

# ORGANISATION OF MIGRATION AND ASYLUM SYSTEM IN GREECE

## OVERVIEW

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### INTRODUCTION

This document provides an overview of how asylum and migration policies are organised in **Greece**, including the organisation of the institutional and regulatory context and framework for dealing with third-country nationals coming for the purpose of legal immigration or for international protection. It is based on the information provided by **Greece** in **January 2022**

legal entry, residence and social integration of third country nationals in the Greek territory, and on the identification and reception of third country nationals entering the country without legal authorization. Furthermore, the Ministry is responsible for planning and implementing the national asylum or other forms of international protection policy and the protection of applicants and persons identified as in need of international protection, i.e. recognized refugees, beneficiaries of subsidiary protection and beneficiaries of humanitarian status.



### OVERVIEW OF ORGANISATION OF LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

#### THE INSTITUTIONAL CONTEXT

*Briefly outline the general structure of the **institutional context** relevant for migration and asylum, including overview of ministries, institutions and agencies taking a leading role in migration and asylum, and those playing a supporting / consultative role. Include also other embedded stakeholders (e.g. international organisations, NGOs, research institutes) involved significantly in the migration and asylum processes (e.g. appointed by the government to implement a policy).*

#### **The Ministry of Migration and Asylum.**

The Ministry of Migration and Asylum holds the majority of competencies regarding migration issues. According to Presidential Decree 106/2020, (A'255), the Ministry's mission is to design and implement the national migration policy, both on the

The Ministry is also responsible for implementing EU and international law, as well as international conventions on migration, international protection and the reception of applicants for international protection, and is responsible for coordinating all relevant services of the country at central and regional level in order to ensure rapid implementation and uniformity. To this end, it maintains constant communication with the competent authorities of the European Union (EU) and international organizations and participates with its bodies in the formulation of the common EU policy on matters. within its competence, in cooperation with the Ministry of Foreign Affairs and the Permanent Representation to the EU.

More specifically:

- the Directorate for European and International Cooperation of the Ministry of Migration and Asylum is responsible for monitoring the policy of the European Union and the work of International Organizations in the areas of responsibility of the Ministry,

the formation and optimal promotion of Greek positions in international and European bodies, communication and cooperation with the European Union, other countries and International Organizations.

- the Directorate of Legal Support of Asylum and Reception of the Ministry of Migration and Asylum is responsible for legal issues on a) reception and hospitality of applicants for international protection and b) granting asylum or other forms of international protection.
- the General Secretariat of Migration Policy of the Ministry of Migration and Asylum has the responsibility of contributing to the planning and implementation of public policies on issues related to the legal entry, residence and social integration of third country nationals, as well as the planning, data security and operational readiness of data collection and management systems, with the aim of issuing electronic residence permits to third country nationals residing in Greece. *It consists of:*
  - ✓ the General Directorate of Migration Policy, which consists of the Directorates of a) Migration Policy (responsible for the planning and implementation of immigration policy and the management of issues related to the legal entry and residence of third-country nationals in the Greek territory, the coordination and supervision of the competent services of the Decentralized Administrations of the country), b) Social Integration (responsible for the planning, monitoring and the implementation of the integration policy and the respective national strategy for the social integration of the legal residents) and c) Residence Permits (responsible for issuing residence permits of competence of the Ministry, but also for supporting the service of third country nationals)
  - ✓ the General Directorate for Coordination and Management of AMIF and ISF Programs and other resources
  - ✓ the Asylum Service, whose local jurisdiction is extended throughout national territory, is responsible for the implementation of the legislation

on asylum and other forms of international protection of foreigners and stateless persons, the support of the planning and the formulation of the policy of the Country regarding the granting of asylum or other forms of international protection, as well as the monitoring and evaluation of this implementation. It consists of the Central Service, Regional Services and the Directorate of Returns and Withdrawals. The responsibility for examining applications for international protection and the relevant first instance decisions are issued by the Regional Asylum Service Offices, the Independent Asylum Units and the Mobile Asylum Units, while the evaluation of the quality of their work is done by the Directorate of General Administration of the Asylum Service of the Ministry of Migration and Asylum.

