

CARIM INDIA – DEVELOPING A KNOWLEDGE BASE FOR POLICYMAKING ON INDIA-EU MIGRATION

Co-financed by the European Union

Policy Framework on Highly Skilled Workers in Greece: Recent and Current

Danai Angeli

CARIM-India Research Report 2013/41

CARIM-India
Developing a knowledge base for policymaking on India-EU migration

Short Research Report
Highly-Skilled Migration Series
CARIM-India RR2013/41

Policy Framework on
Highly Skilled Workers in Greece:
Recent and Current

Danai Angeli
PhD Student, European University Institute

© 2013, European University Institute
Robert Schuman Centre for Advanced Studies

This text may be downloaded only for personal research purposes. Any additional reproduction for other purposes, whether in hard copies or electronically, requires the consent of the Robert Schuman Centre for Advanced Studies.

Requests should be addressed to India-EU.Migration@eui.eu

If cited or quoted, reference should be made as follows:

Danai Angeli, Policy Framework on Highly Skilled Workers in Greece: Recent and Current, CARIM-India RR 2013/41, Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI): European University Institute, 2013.

THE VIEWS EXPRESSED IN THIS PUBLICATION CANNOT IN ANY CIRCUMSTANCES BE REGARDED AS THE OFFICIAL POSITION OF THE EUROPEAN UNION

European University Institute
Badia Fiesolana
I – 50014 San Domenico di Fiesole (FI)
Italy

<http://www.eui.eu/RSCAS/Publications/>
<http://www.india-eu-migration.eu/publications/>
<http://cadmus.eui.eu>

CARIM-India – Developing a knowledge base for policymaking on India-EU migration

This project is co-financed by the European Union and carried out by the EUI in partnership with the Indian Council of Overseas Employment, (ICOE), the Indian Institute of Management Bangalore Association, (IIMB), and Maastricht University (Faculty of Law).

The proposed action is aimed at consolidating a constructive dialogue between the EU and India on migration covering all migration-related aspects. The objectives of the proposed action are aimed at:

- Assembling high-level Indian-EU expertise in major disciplines that deal with migration (demography, economics, law, sociology and politics) with a view to building up migration studies in India. This is an inherently international exercise in which experts will use standardised concepts and instruments that allow for aggregation and comparison. These experts will belong to all major disciplines that deal with migration, ranging from demography to law and from economics to sociology and political science.
- Providing the Government of India as well as the European Union, its Member States, the academia and civil society, with:
 1. Reliable, updated and comparative information on migration
 2. In-depth analyses on India-EU highly-skilled and circular migration, but also on low-skilled and irregular migration.
- Making research serve action by connecting experts with both policy-makers and the wider public through respectively policy-oriented research, training courses, and outreach programmes.

These three objectives will be pursued with a view to developing a knowledge base addressed to policy-makers and migration stakeholders in both the EU and India.

Results of the above activities are made available for public consultation through the website of the project: <http://www.india-eu-migration.eu/>

For more information:

CARIM-India

Robert Schuman Centre for Advanced Studies (EUI)

Convento

Via delle Fontanelle 19

50014 San Domenico di Fiesole

Italy

Tel: +39 055 46 85 817

Fax: + 39 055 46 85 770

Email: India-EU.Migration@eui.eu

Robert Schuman Centre for Advanced Studies

<http://www.eui.eu/RSCAS/>

General Background

Even though in the course of the past decade Greece found itself at the forefront of the migration wave to Europe, with the migrant population permanently residing in Greece reaching almost a million during the 2011 census¹- an estimated record of 10% of the overall population of Greece, way above the EU average- designing a comprehensive policy framework to manage and integrate the migrant population into the Greek society has only recently become a political priority. With the influx of irregular migrants drastically increasing over recent years, migration-related policies aimed primarily at discouraging the entrance of foreigners into the country rather than managing Greece's expanding role as a major host country.

