



Legal Migration Fitness Check

Evidence base for practical
implementation

Member State summary

Greece

Annex 2 EL

Written by ICF Consulting Services
Limited

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LEGAL NOTICE

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Table of Contents

Introduction	1
1 Pre-application phase	2
1.1 Legal transposition of the EU legal migration acquis	2
1.2 Practical application of the EU legal migration acquis	2
1.3 Differences between national statuses and the EU legal migration acquis	4
2 Preparation phase	4
2.1 Legal transposition of the EU legal migration acquis	4
2.2 Practical application of the EU legal migration acquis	4
2.3 Differences between national statuses and the EU legal migration acquis	6
3 Application phase	6
3.1 Legal transposition of the EU legal migration acquis	6
3.2 Practical application of the EU legal migration acquis	6
3.3 Differences between national statuses and the EU legal migration acquis	8
4 Entry and travel phase	9
4.1 Legal transposition of the EU legal migration acquis	9
4.2 Practical application of the EU legal migration acquis	9
4.3 Differences between national statuses and the EU legal migration acquis	10
5 Post-application phase	10
5.1 Legal transposition of the EU legal migration acquis	10
5.2 Practical application of the EU legal migration acquis	10
5.3 Differences between national statuses and the EU legal migration acquis	11
6 Residency phase	11
6.1 Legal transposition of the EU legal migration acquis	11
6.2 Practical application of the EU legal migration acquis	12
6.3 Differences between national statuses and the EU legal migration acquis	14
7 Intra-EU mobility phase	14
7.1 Legal transposition of the EU legal migration acquis	14
7.2 Practical application of the EU legal migration acquis	15
7.3 Differences between national statuses and the EU legal migration acquis	15
8 End of legal stay / leaving the EU phase	15
8.1 Legal transposition of the EU legal migration acquis	15
8.2 Practical application of the EU legal migration acquis	16
8.3 Differences between national statuses and the EU legal migration acquis	16
9 Main findings and conclusions – state of practical implementation of EU legal migration legislation in the Member State	16
Annex 1 References	18

Introduction

This document provides an overview of the legal and practical implementation of EU legal migration acquis in **Greece**. The legal and practical implementation study is structured according to the eight steps – ‘phases’ of the migration process from the perspective of the migrant¹ for the following Directives:

Directive	FRD (Family Reunification Directive 2003/86/EC)	LTR (Long Term Residency Directive 2003/109/EC)	SD (Students Directive 2004/114/EC)	RD (Research ers Directive 2005/71/EC)	BCD (Blue Card Directive 2009/50/EC)	SPD (Single Permit Directive 2011/98/EU)
National parallel scheme						1. Residence permit for investment activity 2. Residence permit for real estate owners (1.Αδεια διαμονής για επενδυτική δραστηριότητα (Adia diamonis gia ependitiki drastiriotita) 2.Αδεια διαμονής ιδιοκτητών ακινήτων (Adia diamonis idioktiton akiniton)

¹ . See ref document (EU summary) Under each phase, the following aspects are examined : :

Legal transposition of the EU legal migration acquis: including whether the MS has overall complied with the transposition of the relevant EU acquis in the respective phase and whether these non-compliance issues affect the practical application of the Directive; **Practical application of the EU legal migration acquis:** overview of the main application issues/problems arising in the MS per each of the migration phases; **Differences between national statuses and the EU legal migration acquis:** substantial differences at the level of legislation and practical implementation between the EU legal migration Directives and their national equivalents (where these exist).

		Social Integration Code (Law 4251/2014)
Options implemented?	Pupil Trainee (partially) Volunteer	

Main differences between EU statuses and the respective national parallel schemes

No equivalent national statuses exist in Greece.

1 Pre-application phase

1.1 Legal transposition of the EU legal migration acquis

The Greek legal framework in relation to third country nationals' rights, though it addressed their needs, was deeply fragmented. This situation changed in 2014 when the Law 4251/2014, Immigration and Social Inclusion Code and other provisions, came into force and concentrated all immigration and social inclusion issues in one legislative instrument. The text of the law is available for the public, online, through the official website of the Ministry of Interior of the Hellenic Republic, the text of the Law is in English, thus available for interested parties not speaking Greek. An overview of the transposition regarding this phase reached the conclusion that conformity was overall achieved.

1.2 Practical application of the EU legal migration acquis

The Greek legal framework in relation to third country nationals' rights, though it addressed their needs, was deeply fragmented. This situation changed in 2014 when the Law 4251/2014, Immigration and Social Inclusion Code and other provisionsⁱ, came into force and concentrated all immigration and social inclusion issues in one legislative instrumentⁱⁱ. The text of the law is available for the public, online, through the official website of the Ministry of Interior of the Hellenic Republic, the text of the Law is in English, thus available for interested parties not speaking Greek. Apart, from the Ministry's website, mentioned in the previous section, information on entry requirements and visa applications can be found on the website of the diplomatic missions of Greece abroad, in English and usually the local language, with an option to set up a meeting with a member of the mission to discuss details further.

