



# The Organisation of Asylum and Migration Policies

## Factsheet: Greece

### 1. Introduction

This Factsheet provides an overview of how asylum and migration policies are organized in *Greece*, including the organization of the institutional and regulatory framework for dealing with third-country nationals coming for the purpose of legal immigration or seeking for international protection. It is based on information provided in the Greece National Report of the EMN study *The Organization of Asylum and Migration Policies in EU Member States*, as of February 2009, as well as in the *Greece National Report on EMN Annual Policy Report 2011*. The above mentioned Reports were based on desk research: key sources included previous studies and articles, national and European legislation, reports and contributions from the competent authorities and available statistics. In addition, interviews were carried out with officials from institutions involved with asylum and migration, as well as scientists and experts in the field.

### 2. Overview of organisation of political, legislative and institutional framework

#### 2.1 The political system and institutional context

The Ministries involved in asylum and migration policy in Greece are: (a) the Ministry of Interior (General Secretariat of Population and Social Cohesion), responsible for migration policy (legal migration) and social integration of third-country nationals, the legislative framework and procedures for acquiring Greek citizenship, and the issuance of certain types of residence permits, (b) the Ministry of Public Order and Citizen Protection, responsible for tackling illegal migration, border control and asylum procedures (Police Headquarters, First Reception Service, Asylum Service), (c) the Foreign Affairs Ministry, responsible for issuing, renewing and / or revoking Schengen and national visas and (d) the Ministry of Labour and Social Security, responsible, in cooperation with the Ministry of Interior, for the evaluation of labour market needs, the registration of requests for guest foreign labour force, setting requirements for the granting / renewal of residence permits (e.g. social security requirements) and the implementation of labour legislation *inter alia* through inspections by the Labour Inspectorate, as well as for the reception conditions of asylum seekers.

The Ministry of Justice, Transparency and Human Rights is responsible for the legal guardianship of third country nationals, unaccompanied minors (via Public Prosecutors). The Ministry of Development, Competitiveness, Infrastructure, Transport and Networks is involved in residence permits for the purpose of independent financial activity or investment. The Ministry of Shipping, Maritime Affairs and the Aegean is responsible, with the Hellenic Police, for sea / border surveillance and the fight against illegal migration.

At regional / local level, the Decentralized Authorities of the State (former Regions) are responsible for issuance / renewal of the majority of the residence permits. Various other organizations are involved in the asylum procedure, such as the UNHCR, the Greek Council of Refugees, the Greek Ombudsman and the National Commission for Human Rights. IOM assists migrants with assisted voluntary return programmes working with the Ministry of Public Order and Citizen's Protection. Various NGOs support asylum seekers.

#### 2.2 The legal framework

The main legislation regulating migration is (a) Law 3386/2005 on Entry, Residence and Social Integration of third-country nationals in the Greek Territory, as amended by several laws and (b) Law 4018/2011 on the establishment of "one-stop shop" services, competent for issuing residence permits to third country nationals (under gradual establishment). Asylum policy and procedures are regulated by International Conventions, The legal framework includes EU Regulations and various Presidential Decrees transposing EU Directives in parallel with Law 3907/2011 on the Establishment of an Asylum Service and a First Reception Service, as well as on the transposition into Greek legislation of Directive 2008/115/EU.

### 3. Development of migration and international protection systems

Many changes in the legislation came as a result of European Conventions and Directives. The current immigration law (3386/2005) came into force in 2005; amendments have taken place to improve the relevant procedures and the “one-stop shop” services are being established in accordance with Law 4018/2011. The Asylum Service and First Reception Service were established by the relevant provisions of Law 3907/2011. The main legislative instruments for granting refugee status include Presidential Decrees 220/2007, 96/2008 and 90/2008 on reception, recognition and status of asylum seekers and refugees. Presidential Decree No 114/2010 defines minimum standards on procedures for granting and withdrawing refugee status according to Directive 2005/85/EC. The introduction of the Dublin procedure has resulted in additional asylum applications to Greece, adding to immigration pressure on its external borders.

### 4. Organisation of policy

#### 4.1 Overview of migration and international protection policy

Entry is only permitted through controlled entry points. Third-country nationals, who enter / exit illegally, are sentenced with imprisonment. A valid passport or travel document is required, as well as a short stay ('Schengen') or long stay ('National') visa, in line with international conventions, EU and national law. Visas are issued by Consular Offices, but may exceptionally be issued by the passport control agencies.

Asylum applicants may submit their application to police authorities at the border, after which an accelerated procedure is followed. If no decision is reached after four weeks, entry is allowed.

Regarding admission conditions, visas are issued for specific reasons (i.e. seasonal work, independent financial activity, studies, family reunification), while an application for the respective residence permit must be submitted before expiration (except for seasonal workers, who reside with a national visa for the specific period) to the Decentralized Authorities of Greece (former Regions) or at the relevant offices of the Municipality where the “one-stop shop” services are not yet established. Once the required documentation is submitted, a certificate of lodgement is issued and the residence is legal until a decision is reached. Interviews may be undertaken during the examination. The categories of permits include: employment, independent financial activity, special reasons (e.g. studies or training), exceptional reasons (e.g. humanitarian), family reunification, long term (10 years duration) and EU long-term resident status. Asylum applicants also undergo an interview procedure and are entitled to legal assistance at their own expense (this is free in cases of appeals). Asylum applicants may choose their place of residence.

The duration of most types of initial residence permits is one year - renewals mostly last for two years. The purpose of stay can be changed after three years from the granting of the initial permit. Five years of residence results in entitlement to a long-term residence status, provided certain pre-conditions are fulfilled. Recognised refugees receive a residence permit for five years, which can be renewed. Where conditions relating to (lack of serious) a criminal record and knowledge of language, history and culture are fulfilled, immigrants may be granted citizenship after 10 years of residence, recognised refugees after 5 years.