Policy measures to attract highly skilled workers have consequently been very modest. Some early legislative initiatives focused on laying down more favourable procedures to facilitate the entry and residence for certain occupational categories that may be described as highly qualified. These were primarily third country nationals that could play a key role in promoting the economic growth of the country and attracting economic investments (eg. managers, members of the board of directors, specialised company personnel). Other target groups involved migrants who could contribute to the development of culture and arts, (eg. members of archaeological schools, writers, directors, painters, sculptors, actors, song artists, choreographers and scenographers), sports (eg athletes, trainers) and science (eg medicine).² Law 3386/2005, which laid down the general conditions of the entry, residence and social inclusion of third country nationals in Greece has been the main legislative framework for these policy measures. (Articles 17-24, 26, 33-34, 43).

A more holistic approach was adopted with the enactment of Law nr 4071/2012 (Arts 22-42), which transposed into the Greek legal order Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment. Law 4071/2012, which came into force as recently as 11 April 2012, introduced into the Greek legal system the term “highly skilled migrants” - a concept which had remained until then undefined- and established a more comprehensive framework for managing highly skilled migration in Greece. Regrettably, a Joint Ministerial Decision foreseen by Article 27§1 (Law nr 4071/2012) is necessary for the implementation of said Law and which will specify the maximum number of highly qualified jobs offered to third-country citizens for each region and specialisation area and, has not been issued yet. In practice, this means that Law 4071/2012 remains to this day dead letter since no blue cards have been issued yet.

Even more recently, on 12th September 2013, a new draft Code on Migration and Social Integration was put forward by the Ministry of Interior and is going to be submitted for public deliberation within the coming days. This new draft Code consists of 140 Articles which systematise the extant profusion

¹According to the Hellenic Statistical Authority, Greece's migrant population (legal and illegal) permanently residing in Greece consisted of 911.929. The number of third country nationals was 708.003. 11.333 (or 1,2% of the overall migrant population) were of Indian origin, see Press Release of 23 August 2013 summarising the main outcomes of the 2011 population census, pp. 8 and 9, available at http://www.statistics.gr/portal/page/portal/ESYE/BUCKET/A1602/PressReleases/A1602_SAM01_DT_DC_00_2011_03_F_GR.PDF (last visited 30 September 2013) According to a statement issued by the Deputy Interior Minister Haralambos Athanasiou 537.237 migrants are currently legally residing in Greece http://www.ekathimerini.com/4dcgi/_w_articles_ws1_1_26/02/2013_484665 (last accessed on 30 September 2013)

² For more see European Migration Network, “EMN focused study 2013: attracting highly qualified and qualified third country nationals”, Hellenic Republic Ministry of Interior, 2013, p. 7, http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/attracting/11a_greece_attracting_highly_qualified_tcn_submission_en.pdf ; See also C. Kanellopoulos and I. Cholezas, “Conditions of entry and residence of third country highly skilled workers in Greece”, Centre of Planning and Economic Research (KEPE), September 2006, available at http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/highly-skilled-workers/06a_gr_emn_ncp-_country_study_small-scale_study_iii_highly-skilled_finalen_version_sept06_en.pdf (last accessed on 30 September 2013)

of dispersed laws and decrees acts that address regular and irregular migration and simplifies current procedures. Areas that are expected to be affected include the categories of various residence permits (they are expected to be reduced from 50 to 19), the conditions for family reunification as well as the ability of holders of long-term residence to travel to other European Countries.

