



EUROPEAN MIGRATION NETWORK STUDY 2020

Responses to long-term irregularly staying migrants: Practices and challenges in EU Member States and Norway

National Report: Greece

Theodoros Fouskas
George Koulierakis
Gerassimos Karabelias
Konstantinos Kazanas
Andrea De Maio



EPLO
European Public Law
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The study was devised by the Working Group of the European Public Law Organization (EPLO).

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The European Migration Network (EMN) was established in 2003, originally as a preparatory action of the European Commission, with the aim of providing the European Commission and the Member States with objective, reliable, comparable and up-to-date data on migration and asylum, to support/build policymaking in the European Union and, hence, their national policies in these areas. Subsequently, in 2008, the Council of the EU, with the No. 381/2008/EK Judgment founded the EMN, as a permanent structure that will operate within the European Commission, with the participation of Member States in order to achieve these goals.

Further information on the EMN and its work on the website:

www.emn.europa.eu

or on the Greek website:

<http://emn.immigration.gov.gr>

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Abbreviations

EMN	European Migration Network
EU	European Union
JMD	Joint Ministerial Decision
PD	Presidential Decree
ALC	Act of Legislative Content
TCN	Third Country National
GG	Government Gazette

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National Contribution from Member State¹

Disclaimer: The following information has been provided primarily for the purpose of contributing to a Synthesis Report for this EMN Study. The EMN NCP has provided information that is, to the best of its knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of the EMN NCPs' Member State.

Top-line factsheet

The top-line factsheet will serve as a summary of the **national contribution** introducing the study and drawing out key facts and figures from across all sections, with a particular emphasis on elements that will be of relevance to (national) policy-makers. The top-line factsheet should be a stand-alone product. Please add any innovative or visual presentations that can carry through into the synthesis report as possible infographics and visual elements.

The National Report for Greece conducted in the framework of Study 2020: 3 of the European Migration Network (EMN). Member States are confronted with the situation of third-country nationals who no longer or have never fulfilled the conditions of stay, who were denied a residence permit or who have exhausted all legal options against the enforcement of their return decision. The Return Directive (Directive 2008/115/EC) sets the obligation for Member States to issue a return decision for third-country nationals once it has been established that they are not eligible for legal stay. The overall aim of this study is to provide an overview of existing policies and practices in Member States and Norway towards third-country nationals in a prolonged situation of illegal stay. The study aims to explore the responses and approaches to bring such situations to an end both by central and local authorities, and to mitigate the social consequences for the affected third-country nationals. As mentioned, these could range from providing access to basic services or support, other indirect measures to encourage eventual return to their country of origin or other non-EU country, or options to obtain a legal status. More specifically, this study covers the EU Member States and Norway and aims to: Determine the legislation and policies of central, regional and local authorities towards long-term irregular migrants. Examine the policies and practices in place to provide access to public services and rights to long-term irregular migrants in the realm of Member States' obligation to cater for basic needs. Examine existing practices in Member States and Norway to identify cases of exploitation and abuse among long term irregular migrants. Explore cooperation mechanisms between central, regional and local authorities if and when implementing policies targeting this category of third-country nationals. Examine the policies and practices in place in Member States and Norway to end long term irregular stay, including return and granting authorisation to stay. The overall focus of this study is on long-term irregular migrants in a situation of protracted illegal stay, namely:

Third-country nationals subject to a return decision and whose return, despite the return decision becoming final, was not enforced or was postponed for legal (non-refoulement principle, medical or humanitarian reasons) or other practical reasons (e.g. non-cooperation on the part of the person concerned or of the country of origin or other administrative reasons), and third-country nationals who do not or no longer fulfil conditions for entry and stay in the territory of a State (as set out in the Schengen Borders Code (Regulation (EU) 2016/399) or other conditions for entry, stay or residence in that EU Member State), and who were not issued a return decision because they were unknown to the authorities.

The study will focus on the cooperation between central authorities and municipalities in the implementation of national policies on irregular migration, as well as the margin of discretion of local authorities in the provision of services to third-country nationals. Where relevant, cooperation between municipal authorities and civil society organisations will also be explored. More specifically, the study aims to examine the type of access to mainstream services of these target groups. It also aims to identify the type of services accessible to a person without a residence permit or other form of authorisation. The Study covers the period from 2015–October 2020. Section 1 will map the institutional, legal and political contexts on the issue of long-term irregular migrants and aims to provide an overview of main points of discussion in Member States and Norway. Section 2 aims to provide an overview of national policy in (Member) States and Norway on the way States address long-term irregularity. Section 3 focus on policies and good practices implemented in finding approaches to address (and end) the issue of long-term irregularity. Section 4 examines the challenges regarding policy measures concerning long-term irregularly staying migrants. Section 5 will draw conclusions as to the Member States' existing policies, practices and case law related to long-term irregularly staying migrants.

¹ Replace highlighted text with your **Member State** name here.