While finding the existing legislative framework was easy and readily available, as mentioned above, certain problematic areas were identified during the pre application/information phase. More specifically it proved time consuming and not user friendly to find specific information on the Directives, their implementation, requirements etc. It appears that such detailed information is spread across different information channels thus making it hard to locate for the public. Moreover, in relation to contacting the authorities in order to obtain information, the researchers experience was overall difficult. The authorities were non responsive, even weeks after the request for information was sent. It should be noted that in the cases where personalised contact was made with the authorities in order to obtain information, this proved exceptionally helpful in gaining access to information, though it raises concerns on whether this course of action is necessary or friendly for the greater public.

Certain aspect of this phase may appear to be hampering the migration process/experience. Such are identified as the FRD provisions of Art. 13(1), where it seems that many of the conditions are double-checked and there is quite a hurdle for

family members before they have residence permits in hand. A similar issue arises with art. 5(4) of the FRD. According to Article 72(3) of Law 4251/2014, in exceptional circumstances, the 9-months' time limit may be extended for a period of three months. However, the national provision does not refer to rendering a decision 'as soon as possible'. In the RD art.14 (2), it seems that no special facility in obtaining the requisite visas has been identified. Lastly, the non-transposition provision of art 18(3) of the BCD making mention of the possibilities of redress may hamper the possibility to challenge a decision.

Directive	FRD (Family Reunification Directive 2003/86/EC)	LTR (Long Term Residency Directive 2003/109/EC)	SD (Students Directive 2004/114/EC)	RD (Research Directive 2005/71/EC)	BCD (Blue Card Directive 2009/50/EC)	SPD (Single Permit Directive 2011/98/EU)
Languages	National language(s) English	National language English	National language English	National language English	National language English	National language English
The information is easy to find*	2	2	2	2	2	NI

* 1: Strongly agree; 2: Agree; 3: Neither agree/nor disagree; 4. Disagree; 5. Strongly disagree

Information can be found on the following aspects of the application procedure:

Application procedure	Conditions for admission	Entry requirements (e.g. visa etc.)	Cost of application	Applicable deadlines	Rights upon admission	Any differences between the Directives
Yes	Yes	Yes	Yes	Yes / No	Yes / No	No information for FRD, BCD, RD on cost of application

Information upon request

Apart from the channels of communication mentioned previously, information can be obtained upon request. Depending on the information requested the relevant point of access or mode of information may differ. More specifically, information can be provided by the Single entry points of the competent Aliens and Immigration Direction of the Decentralized Administration of the place of residence of the applicant or by the competent Direction of Immigration Policy of the Ministry of Internal Affairs. Additionally and in the case of Family Reunification under Dir. 2003/86, the Asylum

Service provides the applicant with all the information necessary. Information is provided in written mode (ie. info brochures) upon request by the TCN and concerns the necessary qualifications and docs to apply for residence permit.

1.3 Differences between national statuses and the EU legal migration acquis

N/A

2 Preparation phase

2.1 Legal transposition of the EU legal migration acquis

In the preparation phase, the overview of the legal framework in relation to the Directives indicates that while on the whole the Directives were transposed in the national legal framework, some areas may raise concerns. Namely, in the FRD Art. 7(2) Member States may require third country nationals to comply with integration measures, in accordance with national law. Article 136(14) of Law 4251/2014 refers to a joint decision by the Ministers of Internal Affairs, External Affairs and Public Order and Citizen Protection, which lays down the criteria for inclusion in matters of family reunification. No such decision has been issued which may hamper the proper implementation of the Directive provision. Following, the SD art 7 has been partially transposed. Art 7(1) (a) and (d) have been literally transposed. Transposition of 7(1) (b) only requires that the student has sufficient resources to cover subsistence and return travel costs. Article 5 par. 3 (d – Joint Ministerial Agreement) and (e) of the P.D. 101/2008 require that the third-country nationals provide evidence to prove this. Transposition of 7(1)(c) stipulates that the education establishment must undertake necessary checks to test sufficient language knowledge, only when the course of study to which the student has been accepted requires sufficient language knowledge. Article 5 of the P.D. underlines that this requirement does not apply to all programmes.

Additionally, SD art 9 has not been transposed, thus school students are not covered by the Greek transposition of the directive. The same goes for SD art 10 which again has not been transposed, therefore unremunerated trainees are not covered by the Greek transposition of the directive. The complete lack of relevant provision for these two categories covered by the Directives, namely the students and unremunerated trainees, may be regarded as a legal vacuum. The Greek authorities should be invited to fix this issue and to get sure that it does not hamper practically the requests.