Definition of 'highly skilled' worker and sectoral focus of the Greek policy

As mentioned earlier, a definition of highly qualified employment was for the first time used by Law 4071/2012, which refers to the employment of a person who:

1. is **protected as an employee** under Greek labour law providing genuine and effective work for or under the direction of someone else irrespective of the legal form of this relationship,
2. is **paid**, and,
3. has the required adequate and specific competence, as proven by **higher professional qualifications**. The latter includes qualifications attested by evidence of higher education qualifications (diploma, certificate or other evidence of formal qualifications issued by a competent authority attesting the successful completion of a post-secondary higher education programme, on condition that **the studies needed to acquire it lasted at least three years**) or, by way of derogation, when provided for by national law, attested by **at least five years of professional experience of a level comparable to higher education qualifications** and which is relevant in the profession or sector specified in the work contract.³

Occupational categories that have been granted more favourable procedural requirements Law 3386/2005⁴ are the following:

1. Corporate managers, board members and company staff (Article 17),
2. Third-country nationals lawfully employed in an undertaking established in a Member State of the European Union or the European Economic Area who must travel to Greece in order to provide a specific service, in the context of a relevant contractual commitment between the said undertaking and a party active in Greece (Article 18)
3. Third-country nationals lawfully employed as specialised personnel in an undertaking established in a third country who must provide specific services, in the context of a services contract between the said undertaking and a corresponding undertaking active in Greece (Article 19)
4. Athletes and coaches of sports for their registration, transfer or engagement in a recognised sports union (Article 20)
5. Members of artistic groups (Article 21) and Intellectual creators, mainly authors, directors, choreographers, stage designers, painters, sculptors, musicians etc (Article 22)
6. Members of Foreign Schools of Archaeology (Article 23)
7. Third country nationals that enter the country for acquisition of medical speciality (Article 33)
8. Third-country nationals participating in exchange programmes in the context of interstate agreements, cooperation programmes funded by the European Union and scholars of

³ Law 4071/2012, Article 23 (transposing Article 2 of Directive 2009/50/EC), paras (b), (g) and (h)

⁴ See "Codification of Legislation on the Entry, Residence and Social Intergration of Third Country Nationals on Greek Territory", Law nr 3386/2005 (Government Gazette-GG A 212) as amended by Law nrs 3448/2006 (GG A' 57), 3536/2007 (GG A' 42), 3613/2007 (GG A' 263), 3649/2008 (GG A' 39), 3731/2008 (GG A' 263), 3772/2009 (GG A' 112), 3801/2009 (GG A' 163), 3838/2010 (GG A' 49), 3846/2010 (GG A'66), 3870/2010 (GG A' 138), 3875/2010 (GG A' 158), 3879/2010 (GG A' 163), 3900/2010 (GG A' 213), 3907/2011 (GG A' 7), 3938/2011 (GG A'61), 4018/2011 (GG A' 215), 4061/2012 (GG A' 66), 4071/2012 (GG A'85), 4075/2012 (GG A'89), 4115/2013 (GG A' 24), 4139/2013 (GG A' 74), 4146/2013 (GG A' 90), available at the Ministry of Interior Website last accessed on 30 September 2013;

ministries, organisations, nonprofit organisations and the National Scholarship Foundation (IKY) (Article 34)

Regarding self-employment and independent economic activity, highly skilled third country nationals are subject to the general rules set for every third country national wishing to work as self-employed or employer in Greece, which are more favourable than those referring to regular immigrants.⁵ Articles 24 and 26 provide as follows:

9. Third-country nationals that seek to enter the country in order to practice independent economic activity and have sufficient funds to practice the activity, amounting to at least sixty thousand euro (€60,000) and under the condition that this activity contributes to the growth of the national economy (Article 24)
10. Third-country nationals may enter Greece in order to make an investment of at least three hundred thousand euro (€300,000), which shall have positive effects on national economy. (Article 26)

Eligibility for permanent residence of highly skilled workers under the Greek policy

Regarding eligibility for permanent residence, highly skilled workers are subject to the same rules set for every a third country national seeking to apply for permanent residence; this includes five years of prior legal and continuous residence within the territory.⁶

More favourable conditions are set for a Blue Card holder, in the sense that it is sufficient for him/her to prove five years of legal and continuous residence within the community as an EU Blue Card Holder and legal and continuous residence for two years immediately prior to the submission of the relevant application as an EU Blue Card holder within the territory of Greece.⁷

Family reunification and the range of family members included

Regarding family reunification, the range of family members that may accompany the highly skilled migrant is the same as under the general migration rules. This includes:⁸