Section 1: National legal and policy framework

This introductory section of the synthesis report will map the institutional, legal and political contexts on the issue of long-term irregular migrants and aims to provide an overview of main points of discussion in Member States and Norway.

The primary questions addressed in this section are:

- To what extent are central, regional and local authorities in your Member State confronted with the issue of long-term irregular migrants?
- What is the political and policy debate on the situation of long-term irregular migrants?
- What are the characteristics of the group of third-country nationals who remained in a protracted situation of illegal stay? What information is available on the size of the (sub)groups or categories?

Section 1.1: Categories of long-term irregular migrants at national level

Q1a. Is there a distinction between 'short-term' irregular migrants and 'long-term' irregular migrants (as defined in the scope of this study) in your (Member) State?

- Ναι.
 Όχι

If yes, please explain how these are defined and where (policy, legislation and/or practice):

n/a

Q1b. Are different categories of long-term irregular migrants (as defined in the scope of this study) – stemming from law or practice – present in your (Member) State?

- Yes
 No

Q1c. If yes to Q1b, are these:

- irregular migrants subject to a return decision but the return cannot be enforced due to legal obstacles (e.g. non refoulement, medical or humanitarian reasons, etc)?
 irregular migrants subject to a return decision but the return cannot be enforced due to practical obstacles (cooperation of the person concerned, problems with travel documents etc)?
 former (rejected) applicants for international protection who absconded?
 third-country nationals whose short-stay visa, residence permit expired and/or was not renewed?
 other irregular migrants who were not (yet) detected by national migration authorities?
 Other (e.g. long-term irregular migrants with a criminal record, dependant family members) (please describe in the box below)?

n/a

Q1d. If yes to Q1b, please also provide, if possible, an estimation of the numbers of persons (for each category identified in Q1a, 1b and 1c, as relevant) in your (Member) State, annually since 2015.

Please also indicate the relevant source of such estimate(s) and other relevant information if available (e.g. country of origin).

n/a

Q1f. If no to Q1b, please explain why this is not the case (in the box below)

The issue of long-term irregular migrants is not provided for in Greek Law.

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Q2. If a third-country national is subject to a return decision but there are legal obstacles to return (i.e. for non-refoulement reasons, medical reasons, etc), can they receive:

Tick as many boxes as applicable in your (Member) State and use the box below to briefly describe the situation (e.g. procedure followed, conditions of application).

For instance, please indicate if the option ticked is based on i) an administrative practice (please explain the practice); ii) legislation (please legislation); iii) case law (indicate case law reference and a short summary), or iv) other (e.g. policy).

Please briefly describe also indicating estimations of the scale/numbers per year between January 2015-October 2020), if available.

For clarifications on categories below, please refer to section 2.

Written confirmation of postponement of return (please briefly explain the procedure, conditions below):

The police authorities which are competent for the enforcement of the decision, may, upon a justifiable decision, postpone the return, for an appropriate period of time, taking into account the specific circumstances of the individual case, and in particular: a) the third country national's physical state or mental capacity and b) technical reasons, such as lack of transport capacity or failure of the removal due to objective lack of identification. The decision of postponement of the removal shall be delivered to the third-country national and consist a written certification that the return decision may not temporarily executed (postponement certificate of the removal). This certificate shall be valid for six (6) months and may be renewed upon a new judgment on whether the removal remains incapable of being implemented².

Temporary/tolerated stay (please briefly explain the conditions, application procedure below):

Throughout the validity term of the written certification, its holder shall have the right to temporarily reside in Greece and shall, in any case, remain at the disposal of the authorities which are competent for the removal, and cooperate with them so that the removal is implemented, as soon as possible.

Residence permit (please briefly explain the conditions, application procedure, duration of status below):

The competent, on a per case basis, authorities may, at any time, issue a separate residence permit for compassionate, humanitarian or other reasons, to a third-country national irregularly staying in the Greek territory. In case of issuance of the said residence permit, no return decision is issued. Where a return decision has already been issued, it is revoked or suspended for a period equal to the duration of the said permit.

Extension of the short-stay visa:

n/a

Extension of the voluntary departure period:

A return decision for a third-country national shall provide for an appropriate period for voluntary departure, of between seven (7) to thirty (30) days. Such period shall be granted ex officio, without requiring the submission of an application by the third-country national concerned. The time period provided for the voluntary departure shall not exclude the possibility for the third-country nationals concerned to leave the greek territory earlier. The authorities, which are competent for issuing such return decision, may, upon a justified decision, extend the period for voluntary departure, by an appropriate period, which shall not exceed one (1) year. In order for such decision to be taken, all specific circumstances shall be taken into account, such as the third-country national's length of stay in Greece, the existence of children attending greek school, the existence of family and social links.

