artists should be distinguished from those who enter Greece in the context of cultural activities or educational exchange, as the latter may enter and stay on the basis of simple entry VISA of duration equal to that of the artistic event.

**RP application:** it should be accompanied by documents (1)-(7).

**RP duration:** 1-year duration renewable for equivalent length.

**RP renewal application:** it should be accompanied by the following documents (1)-(7). The latest tax return replaces the employment contract requirement (4), since self-employment is allowed.

**WP grant:** from 1.5.2002, foreign professional artists who enter on the basis of special entry VISA are also issued WP by the relevant Prefecture. The Prefecture should notify the regional Immigration Department of the WP issue.

**(E4) Short stay**

Short-stay refers to *tourism*. Tourists may enter on the basis of travel document and VISA (if required). The VISA entitles them to 3-month stay with possible 6-month
extension on the basis of application to either the policestation or the local authorities provided that the applicant can financially afford it. Short stay does not require RP issue.

**(E5) Other: E5-1 to E5-10**

**Entry:** Other are all those foreign entrants who do not fall within categories (A)-(E3).

They may enter Greece on the basis of special entry VISA. Special entry VISA application is submitted to the Greek Representation in the applicant’s country of residence and should be accompanied by the following documents:

(a) health certificate;
(b) proof of medical insurance cover;
(c) proof of accomodation in Greece;
(d) penal status certificate *(from 23.5.2003)*;
(e) proof that the applicant can financially afford his/her stay in Greece eg bank statement, copy of foreign pension slip *(for foreign pensioners)*; income should accrue from non-employment sources.

*Other* foreign entrants *(E5-1)* should apply for RP application before VISA expiration to the localality *(townhall)* of their residence in Greece. The RP application should be accompanied by documents (1)-(3) & (5)-(7) as well as (8) documents proving the applicant’s financial condition eg bank account statement, copy of foreign pension slip.

The intention of the law was to attract wealthy foreign pensioners.

**RP duration:** 1-year renewable for equivalent length; *other* foreign residents *(E5-1)* may apply to the MIPAD to acquire *permanent resident status* after 10 years of legal residence.

**RP renewal application:** it should be accompanied by documents (1)-(3), (5)-(7) & (8) as above, as well as certified copy of the current RP.

**Special other categories:** RP of 1-year duration renewable for equivalent length may also be granted by the *Minister of Interior (MIPAD)* to the following entrants *(exempt from stamp duty)*:
- foreign illegal entrants who, although they do not fulfil the conditions for legal residence in Greece, are allowed to stay for humanitarian reasons (E5-2);
- force majeure (E5-3);
- distinguished foreign scientists and foreign scientists in the fields of new technologies and information technology (E5-4);

From 1.5.2002:
- foreign press correspondents accredited by the Hellenic Ministry of Press and their accompanying family members [see eligible family members of (D1)] (from 1.5.2002) (E5-5); in derogation to the general RP application procedure, RP application is submitted to the relevant GSR; this RP has 1-year duration renewable for equivalent length; WP is not required;
- entrants who are allowed to stay in Greece on the basis of joint ministerial decision (MIPAD, MFA) on the ground of public interest (E5-6); in derogation to the general RP application procedure, the RP application is submitted to MIPAD DG Immigration; this RP is equivalent to WP and has 1-year duration renewable for equivalent length;

From 1.5.2003:
- domestic personnel (servants) and accompanying family members (husband/wife and non-adult children) of accredited foreign diplomats in Greece (E5-7); the RP application is submitted to the local authorities of the Attica region; RP is granted by the Attica GSR; its duration equals that of the servant’s employment contract; the RP of the principal holder (not of the accompanying family members) is equivalent to WP;
- adult children of accredited foreign diplomats in Greece (E5-7); the RP application is submitted to the local authorities of the Attica region; RP is granted by the Attica GSR; this RP has duration equal to the parents’ diplomatic mandate;
- foreign students at the Athos ecclesiastical academy (E5-8); they enter Greece on the basis of special entry VISA; in derogation to the general RP application procedure, foreign theology students apply for RP to Athos’s “Iera Epistasia” who in turn transmit an RP request to the relevant GSR (Macedonia Region); the GSR issues RP with total duration as long as the studies length renewable annually; the total RP duration may be extended for another year. From 4.12.2002, foreign nationals may enter Greece as Athos guests or guest students. The foreign national
should apply to the relevant monastery who in turn transmit an RP request to MIPAD DG Immigration. Applicants are granted RP of 1-year duration renewable for equivalent length.