- the spouse as long as he/she is over 18 years old;
- the minor children of the sponsor and of his/her spouse, including children adopted lawfully adopted in the Greek territory or in accordance with a decision which is automatically enforceable or has been declared enforceable or has been recognised as final by the competent Greek authorities. Family members also include the minor unmarried children including adopted children of the sponsor or his/her spouse, where the sponsor or his/her spouse have custody respectively.⁹

⁵For more see in particular C. Kanellopoulos and I. Cholezas, “Conditions of entry and residence of third country highly skilled workers in Greece”, Centre of Planning and Economic Research (KEPE), September 2006, available at http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/highly-skilled-workers/06a._gr_emn_ncp_-_country_study_small-scale_study_iii_highly-skilled_finalen_version_sept06_en.pdf (last accessed on 30 September 2013), pp 9-11

⁶See Article 67§1 Law 3386/2005

⁷Article 36 Law 4071/2012 transposing Articles 16 and 17 of the Blue Card Directive; see also Presidential Decree 150/2006 transposing Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents

⁸See Article 54§1 Law 3386/2005; see also Article 23§f Law 4071/2012 referring for the definition of “family members” to Presidential Decree 131/2006 transposing Directive 2009/50/EC of 22 September 2003 on the right to family reunification into the Greek legal order

⁹Presidential Decree 131/2006, Article 4§1

- In case of polygamy, if the sponsor resides in the Greek territory with his/her spouse, he/she is not allowed to seek family reunification with another spouse.¹⁰
- Under the general migration rules, a third country national may apply for family reunification amongst others only after having resided for at least two years lawfully in Greece (and has a minimum annual income which cannot be less than the annual wages of unskilled workers, increased by 20% for the spouse and by 15% for each child).¹¹ As far as the occupational categories under Law 3386/2005 are concerned, following categories have the right to be accompanied by their family members immediately, by derogation of the general 2-year rule:
 - corporate managers, board members and staff (Article 17§3)- (who need to prove that they have a stable annual income of at least 8500 euros increased by 15% for every family member);
 - Third-country nationals lawfully employed in an undertaking established in a Member State of the European Union or the European Economic Area (Article 18§4)
 - Athletes and coaches of sports (Article 20§4)
 - Members of Foreign Schools of Archaeology (Article 23§4)
 - Third country nationals that enter the country for acquisition of medical speciality (Article 33§2)

With regard to blue card holders, Law 4071/2012 transposing the Blue Card Directive provides that a highly skilled worker may be accompanied by his/her family members by derogation of the general rules¹², as long as he/she is able to prove that he/she has a regular and stable income sufficient to maintain himself/herself and the members of his/her family.¹³ Permits for family members must be issued the latest within 6 months after the initial application and they have the same duration as that of the sponsor.¹⁴

The impact of the 2009 Blue Card Directive: comparison with the current policy

Since Law 4071/2012 has not been implemented yet pending the issuance of the joint ministerial decision, it is not possible to quantitatively assess the success of the new policy framework in attracting highly skilled migrants to Greece. As mentioned earlier, no blue card has been issued to this day and law 4071/2012 remains dead letter. In the context of the current economic crisis, it is also unlikely that Greece will become an attractive destination for highly skilled migrants within the foreseeable future. It is therefore reasonable to assume that considerable time needs to pass before one can draw safe conclusions on the impact of the 2009 Blue Card Directive in the highly skilled migration management in Greece.