2.2 Practical application of the EU legal migration acquis

In relation to the application forms, it is estimated that an applicant would need more than an hour to complete the form and more than 15 days to collect the required documentation.

The information required by the forms was often extensive not relevant. In the cases where additional actions were required (ie recognition of diploma) this was not clearly indicated in the initial form not was additional forms required attached on the form. The overall structure of the process created a non user friendly setting.

While the above can potentially be deemed as problematic in the application of the Directives, none was identified as a de facto infringement or a result of provisions leaving room for different interpretation. No de facto infringement of Directives identified.

In order to submit an application for a permit, the applicant may get the copy of the general application form via the online channels. The application itself, as we will see later on, takes a number of minutes to be fulfilled, while depending the type of visa

the applicant wishes to access, additional documents may be required that are not mentioned on the general form. These supporting documents which have to be provided together with the application may take 15 days to be obtained.

Ease of the application procedure:

Step	FRD	LTR	SD	RD	BCD	SPD
The information that applicants need to complete is not extensive	3	3	3	3	3	3
The application form is user-friendly	4	4	4	4	4	4

Key information/ documents required:

Type of information	FRD	LTR	SD	RD	BCD
Family ties	Yes, T, C, R				
Continuous legal residence		Yes, T, C, R			
Sufficient resources	Yes, T, C, R	Yes, T, C, R	Yes, T, C, R (students, trainees)	Yes, T, C, R	Yes, T, C, R
Accommodation/Address in territory	Yes, T, C, R				R
Sickness insurance	Yes, T, C, R		T, C, R	T, C, R	
Work contract (for RD host agreement)				Yes, T, C, R	Yes, T, C, R
Minimum salary threshold					
Professional qualifications				T, C, R	
(Pre-) Integration measures	R	R			
Pre-departure conditions			C, R (students) T,C,R (trainees)		
Proof no threat to public	Yes, T, C, R	Yes, R	Yes, T, C, R	Yes, T, C, R	Yes, T, C, R
Medical examination certificate	T, C, R		Yes, T, C, R	Yes, T, C, R	T, C, R

Valid travel document	Yes, T, C, R	Yes, T, C, R	Yes, T, C, R	Yes, T, C, R
Entry visa				Yes, T, C, R
Other	Yes, T, C, R	Yes, T, C, R	Yes, T, C, R	No R

Note: T = Translation; C = Certified, R = Requirement, i.e. without this proof the application cannot be lodged.

2.3 Differences between national statuses and the EU legal migration acquis

N/A

3 Application phase

3.1 Legal transposition of the EU legal migration acquis

While examining the application phase in relation to the transposition of the Directives, a series of issues were identified.

More specifically, according to the FRD Art.5 (4) "the competent authorities of the Member State shall give the person, who has submitted the application, written notification of the decision as soon as possible and in any event no later than nine months from the date on which the application was lodged". But according to Article 72(3) of Law 4251/2014, the total period for the processing of family reunification shall not exceed nine months dating from the submission of the application pursuant to Article 71(1) of Law 4251/2014. In exceptional circumstances, the above time limit may be extended for a period of three months. However, the national provision does not refer to rendering a decision 'as soon as possible' which softens out the wording and spirit of the Directive. In the FRD Art.13 (1), the Directive's intent is to facilitate the process and thus the provision requires the state to provide the applicants with every facility in obtaining the requisite visas. It appears to be the case though that many of the conditions for family reunification application are double-checked and there is quite a hurdle for family members before they have residence permits in hand.

Moving on to the RD Art. 14(2), on facilitating the obtaining of requisite visa, the national legislation provides for no special facility in obtaining the requisite visas has been identified, again leading to a potential hampering of the practical application of the Directive.

Lastly, in the BCD Art. 10(2): The provision was not applied by virtue of applying the derogation from paragraph 2 under Article 10(3) of the Directive, while art. 18(3) was entirely not transposed.

3.2 Practical application of the EU legal migration acquis

Moving on to the practical application of the Directives in the current phase, the process of submitting an application may vary, depending on the type of visa an applicant is pursuing and their geographical whereabouts at the time of application. For applicants residing outside the territory of Greece, they can access information on the required documentation based on the sort of visa the applicant aims to acquire. The embassies/consulate have visiting hours during which a person may enquire in

person about information. However, they must appear in person in order to submit their paperwork and be interviewed (purposes of entry and stay). In relation to the FRD, the application is to be submitted in person by the applicant, who needs to submit all the documentation in the competent authority. In relation to the LTR the application is submitted in person as in the previous case. The third-country national shall lodge an application requesting a long-term residence permit before the competent authority which shall be accompanied by the necessary documentary evidence. The competent authority for granting the long-term residence permit is the authority that granted the last residence permit. In each case the competent authority differs, as do the supporting documents, fees and deadlines.