From 23.5.2003:

- foreign students at archaeology schools supervised by the MIPAD and the Hellenic Ministry of Culture (E5-10); they should apply for special entry VISA to the Greek Representation of their country of residence who in turn transmit the request to MIPAD DG Immigration for investigation; RP of 1-year duration, equivalent to WP, renewable for equivalent length, is issued on the basis of joint ministerial decision by the MIPAD and the Hellenic Ministry of Culture.

Special other also includes the foreign parents of non-adult Greek nationals from 1.5.2002 and of adult Greek nationals from 4.12.2002, including naturalized Greeks eg the foreign parents of repatriated Rossopontians and of naturalized Greeks from the former Soviet Union (E5-9). This RP has 5-year duration and is renewable for equivalent length on the basis of GSR decision. It is equivalent to WP.

RP is equivalent to WP for categories E5-2, E5-3, E5-4, E5-6, E5-7, E5-9, E5-10.

Assimilation of Greeks from the former Soviet Union

These persons are governed by a mini-naturalization or “palinnostisi” law in effect from 16.2.2000 maintained by the current immigration law with a few modifications (see Tables B1 for a summary and Tables B2-3 for a review of the subsidized loans). It allows Greeks from the former Soviet Union to receive official recognition of their Greek origin by the Greek state and, if they wish, acquire the Greek nationality on the basis of their Greek origin and be naturalized Greeks. Origin recognition is no longer conditional on entry in Greece on the basis of special repatriation VISA.

These persons may apply to acquire the Greek nationality to the Greek Consular authorities in their country of residence. The application should be accompanied by the following documents:

(a) passport;
(b) birth certificate;
(c) marriage certificate;
(d) family status certificate;
(e) other passport;
(f) any other document proving the applicant’s Greek origin.

A Special Consular Committee investigates the applicant’s Greek origin on the basis of the submitted documents and calls up the applicant for personal interview. The Special Consular Committee drafts an opinion and transmits it together with the applicant’s file to the GSR of the applicant’s stated residence in Greece for further investigation and final decision. A Special GSR Committee (different from the regional Immigration Committee), jointly instituted by the MIPAD, the MFA and the MoPO, verifies the applicant’s Greek origin on the basis of the transmitted documents and drafts an opinion. The GSR reaches a final decision on the basis of the Special GSR Committee’s opinion, which is published in the Official Journal. If the GSR desicion is positive, the applicant (and his/her non-adult children) acquires the Greek nationality within one year from official publication.

Adults of Greek origin from the former Soviet Union who do not wish to acquire the Greek nationality for fear of losing the nationality of their country of residence, may apply for the issue of special identity card (SIC) identifying their Greek origin which is equivalent to RP and WP. These applicants are active nationals of Kazakhstan and Ukraine, states which do not allow multinationals. The procedure is the same apart from the fact that the final decision is issued by the MoPO on the basis of opinion by the Special GSR Committee. If these applicants reside in another country, they may apply from that country.

Note: SIC issue on the basis of MoPO decision is just a way of recognizing the applicant’s Greek origin, while acquisition of the Greek nationality on the basis of GSR decision is considered mini-naturalization on the basis of origin recognition or “palinmostisi”. Although both decisions assimilate those Greeks to Greek nationals, SIC deprives the holder of political rights (right to vote) and does not entail acquisition of the Greek nationality.

SIC equivalent to RP and WP is automatically issued to the foreign husband/wife of SIC holders. SIC is also issued to their non-adult children on the basis of birth certificate.
SIC issue to the family members of pre-May 2001 SIC holders is not affected by the current immigration law, which modified the mini-naturalization law of 16.2.2000, as follows:

(a) Those adult Greeks from the former Soviet Union who were in Greece before May 2001 and wished to either acquire the Greek nationality (GSR decision) or SIC (MoPO decision), applied directly to the relevant GSR, bypassing the Special Consular Committee’s opinion. They were issued special certificates of 6-month duration renewable for equivalent length, equivalent to RP and WP, for as long as the final decision was pending.