- the General Secretariat for the Reception of Asylum Seekers of the Ministry of Migration and Asylum, which includes all central and regional reception and identification services, reception centers, accommodation structures and closed controlled access centers on islands, is responsible for the planning, assignment and supervision of construction, maintenance, conversion and operation of all types of reception and accommodation structures for asylum seekers, refugees and migrants, related infrastructure and facilities, as well as housing infrastructure for all types of services. Pursuant to Presidential Decree 77/2023 (G.G A' 130/27.06.2023), the General Secretariat for the Reception of Asylum Seekers expands to incorporate all sets of competencies, organisational units, staff posts and supervised bodies of the Special Secretariat for Coordination of Stakeholders of the Ministry, which was concomitantly abolished. These competencies include the certification and control of Legal Entities in Private Law, of Non-Profit and Non-Governmental Organizations (NGOs) and their members, which are active in Greece in matters of international protection, migration and social

integration and provide services to applicants and beneficiaries of international protection, as well as to ensure the smooth coexistence between refugees and migrants hosted in local Structures and Centers and the local communities.

- the Appeals Authority examines claims for international protection at second instance. The Authority consists of the Central Administration Service and the Independent Appeals Committees, and its local jurisdiction is extended throughout the national territory.

The General Secretariat for Vulnerable Persons and Institutional Protection of the Ministry of Migration and Asylum, which was established pursuant to Presidential Decree 77/2023 (G.G A' 130/27.06.2023) and incorporates all sets of competencies, organisational units, staff posts, supervised bodies and services of the Special Secretariat for the protection of Unaccompanied Minors (as established by P.D 106/2022) and the latter was concomitantly abolished. The General Secretariat falls under the responsibility of the Deputy Minister of Migration and Asylum, and is the competent authority for all matters concerning unaccompanied minors in the country. Its strategic objective is the planning, implementation and supervision of the National Strategy for the protection of unaccompanied minors, as well as other policies and interventions to ensure the protection of unaccompanied and separated from their families minor third-country nationals or stateless persons who are in Greece.

### **The Ministry of Foreign Affairs**

The mission of the Ministry of Foreign Affairs is to conduct the foreign policy of the Hellenic Republic and to promote international legitimacy in cooperation with other states and the international community. Its services are structured according to the relevant organization (Law 4781/2021, A'31). In particular, and in the context of cooperation between the Ministry of Foreign Affairs and the Ministry of Migration and Asylum, the main cooperation services are the EU General Directorate (which includes the C4 Directorate of Justice, Home Affairs, Immigration and Schengen) and the General Directorate of International Organizations and International Security and Cooperation with their competent Directorates.

Within the Ministry of Foreign Affairs, there is the Bureau of the National Rapporteur at the Central Office of the Ministry of Foreign Affairs, which is responsible for developing, coordinating and implementing a national strategy to tackle trafficking in human beings at the levels of prevention, repression and prosecution of perpetrators, as well

as the protection of victims of trafficking, which reports directly to the Minister of Foreign Affairs.

### **The Ministry of Citizen Protection**

One of the central services of the Ministry is the Hellenic Police Headquarters, which is a single independent Service and includes, among others, the Security Branch, where the Directorate of International Police Cooperation and the Branch of Foreigners and Border Protection belong. The latter includes the Directorate of Border Protection with the Center for Integrated Border and Migration Management, the Directorate for Illegal Migration (responsible for detention and returns) and the Directorate for Foreigners, which includes the Department for Citizenship, third country nationals of Greek origin and Citizens of the European Union. The Ministry of Citizen Protection also contains, as an independent service, the National Coordination Center for Border Control, Migration and Asylum, which reports directly to the Minister of Citizen Protection.

### **The Ministry of Maritime Affairs and Insular Policy**

It is responsible, inter alia, for the prevention and suppression of illegal actions in the areas of responsibility of the Hellenic Coast Guard, the control of the sea borders, the care for ensuring the readiness and utilization of the available means to carry out operations and missions, including those for search and rescue.

### **The Ministry of Interior**

The Ministry, and more specifically its General Secretariat of Citizenship, is responsible for the procedures of granting Greek Citizenship to foreigners.

### **The Ministry of Education and Religious Affairs.**

It is responsible for the development and upgrading of education and includes the Independent Department for the Coordination and Monitoring of Refugees' Education whose basic goal is the integration of all refugee and migrant children into the Greek education system.

### **The Ministry of Labour and Social Affairs**

It is responsible, inter alia, to control and deal with any form of delinquency in the labour market. In this context, cooperation is developed with it to monitor the implementation of the Directive on Sanctions Against Employers, which is shortly to be conducted through the relevant IES platform of EMN.