The research on the practical implementation indicated a number of issues of concern.

In the FRD's application delays and overpassing the deadlines of the family reunification procedures were identified. Additionally the conditions of obtaining the requisite visas are double-checked making it quite difficult for family members to have residence permits in hand. The delays and rigid procedure can be identified as a means of de facto infringement of the Directive and the relevant provisions.

In relation to the RD it appears that the state provides no facilitation provided for applicants in obtaining the requisite visas, since the application for Blue Card shall be considered and examined when the third-country national concerned is residing outside the territory of Greece to which he/she wishes to be admitted, thus infringing the Directives provision.

For the processing of applications the state authorities have a set timeframe, which can vary from 20 days to 9 months. Often delays are observed in the processing timeframe. The notice of the decision in all but the case of the FRD is relayed to the applicant by post. For the FRD this is one in person. Said decision constitute administrative decisions, and as such they need to fulfil the requirement of justifying the decisions reached. IN light of the fact that the decisions form an administrative act their validity and legality can be challenged in court, whether the applicant is within the territory of the State or not. In the latter cases, a legal representative can act on the applicant's behalf.

Directive	General	FRD	LTR	SD	RD	BCD	SPD
Application from third country (Q3a)	Yes	No	Yes	Yes	Yes	Yes	Yes
Permit received in third country	No						NI
Number of authorities involved in the application	1						
Number of authorities involved in the issuance of the residence permit (Q5(b)(i))	1 but the authority differs depending on the application	Asylum Service	Aliens and Immigration Direction of the Decentralised Administration	Aliens and Immigration Direction of the Decentralised Administration	Aliens and Immigration Direction of the Decentralised Administration	Aliens and Immigration Direction of the Decentralised Administration	Aliens and Immigration Direction of the Decentralised Administration

			or Directio n of Immigr ation Policy of the Ministry of Internal Affairs	or Directio n of Immigr ation Policy of the Ministry of Internal Affairs	Direction of Immigra tion Policy of the Ministry of Internal Affairs	or Directio n of Immigra tion Policy of the Ministry of Internal Affairs	or Directio n of Immigr ation Policy of the Ministry of Internal Affairs
Application modalities	In person						
Existence of a standard application form for all statuses	No						
Language of the application form	English						
Fees charged			400€	150€	150€	300€	NI
Other fees charged?	No	No	No	No	No	No	No
Fees charged for permit issuance	No	No	No	No	No	No	No
Fees charged for renewal / replacement of the permit		300€	500€	150€	150€	150€	NI

The processing times are as follows:

Directive	FRD	LTR	SD	RD	BCD	SPD
Processing time /deadlines (according to law)	274.5 days	122 days	20 days	20 days	91.5 days	NI
Processing time (in practice)	274.5 days	122 days	20 days	20 days	91.5 days	NI

3.3 Differences between national statuses and the EU legal migration acquis

-N/A

4 Entry and travel phase

4.1 Legal transposition of the EU legal migration acquis

This phase of the research indicates that the Directives were transposed and conformity was achieved partially. More specifically, the research indicates that in relation to the SPD and BCD no conformity issues arose.

However, some issues may arise in relation to the FRD and RD. In relation to the FRD and its art.13(1) which requires that "As soon as the application for family reunification has been accepted, the Member State concerned shall authorise the entry of the family member or members. In that regard, the Member State concerned shall grant such persons every facility for obtaining the requisite visas" some issues remain. This follows from article 71(3), article 72(1) and (2) and article 73(1) of Law 4251/2014 and Part F1 of JMD 30825/2014 which transpose Article 13(1) of the Directive. The applicants are requested to submit a number of documents for the family members to be allowed entry in the country. Upon entry the family members have to apply for a residence permit, which follows the general requirements of a residency permit. In effect these documents would have been submitted and checked prior to their entry. This in effect delays the process and puts undue burden on the applicants and their families. Additionally, previous irregular entry or stay, which requires specific documentation by the authorities may pose a barrier in accessing the procedure and the applicants' right to family reunification. Thus there may still be concerns since the provisions of the Directive are made complicated by virtue of the requirements set out in national law. The issue identified also affects the practical application of the law, due to the rigidity of the procedure followed in practice.

In relation to RD and its art.14(4): According to Art. 14 (4) of the Directive, "the Member State concerned shall grant the third-country national who has submitted an application and who meets the conditions of Articles 6 and 7 every facility to obtain the requisite visas." However, in the Greek legal framework no special facility in obtaining the requisite visas was identified, which in practice creates a difficulty in obtaining the visa.