(b) The parents and children of those Greeks who either acquired the Greek nationality or SIC abroad and entered Greece post-May 2001, were also entitled to directly apply to either acquire the Greek nationality or SIC (bypassing the Special Consular Committee’s opinion). They were issued special certificates of 6-month duration renewable for equivalent length for as long as the final decision was pending, equivalent to RP and WP.

(c) The foreign husbands/wives of special certificate holders, were issued temporary RP of equivalent length.

Note that the current immigration regime provided for special certificate issue while the final decision was pending, while pre-May 2001 applicants (SIC or naturalization) were not issued any document!

From 1.5.2002:

(a) The special certificate holders of categories (a) and (b) applicants who received a negative decision and continued to reside in Greece, and the temporary RPs of their foreign husbands/wives, were replaced by temporary RPs of 6-month duration equivalent to WPs, automatically renewed (twice) until 30.6.2003. Temporary RP holders were considered foreign legal residents and were entitled to reside in Greece and search for employment while their papers were valid.

(b) All other adult Greeks from the former Soviet Union who applied to either acquire the Greek nationality or SIC, were issued special certificates, as before.

(c) The foreign husbands/wives (including widows) and non-adult children of Greeks from the former Soviet Union who either acquired the Greek nationality or are post-May 2001 SIC holders, are issued unconditional RP of 5-year duration automatically
renewable for equivalent length, equivalent to WP, just as foreign husbands/wives of Greek or EU nationals (D2).

(d) The foreign parents of Greeks from the former Soviet Union who acquired the Greek nationality (and not of SIC holders), are issued (by the GSR) RP of 5-year duration renewable for equivalent length, equivalent to WP [see special other (E5)].

Transitional provisions regarding legal and illegal entrants on 2.6.2001

General requirements:
(a) at least 1 year legal or illegal residence in Greece before 2.6.2001
or else
(b) buy out NIC stamps equivalent to 250 days or 1 year of unqualified labour.


Legal residents: the duration of all GCs (valid and pending renewal) and RPs expiring before or on 31.12.2001, were automatically extended to 30.6.2002.

Illegal residents: four categories were allowed to regularize their residence and recognize any work experience (up to 1 year before 2.6.2001):

Category 1: all holders of WC, GC or RP (expired, no renewal pending, renewal rejected) provided they had resided in Greece for at least 1 year, legally or illegally, before 2.6.2001.

Category 2: all applicants who had appealed against OAED’s refusal to grant them GC provided they dismiss their appeal.

Category 3: all those entrants who applied for GC (6-month duration) to the Special Committee of art. 5 of PD 359/1997 for humanitarian reasons.

Category 4: Category 1 non-cardholders.

Illegal foreign immigrants were required to present themselves to the nearest Immigration Department during June-July 2001. They were issued RPs of 6-month initial duration by the relevant GSR, renewable for one of the objectives of the current immigration law.
<table>
<thead>
<tr>
<th>Effect</th>
<th>RP duration/extension</th>
<th>RP duration (illegal)</th>
<th>First automatic extension (legal)</th>
<th>Second automatic extension</th>
<th>Third automatic extension</th>
</tr>
</thead>
<tbody>
<tr>
<td>02.06.2001</td>
<td>02.06.2001-31.12.2001</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>02.06.2001</td>
<td>31.12.2001-30.06.2002</td>
<td></td>
<td>First automatic extension (legal)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>01.05.2002</td>
<td>01.07.2002-31.12.2002</td>
<td></td>
<td>Second automatic extension</td>
<td></td>
<td></td>
</tr>
<tr>
<td>29.01.2003</td>
<td>01.01.2003-30.06.2003</td>
<td></td>
<td>Third automatic extension</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Although the *first extension* was *automatic* for legal residents, it was *not automatic* for illegal residents.