### **The Decentralized Administrations of the country**

The Directorates competent for Migration of the Decentralized Administrations of the country are responsible for granting, renewing or revoking residence permits to all third country nationals entering and residing in Greece in accordance with Law 4251/2014 (Code of Migration and Social Integration), except for specific categories of residence permits that are of competence of the Ministry of Migration and Asylum and are issued by the Directorate of Residence Permits of the Ministry (e.g. victims of human trafficking, company executives, intra-corporate transferees, highly skilled workers, etc.)

## THE LEGAL SYSTEM

*Outline briefly the general structure of the **legal system** in the area of migration and asylum, including identification of the relevant laws, the levels on which decisions are made, and the main actors involved.*

### Main legislation in the field of Migration and Asylum

#### Migration:

-Law 4251/2014 (A'80), Code of Migration and Social Integration regulating the entry and residence of third-country nationals in the Greek territory.

-Law 5038/2023 (A'81) New Migration Code: codification and reform of legal migration provisions effective as per 31.3.2024 - (effective date pursuant to L.5079/2023(A'215)).

-Law 4915/2022 (A'63): Revision of provisions for the admission procedure of third-country nationals for the purpose of seasonal work.

-Law 4960/2022(A'145): Provisions for the establishment of a national Guardianship System and Framework for Hosting Unaccompanied Minors.

-Law 5007/2022(A'241): Reform of provisions regarding investor residence permits.

-Law 4959/2022(A'144): Ratification of a memorandum of Understanding between the Government of the Hellenic Republic and the Government of the People's Republic of Bangladesh on Migration and Mobility.

-Law 5009/2023 (A'7)  
Ratification of Agreement between the Government of the Hellenic Republic and the Government of the Arab Republic of Egypt for the employment of seasonal workers in the agricultural sector

-Law 5078/2023(A'211): Establishment of a position for a National Coordinator for Returns and a position for a National Coordinator against Smuggling of Migrants.

Provision for granting a new-type residence permit for work to third-country nationals who have a formal job offer by an employer in the country and who resided in Greece until 30.11.2023 without a residence permit.

Provision for the beneficiaries of international protection (Directive 2001/55) to be included in the application of the provisions of the Migration Code

#### International protection:

-Law 4939/2022 (A'111): Ratification of the Code of Legislation on the reception, international protection of third country nationals and stateless persons and temporary protection in the event of a mass influx of displaced foreigners

-Law 4825/2021 (A'157) provided for the restructuring of procedures regarding deportations and returns, attracting investors and digital nomads, issues of residence permits and granting international protection.

-Law 4686/2020 (A'96) amended provisions of below mentioned laws 4636/2019, 4375/2016, 4251/2014 in order to improve migration legislation.

-Law.4636/2019 (A'169) on international protection, transposition of Directives 2013/32/EU (common procedures), 2013/32/EU (reception conditions) and 2011/95/EU (standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection) into national legislation.

- Law 4375/2016 (A'51) on organization and operation of Asylum Service, Appeals Authority, Reception and Identification Service, initial transposition of Directive 2013/32/EU on common procedures for granting and withdrawing international protection (recast).

-Law 3907/2011 (A'7) on establishing Asylum Service and First Reception Service, transposition of Returns Directive 2008/115/EU into national legislation.

*Finally, briefly describe how migration and asylum systems may be linked to other policy areas e.g. labourmarket policy, development policy.*

Coherence in the development of national and EU policies in the areas of migration, asylum, integration and border management is a challenge that MS must address effectively through the necessary institutional tools. Migration and employment policies are directly intertwined, as are social policies, fiscal policy, etc. There is a need for coordinating migration with other policies, not only that of labour, which effectively contributes to the integration of migrant populations in host societies, but also with other sectoral policies.

In particular in the field of the external aspect of migration, the strengthening of cooperation with third countries, through tools (e.g. development policy), can have a positive effect on combating illegal migration and migrant smuggling networks, tackling the root causes of illegal migration, and the possible displacement of populations. Finally, the development of partnerships with third countries can make an effective contribution to the field of "attracting talent", in order to meet the needs of the national labour market and to ensure that countries of origin do not suffer from the "brain drain" phenomenon.



## INSTITUTIONAL CHART

*The most up to date Institutional Chart will be added inas an Annex.*