No return decision issued (for administrative or other reasons including non-refoulement):

In cases of granting an independent residence permit for humanitarian or other reasons to a third country national residing irregularly in Greece. A return decision cannot be issued for irregular stay reasons, against a thirdcountry national who has submitted on time an application for the issuance or renewal of a residence permit, accompanied with all required documents, and has received the certificate provided for until his/her application is finally considered. Similarly, a return decision cannot be issued for a third country national, for whom a temporary order or a decision of the Administrative Court of First Instance is issued to suspend the execution of an administrative act related to the rejection of an application to issue or renew a residence permit or revoke a residence permit, in accordance with the provisions in force.

Other (e.g. no other form of certificate/tolerated stay/residence permit granted):

n/a

² <http://www.vptp.gr/images/stories/2011/law%203907.pdf.pdf>

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Q3. If a third-country national is subject to a return decision but there are practical obstacles to return (i.e. lack of means of transportation, lack of identification or travel documents, lack of cooperation of the third-country national, absconding etc.), can they receive:

Tick as many boxes as applicable in your (Member) State and use the box below to briefly describe the situation (e.g. procedure followed, conditions of application).

For instance, please indicate if the option ticked is based on i) an administrative practice (please explain the practice); ii) legislation (please legislation); iii) case law (indicate case law reference and a short summary), or iv) other (e.g. policy).

Please briefly describe also indicating estimations of the scale/numbers per year can be provided for the years 2015-October 2020), if available.

For clarifications on categories below, please refer to section 2.

A written confirmation of postponement of return (please briefly explain the procedure, conditions below):

The police authorities which are competent for the enforcement of the decision, may, upon a justifiable decision, postpone the return, for an appropriate period of time, taking into account the specific circumstances of the individual case, and in particular: a) the third country national's physical state or mental capacity and b) technical reasons, such as lack of transport capacity or failure of the removal due to objective lack of identification. The decision of postponement of the removal shall be delivered to the third-country national and consist a written certification that the return decision may not temporarily executed (postponement certificate of the removal). This certificate shall be valid for six (6) months and may be renewed upon a new judgment on whether the removal remains incapable of being implemented³.

A temporary/tolerated stay (please briefly explain the conditions, application procedure):

Throughout the validity term of the written certification, its holder shall have the right to temporarily reside in Greece and shall, in any case, remain at the disposal of the authorities which are competent for the removal, and cooperate with them so that the removal is implemented, as soon as possible.

A residence permit (please briefly explain the conditions, application procedure, duration of status below):

The competent, on a per case basis, authorities may, at any time, issue a separate residence permit for compassionate, humanitarian or other reasons, to a third-country national irregularly staying in the Greek territory. In case of issuance of the said residence permit, no return decision is issued. Where a return decision has already been issued, it is revoked or suspended for a period equal to the duration of the said permit.

An extension of the short-stay visa

n/a

No return decision issued (for administrative or other reasons including non-refoulement)

In cases of granting an independent residence permit for humanitarian or other reasons to a third country national residing irregularly in Greece. A return decision cannot be issued for irregular stay reasons, against a thirdcountry national who has submitted on time an application for the issuance or renewal of a residence permit, accompanied with all required documents, and has received the certificate provided for until his/her application is finally considered. Similarly, a return decision cannot be issued for a third country national, for whom a temporary order or a decision of the Administrative Court of First Instance is issued to suspend the execution of an administrative act related to the rejection of an application to issue or renew a residence permit or revoke a residence permit, in accordance with the provisions in force.

Also, the removal of a third-country national who is about to return shall be compulsorily postponed in the event that a) the principle of non-refoulement is violated or b) it has been suspended following a relevant appeal.

Other (e.g. no other form of certificate/tolerated stay/residence permit granted)

n/a

³ <http://www.vptp.gr/images/stories/2011/law%203907.pdf.pdf>

Section 1.2: Priorities and debates at a national level

Q4a. Has the issue of long-term irregular migrants been subject to policy or legislative debate (i.e. discussions) in your (Member) State since 2015?

- Yes
 No

If yes, (i) what was the debate about and (ii) how has the debate evolved since 2015 (include debates related to Covid-19)?

Please provide a brief explanation of the main focus (i.e. main aspects discussed) and the evolution since 2015. Please indicate the main stakeholders involved. Please provide qualitative evidence to support your answer (e.g. national parliamentary debates, strategies, other policy documents).

n/a

Q5a. Has the issue of long-term irregular migrants been subject to inter-institutional debate between local (municipal, regional, federal) and central level authorities, in your (Member) State since 2015?

- Yes
 No

If yes, please indicate the main stakeholders involved in your answer and qualitative evidence (e.g. public debates, policy documents).

n/a

Q5b. If yes to Q5a, (i) what was the debate about and (ii) how has it evolved since 2015?

Please provide a brief explanation of the main focus (i.e. main aspects discussed) and the evolution since 2015.

n/a

Q6. If yes to Q4a and/or Q5a, has the debate influenced policy or legislative measures (e.g. national strategies or plans, legislative framework, etc.)?

- Yes
 No

If yes, please indicate the policy or legislative measures adopted:

n/a

Q7a. Has the issue of long-term irregular migrants been subject to **public debate** (i.e. media/NGOs) in your (Member) State since 2015?