The second extension was *not automatic* for RPs equivalent to WPs that had been granted to humanitarian refugees pre-2.6.2001. On the contrary, their renewal was *automatic* during the third extension.

The current law *reissued* all those GCs that had been *repealed* because the cardholders had been *absent for more than 2 months* from Greece.

**Family reunification:** all the above immigrants were entitled to family reunification *provided that* the invited family members had been living with them before 2.6.2001 and were obliged to leave Greece due to lack of valid documents. The right of legal residents was conditional on 2 years residence in Greece before 2.6.2001, whereas former illegal residents could invite their family members *on the basis of the 6-month RP*. When these permits expired, they *applied for separate RPs*; separate RPs of the same family were issued by the GSR on the *same date*.

**Asylum seekers**

See Table C for summary.

**Political asylum (art. 1 Geneva Convention) application:** it may be *written or oral* and where possible, it should be accompanied by the following documents proving the applicant’s:

(a) identity;
(b) family status;
(c) country of origin;
(d) country of last residence.
The same application may cover accompanying family members (husband/wife, the couple’s non-adult children and parents).

Applications may be lodged with any Greek local authorities:

(a) in a transit area (seaport or airport);
(b) at the border;
(c) in the mainland.

If lodged in a transit area (a), they are examined on the spot by the Security Department of the airport or by the nearest asylum authority. The asylum authority should forward the file within 24 hours to the MoPO after notifying its supervisory authority.

Otherwise ie (b) and (c), they are forwarded to the nearest *Police or Immigration Department*, authorized to examine asylum applications. Applications are examined on the basis of personal interview by specialized rank investigators, in the presence of an interpreter, if necessary. The interview is followed by a report with the interview’s questions and answers, drafted by the investigator, which should be read aloud to the applicant and signed by: the applicant, the investigator and the interpreter. Examination may last up to 3 months. The applicant is issued *asylum seeker permit of 6-month duration renewable for equivalent length* until a final decision is reached. The permitholder is entitled to accommodation, education etc. but may not leave Greece, otherwise the application examination is terminated. If the permitholder is absent for less than 3 months on the ground of *force majeure* (proof is needed), termination is lifted and the application is examined in substance. The UNHCR is notified in both cases.

The report is forwarded together with the applicant’s file to *DG Police or DG Immigration* supervising the *Police or Immigration Department* that interviewed the applicant. These officers examine whether the application examination is within the jurisdiction of another EU member state on the basis of the Dublin Convention, in which case, the applicant is issued a *laisser passer* and sent to that member state. Otherwise, they form an opinion on the basis of the investigator’s report and transmit it together with the applicant’s file to the MoPO for *ordinary examination*. The final decision is issued by the GSMoPO.
If the investigator asks for fast-track examination in his/her report, DG Police or DG Immigration officers should forward the file to the MoPO within maximum 10 days. This type of examination applies if the asylum application is unfounded or if the applicant comes from a safe country. Applicants whose claims have been rejected on the basis of fast-track examination cannot apply for reexamination.

Positive decision - RP issue: If the decision is positive and the political refugee and accompanying family members are recognized, they are issued asylum SIC, on the basis of which they may obtain RP with 5-year initial duration renewable for equivalent length.

Negative decision: if the decision is negative, the applicant may appeal against it and the Minister of Public Order should deliver a decision within 90 days. This decision is reached after consultation with a Special Committee made up of 6 members:

(e) the MoPO Legal Counsel as President;
(f) the MFA Legal Counsel and his/her deputy;
(g) an MFA representative and his/her deputy;
(h) a high rank police officer and his/her deputy.

A UNHCR representative and a member of the Greek Bar Association may be present.

The Committee calls up the appellant to defend his/her case together with his/her lawyer and an interpreter, if necessary. A decision (positive or negative) is taken on the basis of majority voting (4/6 or 3/3 + President’s vote). It is delivered to the appellant by the GSMoPO. If the decision is negative, the asylum seeker is ordered to either leave the country or claim asylum for humanitarian reasons.

WP issue: it is issued by the relevant Prefecture (Employment Supervision Division).