4.2 Practical application of the EU legal migration acquis

In the case of the FRD, the list of required documents is extensive and requires double checks and certifications by multiple authorities. The process of acquiring and having the required documents appropriately certified is in itself extensive and leads to undue delay. Furthermore undue delay in processing and issuing the requisite travel documents has been identified in practice. The necessary documentary evidence under national law do not facilitate the issuance of the visas and could be seen as a practice of delaying or hindering the procedure.

As the third-country national is not yet in the possession of a residence permit, the Member State issues a visa and has put a specific timeframe for issuing the latter but this concerns only the BCD and SD directives and not the FRD or RD.

In the case of the SPD the employer is the main applicant but it is upon the third country national to request the visa. In the case of the BCD both can request the visa.

The Member State allows third country nationals who hold a valid permit and valid travel document to enter and re-enter their national territory only on the basis of the permit.

The third-country national is allowed to travel to other Schengen Member States only on the basis of the permit and valid travel document.

The Member State does not impose specific entry requirements to third-country nationals of a visa free country.

Third-country nationals do not encounter any obstacles in practice to leave the third country, transit and/or enter the Member State.

Upon arrival, third-country nationals are required to register with the local community, with social security institutions and with healthcare providers.

4.3 Differences between national statuses and the EU legal migration acquis

N/A

5 Post-application phase

5.1 Legal transposition of the EU legal migration acquis

In this section of the research, it appears that transposition raises a number of conformity issues across the board. The most major issues are identified in relation to the FDR. In relation to art 13 (2) dealing with the residency permit of the family members of the main applicant only partial conformity is observed. Article 73 of PD 131/2006 transposes Article 13(2) of the Directive. According to Article 73(1), first subparagraph of Law 4251/2014, family members shall be granted a residence permit with the same expiry date as the residence permit of the sponsor. In addition, the residence permits of the family members shall be renewed provided that the residence permit of the sponsor is renewed. Given that the sponsor is required to have a residence permit of a minimum duration of two years (resulting from the requirement of being resident in Greece for two years before applying for family reunification) Two situations are possible in this perspective. First, in the occasion that the residence permit of the sponsor extends for more than a year after being granted family reunification, family members shall be granted a residence permit with a longer duration than the minimum of one year set by the Directive, thus a more favourable perspective is laid down by the Greek legislation. Nonetheless, where the residence permit of the sponsor expires in less than a year after being granted family reunification, the residence permit of the family members shall follow that duration, thus for a period shorter than a year. The latter case hampers conformity as family members concerned shall be granted a residence permit which may be less than the minimum required by the Directive.

Problematic appears also to be the case of the transposition of the SD in relation to unremunerated trainees and school pupils, covered in its art. 13 and 14. These two categories are not covered by the national framework, which only covers university students and traineeships mandated by a university course.

In the case of the LTR Art.11(5) second subparagraph of the Directive sets out an option, which Greece has not chosen to apply. More specifically the Directive lays down a provision for more favorable treatment, in relation to resident permits of unlimited or permanent validity for the beneficiaries of the long term resident status, which however was not transposed in the national framework and thus this option does not exist for the beneficiaries of this Directive.

5.2 Practical application of the EU legal migration acquis

On the practical application of EU acquis during this phase, it appears that the State does not charge additional fees for issuing the permit after notification but neither does it have a set time-frame to deliver the permit following the notification of the decision.

It is argued in the present that the practical implementation of the FDR, namely linking the family members' residency permit duration to that of the sponsoring applicant family member may lead to a residency permit of less than a year, contrary to the provisions of the Directive.

Directive	FRD	LTR	SD	RD	BCD	SPD
Minimum validity of the first permit	Equal to the duration of the sponsor's permit	60 months	Equal to the duration of the studies	Equal to the duration of the contract	The duration of the contract +3 months	NI
Maximum validity of first permit	Equal to the duration of the sponsor's permit	60 months	12 months	Equal to the duration of the contract	24 months	Equal to the duration of the contract
Minimum validity of permit renewal	NI	NI	NI	NI	NI	NI
Maximum validity of permit renewal	36 months	Renewed for 60 months each time	Dependin g on studies	Dependin g on research project	For the duration of the work contract plus 3 months	Renewed for 60 months each time

The employer is the main applicant but is not involved in the delivery of the permit.