Theoretically speaking however, the transposition of the Blue Card directive lays down a more favourable regime for highly skilled migrants compared to previous initiatives. These include the area of family reunification (Article 35) and the acquisition of permanent residence status (Article 36) as analysed earlier. In addition, the Blue Card secures “equal treatment” with nationals in the areas of:

¹⁰ Presidential Decree 131/2006, Article 4§2

¹¹ Article 54 Law 3386/2005; Presidential Decree 131/2006, Article 5

¹² Law 4071/2012, Article 35§§ 2,3

¹³ As defined under Presidential Decree 131/2006, Article 5 : “..has a minimum annual income and cannot be less than the annual wages of unskilled workers, increased by 20% for the spouse and by 15% for each child”

¹⁴ Law 4071/2012 Article 35§4

a) working conditions, including pay and dismissal, as well as health and safety requirements at the workplace; b) freedom of association and affiliation and membership of an organisation representing workers or employers or of any professional organisation, including the benefits conferred by such organisations, without prejudice to the national provisions on public policy and public security; c) education and vocational training; d) recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures; e) provisions in national law regarding the branches of social security; f) without prejudice to existing bilateral agreements, payment of income-related acquired statutory pensions in respect of old age, at the rate applied by virtue of the law of the debtor Member State(s) when moving to a third country; g) access to goods and services and the supply of goods and services made available to the public, including procedures for obtaining housing, as well as information and counselling services afforded by employment offices. h) free access to the entire Territory (this right may be restricted under the provisions of Article 74, Law 3386/2005).¹⁵

Minimum salary requirements

Law 4071/2012, transposing the Blue Card Directive, foresees a minimum salary threshold, which shall be at least 1.5 times the average gross annual salary in Greece, as defined by the data of Hellenic Statistical Authority.¹⁶ This minimum threshold may be re-defined by a joint Ministerial Decision. For employment in professions which are in particular need of third-country national workers and which belong to the major groups 1 and 2 of ISCO, the salary threshold may by way of derogation be at least 1.2 times the average gross annual salary in Greece. In this case, the Greek State concerned shall communicate each year to the Commission the list of the professions for which a derogation has been decided.

Access of highly skilled migrants to labour market is dependant on demand. A joint ministerial decision¹⁷ issued during the last quarter of every second determines the maximum number of highly skilled jobs open to third country nationals, by region and occupation specialty. The same may increase the maximum number of positions up to 10% to address unforeseen needs and emergencies and regulate any other relevant detail.

The joint ministerial decision must take into account the opinion of the Economic and Social Committee, the Manpower Employment Organisation (OAED) and the submissions of the different regions concerning their needs in highly skilled employment. Criteria that are to be taken into account when determining these needs include: the interest of the national economy, the purpose of the employment, the labour offer by Greek nationals, EU citizens or legally residing in third country nationals legally residing in Greece according to their specialisation as well as the percentages of unemployment per section of employment.¹⁸

¹⁵ For more see also European Migration Network, “EMN focused study 2013: attracting highly qualified and qualified third country nationals”, Hellenic Republic Ministry of Interior, 2013, available at http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/attracting/11a._greece_attracting_highly_qualified_tens_submission_en.pdf pp. 14-15

¹⁶ Law 4071/2012, Article 26§1 (b)

¹⁷ Ministries of Interior, External Affairs, Development, Competitiveness and Shipping and Labour and Social Security, Law 4071/2012 Article 27

¹⁸ For more see Law 4071/2012, Article 27§2

Age restrictions and linguistic training

There are currently no age restrictions as regards highly skilled migrants in Greece. Likewise, there are no provisions on linguistic training under the current regime. Linguistic training has been included however in the 2013 National Strategy for the Integration of Migrants in Greece.¹⁹ Within this framework, the Greek State is planning to organise linguistic and orientation training courses, the purpose of which will be to facilitate the integration of third country nationals into the Greek society.²⁰ The right to attend these courses will be reserved to third country national who reside lawfully in Greece and who acquired for the first time their entry or residence permit after 01/01/2005 and on grounds of employment, family reunification or on humanitarian grounds. Third country nationals attending these courses will be paying a tuition fee of 1 euro/hour. Those who are on some form of social support (eg. unemployment, social welfare) will be eligible to apply for a fee waiver.