Recognized political refugees who are holders of RP may apply for WP of equivalent duration. If they wish to be self-employed, they should also prove that they can financially afford it. Alternatively, they may also apply to OAED for vocational training. They are accepted on the basis of a “test” giving an idea of the candidate’s professional and linguistic skills carried out by a Special OAED Committee.
Holders of *asylum seeker permit* may seek employment in order to cover their living expenses. Employment seekers are granted *WP of limited duration* with effect on the same date as the *asylum seeker permit* and expiration one month following permit expiration.

**Family reunification:** the recognized refugee may apply for family reunification (husband/wife, the couple’s non-adult children and dependent parents) provided the following conditions are met:

- (a) the invited family members should have *travel document* and valid *special entry VISA*;
- (b) the inviting refugee should prove income equivalent to that of an unqualified worker for at least half the working days of the year preceding the family reunification application;
- (c) that they will be part of the inviting refugee’s household;
- (d) proof of family relation;
- (e) there are no public order or national security objections to their entry in Greece.

The application is submitted to the relevant *Immigration Department* together with:

- (a) written statement that the inviting refugee will be covering their living expenses;
- (b) a copy of the inviting refugee’s national insurance contributions booklet;
- (c) certified copy of the document proving the family relation.

*Immigration* examines the application and forwards the file to the MoPO for final decision. Negative decisions should be grounded.

Family members enter Greece on the basis of *special entry VISA* and should within one month from entry apply to *Immigration* for *individual RP* of duration equal to that of the principal holder’s.

If it can be proven that the invited family members are already in Greece, they should, within 30 days, apply for *individual RP* to the nearest police authority.

Family members who are RP holders are not entitled to WP. Their RPs are conditional on the validity of the principal refugee’s RP.
**Humanitarian refugees**

Asylum seekers may apply to stay in Greece for humanitarian reasons provided the following conditions apply:

(a) non-refoulement ie no-relocation/repatriation;
(b) force majeure;
(c) no objective relocation/repatriation obstacle.

Successful applicants are issued *RP for humanitarian reasons* of 1-year duration renewable for equivalent length. Renewal is **conditional** on the applicability of the *humanitarian reasons* on the basis of which RP was granted in the first place.

Holders of *RP for humanitarian reasons* **may seek employment** in order to cover their *living expenses*. Employment seekers are granted *WP of limited duration* with effect on the same date as the *RP for humanitarian reasons* and expiration one month following RP expiration.

All those asylum seekers who received a *negative asylum decision*, may seek *asylum for humanitarian reasons* provided conditions (a)-(c) apply.
ANNEX II

RP cost comparison of the legal enactments since 1991

**L1975/1991- RP grant stamp duty:**
- Duration <1 year: EUR 15
- Duration =1 year: EUR 30
- Duration =2 years: EUR 45

**PD 358/1997 - budgetline:** EUR 7.5Mn or EUR 1.5Mn * 5 years
**PD 359/1998 - budgetline:** EUR 9.25Mn or EUR 1.85Mn * 5 years

**L2910/2001 – RP grant stamp duty:**
- Duration ≤1 year: EUR 147
- Duration 1-2 years: EUR 293
- Duration 2-6 years: EUR 440
- Duration >6 years: EUR 880

As approximately 372,000 persons applied for WC, the budgetlines for PDs 358-359/1997 suggest a cost of EUR 20 for the WC and EUR 40 (2*WC) for the GC. An average price of EUR 293 is chosen on the basis of L2910 cards of 1-6 years duration.

<table>
<thead>
<tr>
<th>Duration</th>
<th>L1975/1991</th>
<th>L2910/2001</th>
<th>PDs 358-9/97</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-1</td>
<td>€15</td>
<td>€147</td>
<td>€293</td>
<td>1</td>
</tr>
<tr>
<td>1-2</td>
<td>€30</td>
<td>€293</td>
<td>€293</td>
<td>2</td>
</tr>
<tr>
<td>2-3</td>
<td>€45</td>
<td>€440</td>
<td>€293</td>
<td>3</td>
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<tr>
<td>2-6</td>
<td></td>
<td>€440</td>
<td>€293</td>
<td>3</td>
</tr>
<tr>
<td>≥6</td>
<td></td>
<td></td>
<td>€293</td>
<td>6</td>
</tr>
</tbody>
</table>