5.3 Differences between national statuses and the EU legal migration acquis

N/A

6 Residency phase

6.1 Legal transposition of the EU legal migration acquis

During this phase of the migration experience, the research indicates overall all satisfactory transposition of the migration acquis, though a few issues were identified, mainly in relation to the FRD and SD. In relation to the FRD the issue of concern is linked to Art. 14(2) and its provisions calling for States to decide according to national law the conditions under which family members shall exercise an employed or self-employed activity. These conditions shall set a time limit which shall in no case exceed 12 months, during which Member States may examine the situation of their labour market before authorising family members to exercise an employed or self-employed activity. There seems to be two issues with the transposition a) he time limit can be too long (more than 12 months) and b) there is no access at all to labour market during that period.

In relation to the SD the issue of concern again raised is that of unremunerated trainees which is not covered in the national framework due to non transposition of article 14. Unremunerated trainees are not covered by the Greek transposition of the directive, thus hindering access for interested applicant and infringing the provisions of the Directive.

6.2 Practical application of the EU legal migration acquis

In relation to the practical application of the EU acquis in this phase, a number of problematic issues were identified in the course of the research. Primarily, in relation to changing from one migration status to another the existing procedures are not clear and access to information on procedure and documentation is limited and fragmented across different channels of communication. In relation to naturalization, accessing information on the procedure of naturalization is relatively easy yet the procedures themselves are not.

- Following the option of Article 12(2) of the SPD, the national provision introduces restrictions to the right to equal treatment of third-country workers. In particular, the national law: (a) excludes study and maintenance grants and loans concerning education and vocational training (Article 12(2)(a)(iii) of the Directive), (b) requires specific prerequisites for access to university, post-secondary education and vocational training not directly linked to the specific employment activity (Article 12(2)(a)(iv) of the Directive), (c) denies family allowances and employment benefits based on social security legislation to those admitted for studies on the basis of a visa for that purpose or those allowed to work on the basis of a visa (Article 12(2)(b), second subparagraph of the Directive), (d) restricts equal treatment on tax benefits for third-country nationals whose residence or usual place of residence of the family members does not lie in Greece (Article 12(2)(c) of the Directive), and (d) restricts equal treatment to access to housing procedures with regard to third-country nationals who are not employed (Article 12(2)(d)(i) of the Directive).

a. Use of the permit:

The residence permit is issued using the format as set out in Regulation (EC) No 1030/2002 for residence permits. The permit has a constitutive value. It gives third-country nationals the right to move freely on the Member State's territory.

The Member State allows third-country nationals holding residence permits from other Member States applying the Schengen acquis (together with a valid travel document) to enter and move freely within its territory.

The permit is required as a legal document for the following other administrative procedures:

Access to education	Access to healthcare	Registration with PES	Fixed telephone subscription	Utility subscription	Open a bank account	Social security registration
X	x	X	X	X	x	x

b. Renewals of the permit:

National or EU law imposes a direct or indirect requirement to renew a valid residence document.

The renewal process follows a single procedure, involving one authority. The same authority are is involved as in the first application procedure.

c. Change of status and naturalisation

Status changes are possible for most statuses, with the exception of SD. The procedure for requesting a status change is the same as the first application procedure.

In order to obtain citizenship, the third-country nationals needs to comply with the following conditions:

1) By Birth to Non-Greek Parents who are Long-Term Residents of Greece: A child born in Greece to two non-Greek parents acquires Greek citizenship, if both parents are legally living in Greece with the proper residence/work permits for a minimum of five (5) consecutive years. Deadline to apply is within three (3) years of a child reaching age 18. *Still Frozen

2) By Attending School in Greece: A child of long-term residents living in Greece can obtain Greek citizenship if he/she lives legally with the proper residence permit and has attended primary/secondary school in Greece for at least six (6) years before age 18, approximately. Deadline to apply is within three (3) years of a child finishing his/her six (6) years of schooling.

3) By Naturalization: For foreigners of no Greek origin who have long-term residency in Greece. (Marriage to a Greek citizen does not grant Greek citizenship or a Greek passport to a non-Greek spouse; he/she must go through the naturalization process after three (3) to seven (7) consecutive years legal residence in Greece, proving fluency in Greek and earning a certificate in ancient Greek history/culture).

The procedures for third-country nationals to apply for naturalisation are the following:

According to the Citizenship Code, citizenship may be granted to a third-country national who:

1) Has reached the age of majority by the time of the submission of the declaration of naturalisation;

2) Has not been irrevocably convicted of a number of crimes committed intentionally in the last 10 years, with a sentence of at least one year or at least 6 months regardless of the time of the issuance of the conviction decision. Conviction for illegal entry in the country does not obstruct the naturalisation procedure.

3) Has no pending deportation procedure or any other issues with regards to his or her status of residence;

4) Has lawfully resided in Greece for 7 continuous years before the submission of the application. A period of 3 years of lawful residence is sufficient in case of recognised refugees. This is not the case for subsidiary protection beneficiaries, who should prove a 7-year lawful residence as per the general provisions;

5) Hold one of the categories of residence permits foreseen in the Citizenship Code, inter alia long-term residence permit, residence permit granted to recognised refugees or subsidiary protection beneficiaries, or second generation residence permit.