Special clauses for academic researchers

Special clauses for academic researchers were introduced under Presidential Decree 128/2008 adapting Greek laws to Directive 2005/71/EC of 12 October 2005 providing for a specific procedure for admitting third-country nationals for the purposes of scientific research. The term “researcher” refers to as a third-country national holding an appropriate higher education qualification, which gives access to doctoral programmes, who is selected by a research organisation for carrying out a research project for which the above qualification is required. (Article 2 § d)²¹ Presidential Decree 128/2008 includes more favourable clauses than the general migration rules, e.g. as in the area of family reunification (Article 9), equal treatment clause (Article 14). Prior to that, academic researchers were benefiting from the more general wording of Article 43 of Law 3386/2005, (Article 43: “Issuance and renewal of residence permits for implementing research projects”), which has now fallen into inaction.²²

Special clauses for health care professionals

Law 3386/2005 included among the occupational categories third country nationals seeking medical specialisation in Greece (Article 33). This category of professionals enjoyed more favourable conditions such as in the area of entry and residence in Greece and family reunification as analysed earlier.

MOU (Memorandum of Understanding) or bilateral agreement with India for the recruitment of health professionals

Greece has signed bilateral labour agreements only with Albania (Law 2482/1997, FEK A'73, 16/5/1997) and Egypt (Law 2482/1997, FEK A'88, 10/6/1984), neither of which however aims at attracting highly qualified migrants but at seasonal migrant population instead.

¹⁹General Secretariat of Population and Social Cohesion, “National Strategy for the Integration of Third Country Nationals”, Ministry of Interior, published on 23 April 2013, pp. 53-54

²⁰Ibid. p. 54

²¹ Presidential Decree 128/2008 transposing Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research, published in the Government Gazette on 15 September 2008, available at http://www.ypes.gr/el/Generalsecretariat_PopulationSC/general_directorate_migration/diefthinsi_metanastefikis_politikhs/Proedrika_diatagmata/ last accessed on 30 September 2013

²² http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/attracting/11a._greece_attracting_highly_qualified_tcms_submission_en.pdf , p.7

Access of spouses/partners of principal applicants to the labour market under the current scheme

Under the general family reunification scheme, spouses of principal applicants are allowed access to the labour market and may exercise employed or self-employed activity.²³ Under the general migration rules, for the first 12 months after the issuance of the initial residence permit, access to labour market is subject to the terms and conditions determined by a joint ministerial decision by the Ministries of Interior, Public Administration and Decentralisation, Economy and Finances, Employment and Social Protection. For the spouses of blue card holders in particular, there are no time limits in respect of access to labour market, starting 19 December 2011.²⁴

Since no blue card has been issued to this day, this provision has also not been implemented yet either.

Policy on intra-company employee transfers

A. Intra-company employee transfers from a foreign company towards its branches in Greece: Such transfers are foreseen by Article 17 Law 3386/2005. Third country specialised scientific personnel employed by foreign companies that have branches or subsidiaries in Greece may travel to be employed in the branches or affiliates of the said company or associate companies in Greece under the following conditions: a) The undertaking established in Greece must be employing at least one hundred (100) foreign employees; b) the third-country nationals who will be transferring to the said undertakings must have scientific knowledge in their field that is not possessed by Greek or Community employees or third-country nationals lawfully residing in Greece. The number of employees cannot exceed 5% of national employees. The residence permit shall be initially issued for a period of one year and may be renewed for two more years.

B. Provision of services while based in a company in an EU/EEA Member State: (Articles 18, Law 3386/2005) Third-country nationals lawfully employed in an undertaking established in an EU or EEA Member State and who must travel to Greece in order to provide a specific service, in the context of a relevant contractual commitment between the said undertaking and a party active in Greece, can apply for a residence permit before the General Secretary of the Region for the period required to fulfil the contractual commitment by the undertaking. The said residence permit cannot exceed one year and may be renewed for six more months in exceptional cases and if justified by the need to fulfil the contractual commitment of the undertaking. (Article 18, Law 3385/2005)

C. Provision of services while based in an undertaking in a third country: (Article 19, Law 3386/2005) Third-country nationals lawfully employed as specialised personnel in an undertaking established in a third country who must provide specific services, in the context of a services contract between the said undertaking and a corresponding undertaking active in Greece may also be issued with a residence permit, for the period required to fulfil the contractual commitment, which cannot exceed one year overall. The said residence permit may be renewed for six more months in exceptional cases, if justified by the need to fulfil the contractual commitment of the undertaking.