Regarding access to the labour market, regional committees report each year on the labour market needs: a precondition for access for third-country nationals is a formal labour contract with an adequate salary. New contracts in the same specialty are accepted, and after one year, work in different prefectures is allowed. Different procedures exist for third-country nationals entering for investment purposes. Work permits and residence permits are unified, with certain employment restrictions for students and adult children of diplomatic employees. Asylum applicants have the right to temporary employment under certain conditions. Recognised refugees can acquire a work permit with duration similar to their residence permit.

Breach of Law 3386/2005 can result in expulsion, with 48 hours to object. The cost burden may apply to the foreigner, and a police escort may be applied. The provisions also apply to rejected asylum applicants.

#### 4.2 Links with other policies

Asylum and migration issues cut across many policy areas, but the policy effects of third country nationals' long-term presence and integration needs have only recently become apparent. Linked policy areas include foreign policy and development (with projects in countries of origin), education (guaranteed also for foreigners), plus economic and labour market policies (reflecting links to employment or financial activity).

### 5. Analysis of asylum and migration systems

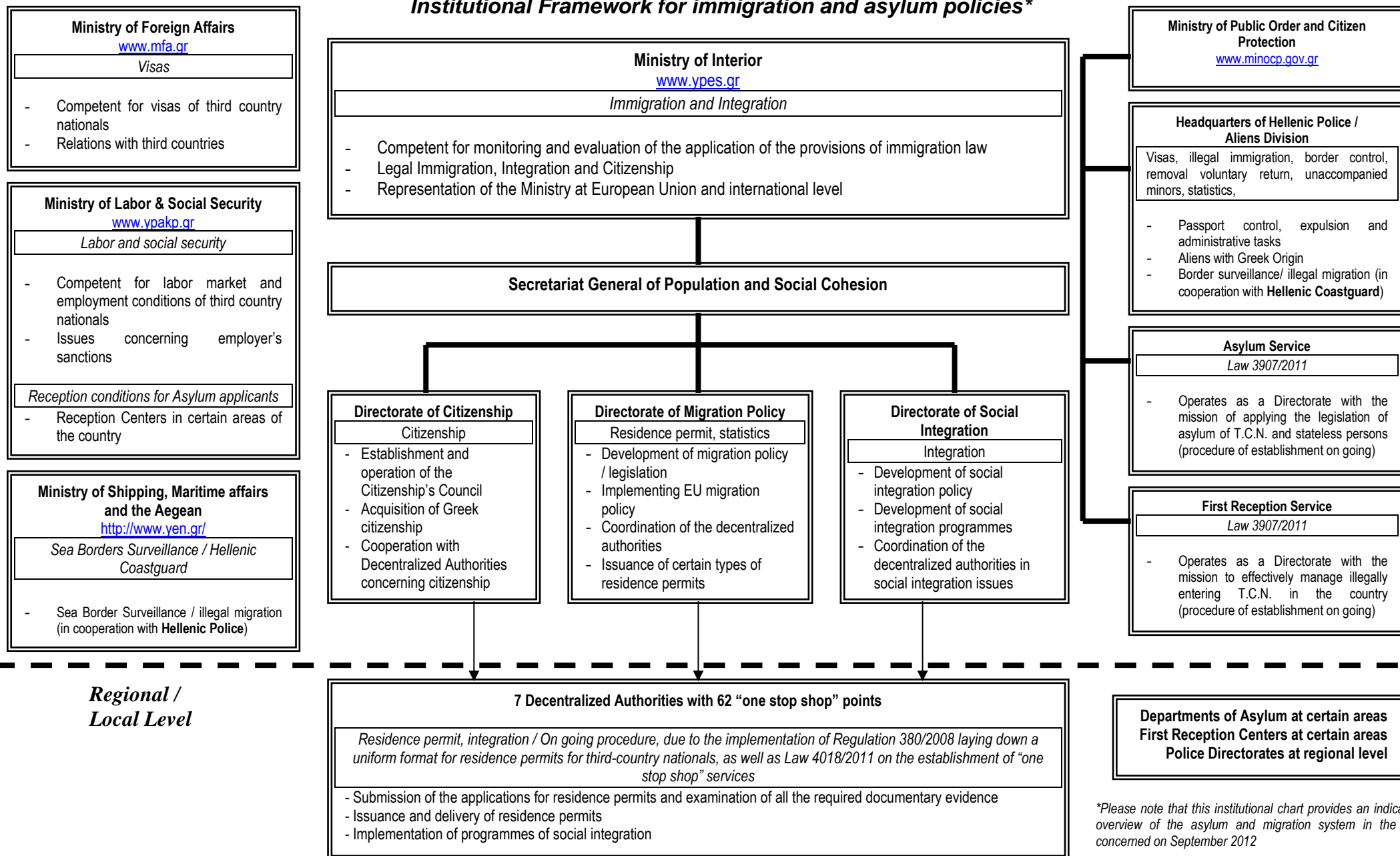
Greece has faced increasing immigration flows since the 1990s due to its geographic location. The issue is of high priority and has led to several new legislative initiatives with a focus initially on policing and subsequently on building reception and integration systems. There is potential for development in the area of simplification of procedures, cooperation between authorities and initial screening of asylum applicants, and the increasing influx has put pressure on the human, financial and technical resources available.

### ANNEX: Institutional Chart for Greece

*Central Level*

# Hellas

## Institutional Framework for immigration and asylum policies\*



\*Please note that this institutional chart provides an indicative overview of the asylum and migration system in the m/s concerned on September 2012