Applicants should also have: (1) sufficient knowledge of the Greek language; (2) be normally integrated in the economic and social life of the country; and (3) be able to actively participate in political life. (A book with information on Greek history, civilisation, geography etc. is issued by the Ministry of Interior and dedicated to third-country nationals willing to apply for naturalisation).

Lastly the authority/ies is/are involved:

A statement to be submitted before **the Municipal Authority of the place of permanent residence (1)**, and an application for naturalisation to **the authorities of the Prefecture (2)**. The statement for naturalisation is submitted to **the Mayor of the city of permanent residence (1')**, in the presence of two Greek citizens acting as witnesses. After having collected all the required documents, the applicant must submit an application before **the Decentralised Administration competent Prefecture (3)**.

Where the requisite formal conditions of Article 5 of the Immigration Code, such as age or minimum prior residence, are not met, **the Secretary-General of the Decentralised Administration (3')** issues a negative decision. An appeal can be lodged before **the Minister of Interior (4)**, within 30 days of the notification of the rejection decision.

In case the required conditions are met, the case file will be forwarded to **the Naturalisation Committee (5)** which decides on the application.

d. Employment rights on the basis of the permit

In general, a work-related permit is not linked to an individual employer

e. Equal treatment

With regard to identifying labour exploitation, the Member State does have a mechanism in place to monitor the exploitation of third-country nationals. These include:

The Labour Inspectorate, responsible for inspecting labour places and detecting violations of labour legislation.

The Special Insurance Control Service of the Social Insurance Institution, responsible for combating undeclared labour.

National Human Rights Institutions (ie. The National Commission for Human Rights), with advisory mandate and responsible for monitoring human rights conditions in Greece.

f. Integration:

Specific integration procedures and conditions do apply to third-country nationals once established on the territory of the Member State. There are consequences if the third-country national does not participate in these or fails the integration measure.

6.3 Differences between national statuses and the EU legal migration acquis

N/A

7 Intra-EU mobility phase

7.1 Legal transposition of the EU legal migration acquis

During this phase of the research, no conformity issues were identified in relation to the SD and RD provisions relevant to this migration phase. This however is not the case for the BCD and the LTR. In relation to the BCD it appears that all relevant provisions, but one were transposed and no conformity issues were identified. However, art. 18 (3) of the Directives which states that "The application may also be presented to the competent authorities of the second Member State while the EU Blue Card holder is still residing in the territory of the first Member State" poses a

conformity issue, as measures of transposition were not identified in the Greek legal framework. The LTR appears to have more areas of non conformity. These are related to LTR Art. 15(4), where due to the failure to determine the documents specifically applicable to applications for long-term residence permit in the second Member State, the implementation of the Directive provision is hindered, and LTR Article 14(2)(c) which according to the directive allows beneficiaries of the long term residency status to reside in another member state for purposes other than employment studies, which Greece has chosen not to apply. The transposition of the Directive in the manner described previously, has taken away certain rights and conditions, which in practice affect access to those provisions and right, in some instances completely barring the applicant from the rights as set out in the Directive. An example of such would be LTR and its Art.14(2)

7.2 Practical application of the EU legal migration acquis

In relation to mobility and "mobile" third-country nationals, it appears to be the case that for a first time applicant and an applicant already holding a permit in a different member state the procedures remain the same for both categories, under all the Directives except the BCD following limitations on the equal treatment provided in art 14 (4) of the Directive. For dependent family members, in the case where Greece is the second state, those family members are allowed to move to Greece and retain the same rights as in the first member state.

However it should be noted that in relation to the LTR, and due to the failure to determine the documents specifically applicable to applications for long-term residence permit in the second Member State, the implementation of Art. 15(4) LTR is hindered. Art 15 (3) provides that the application shall be accompanied by documentary evidence to be determined by national law. National law fails to determine said documents, thus it is unclear for applicants what documents are required for their application to be considered complete. While in effect, this is not identified as a de facto infringement, it does indeed hamper the migration process/experience for the applicant(s).

Overall, it appears that the national legislation is more restrictive towards mobile third-country nationals as opposed to mobile EU citizens. The procedure, checks, required documents, for all existing permits, are more strict and/or lengthy for the first group.