D. Blue Card Holders who wish to transfer from another European country to Greece are only subject to the restrictions provided for in Article 27 Law 4071/2012, i.e. the general conditions on the volume of admission of highly skilled employment in Greece as defined by the joint ministerial decision. These restrictions- as analysed earlier- relate to national interest assessments, the purpose of their employment, the offer of employment by Greeks, the unemployment rates and the specialisation of the interested persons.

²³ Presidential Decree 131/2006, Article 10; Law 3386/2005, Article 59,

²⁴ Law 4071/2012, Article 35

Brief evaluation on the success or failure of recent policies in terms of attracting highly skilled workers- in particular Indian highly skilled workers- to Greece.

While the outcomes of the Blue Card Directive remain to be seen, in terms of attracting highly skilled migrants, policies prior to the enactment of the Blue Card Directive have produced rather mediocre outcomes.

Under the occupational categories system of Law 3386/2005, some categories like those of Article 17 (managers, directors, specialised personnel) and Article 20 (athletes, coaches) have been relatively successful and experienced a rise in the permits issued in particular in the period of 2006-2009, right after the enactment of the law. This might indicate a positive impact of the policy framework in attracting highly skilled workers. In other categories, like those of archeologists (Article 23), the number of permits has remained stable throughout the years (70-80) or very limited. Nonetheless the proportion of highly skilled migrants has remained at very low levels in particular when compared to the overall migrant population in Greece. For instance, in the course of 2009 initial residence permits with the aim of employment, which could be regarded as highly qualified work, were granted to 310 persons and the total number of persons with a residence permit for employment of this category amounted on 31.12.2009 to 1.483²⁵ Similarly, in 2009 the number of initial residence permits issued for scientific research was 25, while the overall number of permits issued within this category was 34 on 31.12.2009.²⁶ Indian workers in particular belong in their overwhelming majority to low-skilled workforce and work in the fields of agriculture, livestocking and aquaculture.²⁷

Different reasons have been cited to explain the failure of Greece to attract highly skilled workers. On the one hand, the large influx of migrants in Greece in proportion to the population- way above the EU average- has raised doubts whether the Greek economy would anyway be able to absorb smoothly such a large number of workers.²⁸ As regards highly skilled workforce in particular, it has been questioned whether Greece actually needs highly skilled workers given the high unemployment rates among tertiary education graduates. This also means that highly skilled workers reaching Greece often occupy themselves in low-skilled positions where they do not need to use their specialisations;²⁹ combined with bureaucratic obstacles and the added difficulty of the Greek language, this has rendered Greece in a rather unattractive destination.

While the need for a more comprehensive policy framework and 'a change of philosophy' towards migration have been formally acknowledged by the Greek Government in their National Strategy agenda, it is highly unlikely that in the context of the recent economic crisis initiatives to attract highly skilled workers will meet with fertile ground.

²⁵ EMN National Local Point for the Hellenic Republic, Annual Policy Report 2009, 08/2/2010, p. 26

²⁶ Ibid.

²⁷ General Secretariat of Population and Social Cohesion, Ministry of Interior, "National Strategy for the Integration of Third Country Nationals", 23 April 2013, available at http://www.ypes.gr/UserFiles/f0ff9297-f516-40ff-a70e-eca84e2ec9b9/ethniki_stratigiki.pdf (in greek), last accessed on 30 September 2013, p. 36

²⁸ C. Kanellopoulos and I. Cholezas, Conditions of Entry and Residence of Third Country Highly Skilled Workers in Greece, September 2006, available at http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/highly-skilled-workers/06a_gr_emn_ncp_-_country_study_small-scale_study_iii_highly-skilled_finalen_version_sept06_en.pdf (last accessed on 30 September 2013), p. 12

²⁹ Ibid.