*Source: Legal acts.*

*Scale refers to the multiple of initial RP cost.*
ANNEX III


Some of the transitional provisions of L1438/1984 created clashes of application *in tempore* which were resolved by further intervention of the Greek legislator:

1. Art. 7§1 of L1250/1982 which recognizes the validity of political marriages that preceded L1250 clashed with L1438/1984 in that it entailed the loss of nationality by both the Greek wives of foreign nationals and the foreign wives of Greek nationals. L1438/1984 corrected this anomaly with article 7§1-3, as follows:

   - **Art. 7§1** allowed the foreign wives of Greek nationals who acquired their husbands’ nationality upon marriage to discharge it, whereas **art. 7§2** allowed the Greek wives who acquired the nationality of their foreign husbands upon marriage to reacquire their Greek nationality (by 31.12.1986).

   - Art. 90 of L1329/1983 modified art. 16§1 of the Code to accommodate Greek females married to foreign nationals by political marriage prior to L1250, by allowing them to reacquire their Greek nationality. **Art. 7§3** was added to L1438/1984 to fill the gap specifying that the marriage of foreign females to Greek nationals did not affect their nationality.

   - **Art. 40§1** of L1832/1989 replaced art. 7§3 and extended its “negative” application to cover the nationality of Greek females married to foreign nationals.
2. At the same time, the right to acquire the Greek nationality by 31.12.1986 according to their own will was given (a) by art. 8§1-2 to the children of Greek mothers and (b) by art. 9§1-2 to the children of Greek fathers who were born before the application of art. 7 of L1250/1982. These provisions recognized the principle of “ius sanguinis” as the basis of determination of the Greek nationality of the children of valid mixed marriages between Greek nationals and foreign nationals that were validated retroactively by L1250. In contrast, art. 9§3 specified that the retroactive validation of such marriages did not affect the nationality of the children, which was more of a general rule rather than an accommodating transitional provision, and clashed with reality: in practice, many Greek fathers whose political marriage to foreign nationals was retroactively validated with L1250 rushed to register their children with the Greek authorities in order for the latter to become Greek nationals on the basis of their father’s origin using art. 7 of L1250/1982, whereas art. 9§3 stipulated that the validation of such marriage did not affect the nationality of the children (born pre-L1250) who continued to have their mother’s nationality (ie their foreign mother’s origin).


3. Moreover, art. 40§2 of L1832/1989 enabled foreign wives of Greek nationals to acquire the Greek nationality according to their own will provided they registered with the Greek authorities in the period between the effect of L1250 & L1438 ie 18.7.1982-8.5.1984.
REFERENCES

Current regime:

2. L2910/23.4.2001 published 2.5.2001 with effect 2.6.2001 (FEK 91 A); current immigration regime; first extension.
3. MIPAD Circular No. 8 of 3.5.2001 regarding the application of L2910/2001.
5. Part 6, art. 19-25 AL3013/1.5.2002 published 1.5.2002 (FEK 102 A); second extension.
9. LD57/7.7.1973 published 19.7.1973 (FEK 149 A) regarding the social protection of the financially vulnerable.

Previous regime:


Original regime:

Expulsion:
1. Art. 74 and 99 of the Greek Penal Code regarding judicial expulsion.
2. Title II, chapters A-G, art. 231-244, pp. 1783-5 of the Greek Code of Judicial Administration, L2717/14.5.1999 published 17.5.1999 regarding personal detention (FEK 97 A); the procedure of art. 243 L2717/1999 has been adopted by art. 44§3 L2910/2001 regarding administrative expulsion.