7.3 Differences between national statuses and the EU legal migration acquis

N/A

8 End of legal stay / leaving the EU phase

8.1 Legal transposition of the EU legal migration acquis

In this phase of the research, issues of non conformity appeared to both the LTR and the RD, thus conformity has only been achieved partially. In relation to the RD and its art. 5(3) which requires that "Member States may require, in accordance with national legislation, a written undertaking of the research organisation that in cases where a researcher remains illegally in the territory of the Member State concerned, the said organisation is responsible for reimbursing the costs related to his/her stay and return incurred by public funds. The financial responsibility of the research organisation shall end at the latest six months after the termination of the hosting agreement." Greece has transposed only the obligation on the written undertaking, thus only achieving partial conformity. In relation to LTR and its art. 9(2) which allows for absences from the territory of the state for time periods exceeding 12 months on exceptional grounds, Greece has chosen not to apply said provision, which does not take into account exceptional needs or circumstances of applicants or persons of interest.

8.2 Practical application of the EU legal migration acquis

This phase of the research indicated that the state has certain schemes which allow circular migrations. This applies to the categories of workers / labour market sectors to which focus on the Greek regional and seasonal work context (agreement with Albania and Egypt), therefore mainly refers to inward circular migration. The seasonal employees falling under this scheme, sign a contract with a specific employer under a fixed-term employment relation. The relevant contract must make an explicit mention of the type of employment. Employers wishing to employ third-country nationals for seasonal employment must have the prior approval of the General Secretary of the Region. To this end, they must submit an application to the municipality or community of their place of domicile or residence at least three months before the commencement of works.

Apart from the above mentioned scheme on circular migration, it appears that the State has not put in place specific procedures for third country nationals who chose to leave the state. At the same time, the end of legal stay is likely to be followed by prolonged administrative detention prior to return of the TCN.

On the issue of being absent from the territory of the state, a third-country national residing in the Member State is allowed to be absent from the territory for a maximum of 90 days (SD, RD), 364 (BCD), 365 (LTR), 30 (FRD) before s/he loses the residence permit and/or right to stay. The absence of third-country nationals is monitored by the Member State. Withdrawal/loss of long-term residence status is a possibility due to absence more than 12 months as a result of the non application/implementation of Art 9(2) of LTR on exceptional cases calling for prolonged absence.

Lastly, the Greek framework does not allow TCN's to export certain social security benefits upon their departure from the territory of the State, contrary to the provisions of the EU acquis. Furthermore, information on such portability, or the lack thereof, is not made available to applicants. The BC Directive states that EU Blue Card holders enjoy the same rights as a country's nationals in terms of working conditions, education, recognition of diplomas, elements of social security and freedom of association. EU countries may restrict some of these, particularly educational grants and loans. Social Securities is not one of the fields that may be restricted as per the BC Directive.

8.3 Differences between national statuses and the EU legal migration acquis

N/A

9 Main findings and conclusions – state of practical implementation of EU legal migration legislation in the Member State

Overall it can be said that the transposition of the EU Directives in the national legislative framework is satisfactory. The legislative instrument of reference for the case of the Directives in question, in relation to the Greek legal framework is law 4521 ("Code on Migration and Social Inclusion and other provisions" "Κώδικας Μετανάστευσης και Κοινωνικής Ένταξης και λοιπές διατάξεις").

Despite overall conformity, there are certain areas where lack of transposition is almost complete and thus more noticeable. These would be the non-transposition of the provisions for pupils and persons engaged in non remunerated work (SD), which leave a gap in the framework since the entire field remains unregulated. Another problematic areas, in relation to transposition, would be the equal treatment provisions of the SPD and the BCD. While the provisions allow for the Member states

to impose certain restrictions, in the national framework and/or practice, the restrictions could go beyond the scope of the equal treatment provisions thus hindering substantial access to rights. The lack of mobility of social securities such as pensions, vocational training, access to social and tax benefits, and lack of clarity in the judicial review process or other means and mechanisms of challenging the decision, are the areas of greater concern. On issues of transposition, the LTRD has been identified as having certain problematic areas, mostly in relation to the intra-EU mobility of beneficiaries of long term residency status. Mobility, as per the national framework, of the long term resident beneficiaries, is significantly more restricted as opposed to the provisions of the LTRD.

In relation to the practical application of the Directives and the respective national legislation, certain areas appear to be of concern across the board. Such are the lack of adherence to time limits set out on both the national and EU legislation, which leave applicants in situations of prolonged waiting periods and uncertainty. The administrative procedures and/or documentation requested from the applicant (s) are often extended and strenuous, to the extent that they may hinder access to rights (i.e. the procedure followed for the FRD or the SPD) and deviate greatly from the aim and purpose of the Directive and the national law. The language the decisions are delivered to the person of interest and or applicant can also be identified as problematic. Administrative decisions are delivered in Greek (the national language of the state) and upon request the applicant may receive explanatory comments in any other language, most likely English.

Annex 1 References

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