Policy Impact on the Recruitment of both Highly Skilled Labour in general and Indian highly skilled workers in particular

Data on main nationalities recruited so far (and main nationalities recruited in the recent past, for example, in the case of the German Green Card)

Main nationalities recruited on the basis of employment (highly-skilled/low skilled) - on 24 April 2013³⁰

Albania	50198
Philipinnes	3208
Ukraine	2609
Egypt	2190
Georgia	2087
Moldavia	1649
Pakistan	1000
India	893
Armenia	546
China	540

Of these, the percentage and number of Indians recruited (if Indians are subsumed under a larger regional category such as 'South Asia' in national data, the data on South Asians can be included)

In their overwhelming majority Indians residing in Greece work in the field of agriculture, livestocking and aquaculture.³¹ According to the statistics of the Greek Ministry of Interior, on 21 April 2013 there were 893 registered Indian migrants that had been granted residence permit for the purpose of employment (all skills included),³² 5635 for other purposes³³, 3731 for family reunification,³⁴ 20 for studies³⁵

If gender-disaggregated data is available, it should be included.

Almost all Indian workers residing in Greece (according to the National Strategy data, a 90-95%) are male.

³⁰National Strategy (fn 27), http://www.ypes.gr/UserFiles/f0ff9297-f516-40ff-a70e-eca84e2ec9b9/ethniki_stratigiki.pdf , pp. 35-37

³¹General Secretariat of Population and Social Cohesion, Ministry of Interior, "National Strategy for the Integration of Third Country Nationals", 23 April 2013, p. 36

³²Ibid.

³³Ibid. p. 39

³⁴Ibid. p. 41

³⁵Ibid. p. 44; to compare to the overall number of residence permits issued for purposes of employment see also EMN Annual Report on Statistics on Migration and International Protection of 2009, available at http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/migration-statistics/asylum-migration/2009/gr_20120229_statistics2009_en_version_final_en.pdf

Sectoral distribution of highly skilled workers in general and Indian highly skilled workers in particular

Sectoral Distribution	Previous years	2012
Members of Board Directors, Managers, Company Staff (Art 17)	(N/A but reportedly the highest number compared to all other categories)	(N/A but reportedly the highest number compared to all other categories)
Athletes (Art. 20)	2006: 248	106
Members of archaeological schools (Art. 23)	2006-2011: 70-80 per year	61
Third country national participating in exchange programmes such as in the context of interstate agreements, co-operation programmes funded by the European Union and scholars of ministries, organisations, non-profit organisations and the National Scholarship Foundation (Art 34)	2006: 523 2008: 1241 2009: 1246	738
All remaining categories (Arts 18, 19, 33)		Less than 50 per year

While no Blue Card has been issued yet, once the system starts operating a quota is foreseen. Article 27 Law 4071/2012 provides that a joint ministerial decision issued in the last quarter of every second year will set out the maximum number of jobs for highly qualified workers offered to third-country nationals, for each Region and area of specialisation. The same decision may also specify a further increase to the maximum number of highly qualified jobs of up to 10%, with a view to cover unforeseeable contingencies, as well as all other relevant formalities

Data (if available), on intra-company employee transfers

Third country nationals transferred to offer services in Greece(Article 18, law 3386/2005) ³⁶:

Citizenship	Number
India	20
US	3
Venezuela	3
Serbia-Montenegro	3
Other countries	13
Total	42

There was no interest among Blue Card Holders and Scientific Researchers located in another EU country to transfer to Greece.

³⁶Center of European Constitutional Law, Movement of third country nationals within the EU, 2012, p. 25, available at http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/intra-eu-mobility/11b.greece_national_report_intra-eu_mobility_final_jan2013_gr_en.pdf