- Yes
 No

Q7b. If yes to Q7a, (i) please indicate the main stakeholders involved (ii) the main circumstances of the debate and (iii) if there has been any change in the debate since 2015?

Please provide a brief explanation of the main focus (i.e. main aspects discussed) and the evolution since 2015;

Please provide qualitative evidence to support your answer (e.g. reliable media reports, statements or reports of NGO/civil society organisations or International Organisations (IOs), research studies, official surveys, barometers, other policy documents).

n/a

Q8. Has the issue of long-term irregularly staying migrants been subject to policy or public debate in your (Member) State specifically in connection with the measures taken in responses to COVID-19 and their impacts?

n/a

Q9. Are there any planned changes in law/policy/practice regarding long-term irregular migrants in your (Member) State?

- Yes, there are planned changes in law. Please explain below:
 Yes, there are planned changes in policy. Please explain below:
 Yes, there are planned changes in practice. Please explain below:
 No.

n/a

Section 2: National policies and approaches regarding long-term irregularly staying migrants

This section aims to provide an overview of national policy in (Member) States and Norway on the way States address long-term irregularity. It will address the following research questions:

- Which rights and public services are long-term irregularly staying migrants provided access to?
- What is the role of central, regional and local authorities in dealing with this group of migrants?
- To what extent are regional and local authorities involved and cooperate with the central government?
- What is the role of civil society organisations or other entities regarding the access to public services for long-term irregularly staying migrants?
- What measures (e.g. policies, practical tools, guidance) were implemented regarding the access to public services for long-term irregularly staying migrants?
- Were there any studies or research published on the effectiveness of these measures?

Section 2.1: Rights and access to services of long-term irregular migrants

This section aims to understand the rights and services accessible to long-term irregular migrants, which central, regional and local authorities are involved in the provision of services, as well as the role of civil society organisations.

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Basic medical care <i>If yes, please briefly describe</i>	No	-	-	-
Specialised care <i>If yes, please briefly describe</i>	No	-	-	-
Other healthcare services <i>If yes, please briefly describe</i>	No	-	-	-
Social assistance				Less <input checked="" type="checkbox"/> Same <input type="checkbox"/> More <input type="checkbox"/>
Are long-term irregularly staying migrants entitled to receive social benefits;⁵ <i>If yes, please briefly describe what these benefits are</i>	No	-	-	-
Employment				Less <input checked="" type="checkbox"/> Same <input type="checkbox"/> More <input type="checkbox"/>
Are there circumstances in your MS where long-term irregularly staying migrants are entitled to access to the labour market? <i>If yes, please describe any specific conditions attached to their employment.</i>	Yes	-	According to Article 13A of Law 4251/2014 (A 80), the employer may submit to the competent service an application for the exceptional employment of third-country nationals deprived of a residence permit in the country order to deal with urgent needs of agriculture. For this reason, a certificate of postponement of deportation and a work permit is issued for six months. Work can only be provided in the agricultural sector (agriculture, forestry, livestock).	-

⁵ Please consider the definition of 'core benefits' as included in the Qualification and Long-Term Residents Directives which is understood as covering – as a minimum - income support, assistance in the case of illness, or pregnancy, and parental assistance.

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Education				Less <input type="checkbox"/> Same <input checked="" type="checkbox"/> More <input type="checkbox"/>
Do (long-term irregular migrant) children have access to compulsory education? <i>If yes, please briefly describe access.</i>	Yes	Mandatory	A) All minors residing in the country, regardless of residence status, have the right to enrol in primary and secondary education. A minor who will become an adult during the school year cannot be excluded due to this event from accessing and enrolling in school. B) The issues of enrollment and study of foreigners in education belong primarily to the Ministry of Education's special responsibility, which implements the existing provisions, providing the necessary instructions and circulars to its services and educational units. C) The ban on the entry and residence of third-country nationals in the Greek territory does not concern the provision of services to minor migrants to exercise the fundamental individual right to education, guaranteed by the supra-legislative international Convention on the Rights of the Child (art. 28, L. 2101/1992).	-
Are adult long-term irregularly staying migrants entitled to participate in educational programmes and/or professional training? <i>If yes, what types of education and under which conditions?</i>	No	-	-	-
Legal aid or assistance				Less <input checked="" type="checkbox"/> Same <input type="checkbox"/> More <input type="checkbox"/>
Do long-term irregular migrants have access to legal aid or assistance type of services? <i>If yes, please briefly enumerate and explain</i>	No	-	-	-
Other				Less <input checked="" type="checkbox"/> Same <input type="checkbox"/> More <input type="checkbox"/>
Are any other rights relevant to mention here? Please describe	No	-	-	-

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Q11. What services are accessible to other long-term irregular migrants who were **not issued a return decision**, and remained unknown to migration authorities (see answer to **Q1**)?