Local government and Greek repatriots:
1. Art. 101-102 of the Sixth Section of the Greek Constitution of 1975/1986 concerning the administration of the country (legal basis): art. 101 refers to the organization and administration according to the decentralized model and contains the constitutional principle of decentralization and regional administration; art. 102 is an outline of the constitutional frame of local government and describes its functional guaranties as an independent unit of administration; there are two tiers of local government: Municipalities and Communities (“Demi and Koinotites”) – Tier I and the Prefectural Administration (“Nomarchiaki Autdioikisi”) – Tier II.
2. Art. 6-10 L1599/11.6.1986 (FEK 75 A) regarding new identity cards.
5. L1900/17.9.1990 “Amendment and addition to the regulations of the Municipal and Communal Code, second level of local government, income sources of municipalities and communities and other regulations” (FEK 125 A) modifying PD323/1989.
7. L2130/23.4.1993 “Establishment of prefectural administration, modification of the regulations for the first level local authorities and the region and other regulations” (FEK 62 A); repatriation or “epanapatrismos”; its art. 7 modified PD323/1989.
8. Art. 9 L2307/15.6.1995 “Adjustment of the legislation concerning the Ministry of Interior to the regulations for the prefectural administration and other regulations” (FEK 113 A); L2910 abolished art. 9§1-2 L2307.

Mini-naturalization or “palinnostisi”:
11. MD96629/6295/03/5.5.2003 published 8.5.2003 (FEK 560 B); it took into account MD96629/22220/02/26.9.2002 regarding grants to all settlement zones (FEK 1287 B) and MD33764/532/6.10.2000 published 20.10.2000 (FEK 1278 B) regarding grant criteria.
12. MD966629/22220/02/26.9.2002 published 3.10.2002 (FEK 1287 B) regarding codification of previous MDs determining the grant conditions of home loans to repatriots from the former Soviet Union, according to Chapter C, art. 3-8 of L2790/2000.
13. Previous MDs codified by MD966629/22220/02/26.9.2002:
14. Art. 1§2 L128/28.8.1975 modifying and completing financing provisions (FEK 178 A); rebate by the Central Bank of Greece of the difference between the general rate and the loan offer rate to the commercial banks which offered subsidized rate loans to eligible L2790 applicants.
15. PD2068281/7859/0022/23.11.1990 published 13.12.1990 regarding approval for the institution of the “National Centre for the Reception and Settlement of Repatriated Greeks” or «Εθνικό Ίδρυμα για την Αποκατάσταση Παλιννοστούντων Ομογενών – Ε.Ι.Α.Π.Ο.Ε.» and ratification (FEK 782 B); the
National Centre is a not-for-profit organization under the auspices of the MFA administering applicant eligibility for subsidized home loans provided by L2790/2000.

Political refugees:
1. MD106841/29.12.1982 published 5.1.1983 (FEK 1 B) “Voluntary repatriation and acquisition of the Greek nationality by political refugees”.


Special regimes by economic activity:
1. L27/18.4.1975 (FEK 77 A) – regarding the establishment of agencies or branches of foreign merchant firms involved in shipbroking, shipping insurance, towage etc.
2. ML448/12.6.1968 published 14.6.1968 (FEK 130 A) regarding urgent WP grant to foreign technical and scientific staff in mineral extraction and industry.
3. ML89/1.8.1967 published 1.8.1967 (FEK 132 A) regarding the establishment of commercial and manufacturing firms in Greece.
5. LD2687/10.11.1953 published 10.11.1953 (FEK 317 A) regarding the protection of foreign capital investment in Greece, including machinery and commercial brands.
6. Transitional provision 4 AL2234/31.8.1994 (FEK 142 A) replacing art. 25 L27/1975 regarding the establishment of agencies or branches of foreign merchant firms involved in shipbroking, shipping insurance, towage etc; second replacement.

Recent EU law:

Treaty level:
1. Part 3, Title IV (former Title IIIa), art. 61-69 (former art. 73i-q) of the revised EC Treaty regarding “Visas, Asylum, Immigration & Other Policies related to the Free Movement of Persons” (Amsterdam revision of 10.11.1997, OJ C 340).
2. Protocol No 2 annexed to the revised EU and EC Treaties (Amsterdam) “integrating the Schengen acquis” (ie the gradual abolition of checks at the common borders) “into the framework of the EU” on the basis of the two Schengen Conventions of 14.6.1985 and 19.6.1990. The original Schengen Conventions were among the Benelux states, Germany and France (5 member-states). Accession Protocols were signed by Italy in 1990, Spain and Portugal in 1991, Greece in 1992, Austria in 1995 and Denmark, Finland and Sweden in 1996 (13 member-states), before the Amsterdam revision.
3. Protocol No 29 annexed to the revised EU and EC Treaties (Amsterdam) on “Asylum for nationals of Member States of the EU” extending the application of the European Convention of Human Rights and Fundamental Liberties of 4.11.1950 to asylum seekers (especially its “non-refoulement” clause, article 3).
4. Protocol No 31 annexed to the revised EU and EC Treaties (Amsterdam) on “External relations of the Member States with regard to the crossing of external borders” according to which member-states should ensure effective controls at their external borders, in cooperation with third countries.

EC Summits:
common policy on asylum and immigration, the management and coordination of migration flows and the integration of legal immigrants.


Current European Union initiative – Structural Funds:

1. DG Employment and Social Affairs; the EQUAL Programme of the Community Initiative for combatting discrimination and inequalities in the labour market; total EU budget EUR 2,973 Bns; total budget for Greece of EUR 138,8 Mns (75% funded by the European Social Fund).

2. Commission Communication to the Member-States 05/05/2000 “Establishing the guidelines for the Community Initiative EQUAL concerning transnational cooperation to promote new means of combatting all forms of discrimination and inequalities in connection with the labour market”.

3. Hellenic Ministry of Labour and Social Affairs, “Programme of the Community Initiative for combatting discrimination and inequalities in the labour market (EQUAL) in Greece”.

4. Commission Decision 09/03/2001 “On approval of the Programme of of the Community Initiative for combatting discrimination and inequalities in the labour market (EQUAL) in Greece”.

Asylum protection and refugee recognition:


3. PD61/22.3.1999 published 6.4.1999 (FEK 63 A); implementation of current asylum regime; handles humanitarian refugees in its art. 8; replaced PD83/16.3.1993 published 19.3.1993 (FEK 36 A).


6. Inventory of the Greek Refugee Reception Centres (August 2003). Courtesy of DG Asylum at the MoPO.

7. PD266/11.10.1999 published 20.10.1999 (FEK 217 A); Charter of the Lavrion Reception Centre.


9. “Dublin II” Council Regulation (EC) No 343/18.2.2003 with vertical effect by 1.9.2003 “Establishing the criteria for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national”.

10. The “London resolutions” of 30.11.1992 (a) on manifestly unfounded claims (fast-track procedure) (b) on a harmonized approach to questions concerning host third countries as well as the conclusions on (c) “safe countries” in which there is generally no serious risk of persecution. Objective: discourage abuse of asylum by third country nationals (TCNs).

14. The European Convention of Human Rights and Fundamental Liberties of 4.11.1950 ratified by Greece with LD53/1974 (FEK 256 A) and in particular art. 3 of the Convention, the “non-refoulement” clause.
17. UN ExCom conclusions No. 30(XXXIV) of 20.10.1983 and No. 58(XL) of 13.10.1989: No. 30 regarding the problem of manifestly unfounded or abusive applications for refugee status or asylum (fast-track examination procedure); No. 58 regarding the problem of refugees and asylum-seekers who move in an irregular manner from a country in which they had already found protection (“safe country”, no threat of “refoulement”).

Other sources:
2. Statistics on White Card and Green Card applications by the National Employment Observatory & OAED. Courtesy of OAED.
6. 12-month money market rates have been provided by the former Monetary Committee of the Bank of Greece (August 2003); see Table B3.
7. KEPE, Economic Outlook, No 2, April 2003.


10. “The identity of repatriated Greeks from the former Soviet Union” by Professor and General Secretary Christos Kamenidis, ordered by the former General Secretariat for Repatriated Greeks or «Γενική Γραμματεία Παλιννοστούντων Ομογενών – Γ.Γ.Π.Ο.» at the Hellenic Ministry of Macedonia-Thrace, Thessaloniki 2000. Courtesy of Mr. Athanaïlidis.


13. “Albanian Immigrants in Thessaloniki” by Labrianides, L. and Lyberaki, A.