Table 1: Rights and services available to long-term irregularly staying migrants who have been issued a return decision				
Type of stay or status as identified in Q2 and/or Q3: [_____]				
Type of service	Service provided? (Y/N)	Is the provision of service mandatory or discretionary ? ⁶	Brief description Please consider for each type of services the long-term irregular migrants are entitled or have access to: iii. Does this access stem from national law or practice? Does it stem from local (regional, municipal) rules or practice? i. Which authorities are competent to provide access to services? Please indicate if access is provided by other entities (NGO, charities, private entities, etc) as service providers on behalf of the national or local authorities?	Please briefly assess and explain if the rights and access to services are more limited, same or more favourable than those of legal migrants or of nationals?
Accommodation				Less <input checked="" type="checkbox"/> Same <input type="checkbox"/> More <input type="checkbox"/>
Accommodation If yes, please briefly describe	Oχλ	-	-	-
Special accommodation facilities (i.e. shelter for victims of violence, children etc.) If yes, please briefly describe	Oχλ	-	-	-
Other forms of accommodation or shelter or specialised centre	Oχλ	-	-	-
Healthcare				Less <input checked="" type="checkbox"/> Same <input type="checkbox"/> More <input type="checkbox"/>
Emergency healthcare If yes please describe, as this notion can be understood in a large or restrictive way	Nαλ	-	Law 4368/2016 and JMD A3(c)/GP/25132/4.4.2016, provides the right of free access to all public health structures for the provision of nursing and medical care to vulnerable social groups in the Public System and Health benefits, including third-country nationals, holders of a written certificate of deferral decision according to the provisions of par. 4 of article 24 of Law 3907/2011 (A'7).	-
Basic medical care If yes, please briefly describe	Oχλ	-	-	-
Specialised care If yes, please briefly describe	Oχλ	-	-	-

⁶ For example, in some cases a service can be accessed but the costs must be met by the individual rather than the State/national authorities.

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Other healthcare services If yes, please briefly describe	Όχι	-	-	-
Social assistance				Less <input checked="" type="checkbox"/> Same <input type="checkbox"/> More <input type="checkbox"/>
Are long-term irregularly staying migrants entitled to receive social benefits? ⁷ If yes, please briefly describe what these benefits are	Όχι	-	-	-
Employment				Less <input checked="" type="checkbox"/> Same <input type="checkbox"/> More <input type="checkbox"/>
Are there circumstances in your MS where long-term irregularly staying migrants are entitled to access to the labour market? If yes, please describe any specific conditions attached to their employment.	Ναι	-	According to Article 13A of Law 4251/2014 (A 80), the employer may submit to the competent service an application for the exceptional employment of third-country nationals deprived of a residence permit in the country order to deal with urgent needs of agriculture. For this reason, a certificate of postponement of deportation and a work permit is issued for six months. Work can only be provided in the agricultural sector (agriculture, forestry, livestock).	-
Education				Less <input checked="" type="checkbox"/> Same <input type="checkbox"/> More <input type="checkbox"/>
Do (long-term irregular migrant) children have access to compulsory education? If yes, please briefly describe access.	Ναι	Υποχρεωτική	A) All minors residing in the country, regardless of residence status, have the right to enrol in primary and secondary education. A minor who will become an adult during the school year cannot be excluded due to this event from accessing and enrolling in school. B) The issues of enrollment and study of foreigners in education belong primarily to the Ministry of Education's special responsibility, which implements the existing provisions, providing the necessary instructions and circulars to its services and educational units. C) The ban on the entry and residence of third-country nationals in the Greek territory does not concern the provision of services to minor migrants to exercise the fundamental individual right to education, guaranteed by the supra-legislative international Convention on the Rights of the Child (art. 28, L. 2101/1992).	-

⁷ Please consider the definition of 'core benefits' as included in the Qualification and Long-Term Residents Directives which is understood as covering – as a minimum - income support, assistance in the case of illness, or pregnancy, and parental assistance.

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Are adult long-term irregularly staying migrants entitled to participate in educational programmes and/or professional training? If yes, what types of education and under which conditions?	Όχι	-	-	-
Legal aid or assistance				Less <input checked="" type="checkbox"/> Same <input type="checkbox"/> More <input type="checkbox"/>
Do long-term irregular migrants have access to legal aid or assistance type of services? If yes, please briefly enumerate and explain	Όχι	-	-	-
Other;				Less <input checked="" type="checkbox"/> Same <input type="checkbox"/> More <input type="checkbox"/>
Are any other rights relevant to mention here? Please describe	Όχι	-	-	-

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Q12. Do authorities (at central or local level) need to check the migration status (or the lack thereof) before providing access to a service (e.g. accommodation, healthcare, education), or are there 'firewall provisions' allowing persons concerned to access services without fear of being apprehended?

n/a

Q13. Is cooperation to return to the country of origin an obligation if one of the services are provided (under Q10 and Q11) to the long-term irregularly staying migrant?

- Yes
 No

If yes, please explain the applicable procedures and how it is carried out.

n/a

Q14. Are there any specific projects and/or (ad-hoc) programmes implemented at local level (by municipalities, regions, etc) in your (Member) State specifically targeting the access to services for long-term irregularly staying migrants?

- Yes
 No

If yes, please provide examples (e.g. which stakeholders are involved in the design, implementation and effects of the projects or programmes, any evaluations conducted on the projects or programmes and any key learning points identified)

n/a

Q15a. With the exception of organisations acting as a service provider for public authorities (Q10 and Q11), are other entities or organisations (e.g. NGOs, charities, other private entities) involved in providing or facilitating access to services for long term irregularly staying migrants?

- Yes
 No

If yes, please specify which entities, what type of involvement and service (e.g. accommodation, health care, counselling) are they involved in and, which type of funding used to support their activities.

n/a

Q15b. Do these entities or organisations need to report on the migration status (or the lack thereof) before providing access to a service (e.g. accommodation, healthcare, education), or are there 'firewall provisions' allowing persons concerned to access services without fear of being apprehended?

n/a

Q16. If a long-term irregular migrant is a victim of or witness to an offence (e.g. labour exploitation, domestic violence, etc), are there any available 'safe reporting'⁸ channels between the TCN concerned and public authorities to report the incident without divulging their situation of illegal stay?

- Yes
 No

If yes, please briefly describe the channel/reporting mechanism:

Concerning this situation where an migrant is a victim or witness of an offence, he/she has the right to inform the Authorities without disclosing the irregular residence status. Such cases are: human trafficking, domestic violence or when the migrant cannot handle his/her affairs for health reasons, victims of accidents at work and other accidents covered by Greek law, as long as the treatment lasts or he/she receives a pension for himself/herself, those suffering from serious health problems or victims of racism. This right also entitles victims and key witnesses of criminal acts, which are provided in articles 187, 187a, 309 and 310 of the Greek Penal Code or are punishable by a crime and committed against life, health, physical integrity, property, and personal and sexual liberty, provided that a preliminary examination or prosecution has been ordered and the case has been closed, or a final decision has been issued. The competent authorities, as the case may be, may at any time grant an independent residence permit for reasons of compassion, humanitarian or other cause to a third-country national who resides illegally in the Greek territory. In case of issuance of the above residence permit, no return decision is issued. If the return decision has already been issued, then it is withdrawn or suspended⁹ for a period equal to the period of validity of the above permit.

⁸ <https://www.compas.ox.ac.uk/project/safe-reporting-of-crime-for-victims-and-witnesses-with-irregular-migration-status-in-the-usa-and-europe/>

⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017H2338>

Q17. Are there any **assisted voluntary return (AVR) projects or programmes** implemented in your (Member) State that also specifically foresee support to access to services (in the host (Member) State, thus before departure) for long-term irregular migrants?

- Yes
 No

If yes, please describe (e.g. please consider any specific conditions to access the service(s)):

The implementation of assisted voluntary returns including reintegration measures (AVRR)¹⁰ International Organization for Migration (IOM) - Office in Greece: 1. Third-country nationals who have not yet received a final negative decision on their application for stay, legal residence and/or international protection as foreseen for them in a member state and who may opt for the voluntary return option; 2. Third-country nationals who have been granted the right of stay, legal residence and/or international protection as defined by the EU Directive 2011/95 or temporary protection as defined by the EC Directive 2001/55 in a member state and who have chosen to opt for voluntary return; 3. Third-country nationals present in a member state who no longer meet the entry or stay prerequisites in a member state, whose removal has been postponed in accordance with Articles 9 and 14, paragraph 1 of Directive 2008/115/EC. 4. Special care and priority are extended to beneficiaries that are in a situation of vulnerability including but not limited to unaccompanied migrant children, migrants with health needs, single-parent families, trafficking victims, elderly, etc. IOM - Office in Greece plays a crucial role in AVRR's world map. Since 2010, more than 48,649 individuals have been assisted to return voluntarily to their home with safety and dignity and through the contribution of IOM Greece. Furthermore, IOM Greece has supported over 8,240 migrants to successfully complete personalized reintegration plans in terms of sustainability for themselves and their families.

Open Centre for Migrants registered for Assisted Voluntary Return and Reintegration (OCAVRR)¹¹: An Open Centre for migrants registered for assisted voluntary return and reintegration is established near the center of Athens in order to provide shelter to migrants in Greece who have registered with IOM Greece's "The Implementation of assisted voluntary returns including reintegration measures and operation of Open Center in the prefecture of Attica for applicants of voluntary return" project and who have no place to stay until their departure. Migrants are benefited from: a safe place to stay, meals, facilities, sanitary items and clothes, medical care.

Q18. Please provide if applicable illustrative (and anonymised) case(s) of measures adopted by authorities (a) at central, (b) regional and (c) local level (e.g. municipalities) to provide access to services (e.g. accommodation, health, etc) – up to two examples.

n/a

Q19. Did any change happen in relation to access of long-term irregular migrants to social services as described above, as consequence of measures taken in response to the COVID-19 pandemic?

- Yes
 No

If yes, please describe by referring to all relevant aspects and services covered in **Q10-Q17**.

n/a

Q20. Is there any research available in your (Member) State on irregular migrants accessing rights and services listed above (conducted by relevant authorities, academics, NGOs, etc.)?

- Yes
 No

If yes, please describe the main findings and conclusions of such research and provide a full reference to the source.

n/a

¹⁰ <http://greece.iom.int/el/h-εφαρμογή-των-υποβοηθούμενων-εθελούσιων-επιστροφών-συμπεριλαμβανόμενων-μέτρων-επανεπίταξης-και>

¹¹ https://greece.iom.int/sites/default/files/OCAVRR_English_Greek.pdf

Section 2.2.: Cooperation mechanisms between central, regional and local authorities

This section will focus on the cooperation between central authorities and, regional authorities as well as municipalities in the implementation of national policies on long-term irregular migration.

Q21. Were specific measures (legislative, administrative, practices) implemented by central authorities to help regional and local authorities to anticipate and/or to respond to the situation of long-term irregular migrants in their territories?

Monitoring and follow-up approaches of long-term irregularly staying migrants.

Please provide a short description of the (i) measure(s); (ii) proposed effects and (iii) involved organisations (national stakeholders, cities, professionals, etcetera)

n/a

Information exchange between central and local authorities about long-term irregularly staying migrants.

Please provide a short description of the (i) measure(s); (ii) proposed effects and (iii) involved organisations (national stakeholders, cities, professionals, etcetera).

n/a

Guidance or any other form of established practice made available to regional and local authorities on how to assist long-term irregularly staying migrants (e.g. training sessions, guidance (e.g. written instructions or guidelines), other)

Please provide a short description of the (i) measure(s); (ii) proposed effects and (iii) involved organisations (national stakeholders, cities, professionals, etcetera)

n/a

Other measure(s)

Please provide a short description of the (i) measure(s); (ii) proposed effects and (iii) involved organisations (national stakeholders, cities, professionals, etcetera)

n/a

Q22. Do local authorities in your Member State participate in horizontal cooperation networks (of local authorities) to develop good practices and/or programmes to address the situation of long-term irregular migrants?

Yes

No

If yes, please provide examples.

n/a

Q23. Were there any studies or research published on the effectiveness of any of the measures mentioned in Q21;

Yes

Oχι

If yes, please mention references and brief description of the studies or piece of research:

n/a

Section 2.3: Good Practices

Q24. What are good practices regarding policy measures concerning long-term irregularly staying migrants?

For each good practice mentioned, please describe a) for whom it is a good practice (policy-maker, organisation, other stakeholders), b) why it is considered a good practice and c) whether the assessment that this is a good practice is based on input from experts (and if so, which experts), surveys, evaluation reports, focus groups or from other sources (please indicate which ones).

Providing services (housing, health care, other measures)

Please provide a brief explanation:

n/a

Exchanging information between national and local authorities on long-term irregularly staying migrants.

Please provide a brief explanation:

n/a

Exchanging information between Member States?

Please provide a brief explanation:

n/a

Other good practices

Please provide a brief explanation:

n/a

Section 3: Responses to end long term irregular stay

This section will focus on policies and good practices implemented in finding approaches to address (and end) the issue of long-term irregularity. This section aims to research the following:

- What measures (e.g. policies, practical tools, guidance) were implemented to bring protracted situations of illegal stay to an end?
- Were there any studies or research published on the effectiveness of these measures?
- What are the key challenges and good practices in terms of policy regarding long-term irregularly staying migrants?

Q25. What options are available in your Member State to end long-term illegal stay of third-country nationals (e.g. return, legalisation of stay, other)? Which are prioritized?

The Minister of the Interior may exceptionally grant a one-year residence permit, on opinion of the committees referred to in Article 134 paragraph 1 to third-country nationals who reside in Greece and can prove to have developed strong bonds with the country. An application for the issue of a permit for exceptional reasons shall only be considered if the interested third-country national procures: (a) a visa issued by a Greek consular authority at least three years before submission of the application, or (b) a residence permit, even if it has expired, (c) valid passport, (d) fees of 300 euros, and (e) documents that demonstrate he has developed special bonds with the country, which render his stay in the Greek territory necessary¹². The following shall be mainly taken into consideration to ascertain the existence with strong bonds with the country: (a) very good Greek skills, (b) attendance to a Greek primary or secondary education school by the applicant or his children, (c) duration of residence, primarily legally, in Greece, (d) time insured, where applicable, with a Greek primary insurance organisation, and performance of tax obligations, and (e) blood relations to a Greek national or expatriate. In exceptional cases, the Minister for the Interior may refer to the committees referred to in Article 134 hereof applications of third-country nationals who do not meet some of the referral requirements of this Article, who risk their lives and take actions of virtue, contribution and solidarity which promote the values of humanism.

¹² Law 4251/2014 Immigration and Social Integration Code and other provisions https://www.mfa.gr/images/docs/ethnikes_theoriseis/2015/metanast.pdf

Section 3.1. Measures to promote return or discourage illegal stay

Q26. What measures to promote return or discourage illegal stay are in place in your Member (State) specifically for long term irregular migrants (as identified in this study)?

E.g. restricted access to mainstream services or specific programmes geared towards third-country nationals in a prolonged situation of irregular stay, specific cooperation measures between national, regional and local authorities.

Please note that various measures directly related to the enforcement of a return decision such as AVR programmes or other incentives to return were already captured in numerous other EMN studies and discussions at expert group level and are not the primary focus of this study.

n/a

Q27a. What are the good practices as identified in your Member States to promote return or discourage illegal stay for long term irregular migrants identified in your (Member) State?;

For each good practice mentioned, please describe a) for whom it is a good practice (policy-maker, organisation, migrant, other stakeholders), b) why it is considered a good practice and c) what is the source of the statement – e.g. based on input from experts, surveys, evaluation reports or from other sources (please indicate which ones).

n/a

Q27b. Is there any research available in your (Member) State on promotion of return or the discouragement illegal stay (conducted by relevant authorities, academics, NGOs, etc.)?

Ναι

Όχι

If yes, please describe the main findings and conclusions of such research and provide a full reference to the source.

This focused study intended to inform Member States and the European Commission on ways and methods adopted to approach irregular migrants, who are not in contact with the Authorities, in order to disseminate information on the Assisted Voluntary Return Programmes in Greece. The Greek contribution includes a description of the situation regarding the actors and the practical approaches of irregular migrants, who are not in contact with the Authorities and highlights successful practices, as well as the need to strengthen them.

Grizis, V., Tsinisizelis, M., Fouskas, T., Karatrantos, T. and Mine F.-M. (2015). Dissemination of Information on Voluntary Return: How to Reach Irregular Migrants not in Contact with the Authorities. EMN Focused Study 2015. Athens: Center for Security Studies/Hellenic Ministry of Interior and Administrative Reconstruction/European Commission/European Migration Network. In English https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/12a_greece_report_study_information_voluntary_return_en_version.pdf In Greek https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/12b_greece_report_study_information_voluntary_return_gr_version.pdf

Q28. Please provide illustrative example(s) of responses and/or good practices to promote return or discourage illegal stay adopted by authorities (a) at central level, (b) regional and/or (c) at local level (e.g. municipalities) – up to two examples, in the form of anonymised case studies of individual long-term irregularly staying migrants):

n/a

Section 3.2: legalisation of stay open specifically to long-term irregular migrants

Q29. Are options for legalisation of stay open specifically to long-term irregular migrants in your Member (State)?

E.g. a specific status/residence permit for legalising the stay of long-term irregularly staying migrants (see Section 1)? specific schemes established at national level for legalising the stay of long-term irregular migrants? Or do such options form part of the system of residence permits available to all migrants?

If yes, please briefly explain the criteria considered (e.g. integration in labour market, length of stay, language skills, absence of criminal record, social and family ties, having entered the country as a minor):

n/a

Q30a. What are the good practices as identified in your Member States with regards to legalisation of stay identified in your (Member) State?

For each good practice mentioned, please describe a) for whom it is a good practice (policy-maker, national or local authority, organisation, migrant, other stakeholders), b) why it is considered a good practice and c) what is the source of the statement – e.g. based on input from experts, surveys, evaluation reports or from other sources (please indicate which ones).

n/a

Q30b. Is there any research available in your (Member) State on practices with regards to options for legalisation of stay available specifically to irregular migrants (conducted by relevant authorities, academics, NGOs, etc.)?

Yes

No

If yes, please describe the main findings and conclusions of such research and provide a full reference to the source.

n/a

Q31. Please provide illustrative example(s) of responses and good practices related to the legalisation of stay measures adopted by authorities (a) at central level, (b) regional and/or (c) at local level (e.g. municipalities) – up to two examples, in the form of anonymised case studies of individual long-term irregularly staying migrants):

n/a

Section 3.3: Measures taken in response to the COVID-19 pandemic

Q32. Were measures taken to end the situation of long-term irregular migrants specifically in connection to the responses to and impacts of the COVID-19 (e.g. legalisation of migrant workers employed in specific sectors)? Please describe.

n/a

Section 4: Challenges and future actions

Q33. What are the challenges regarding policy measures concerning long-term irregularly staying migrants?

In Greece, irregular migrants are trapped in the informal sector of the economy or looking for a cheaper, mobile, temporary and flexible workforce for permanent feedback, in addition to labour and tax controls, social security contributions and compliance with worker rights and regulations. In Greece, male and female migrants concentrate in precarious, low-status/low-paid work and on manual labour, agriculture, construction, handicrafts, domestic work, catering services, hotel, cleaning, personal care, street trade, and exploitative work forms. In Greece, irregular migrants are vulnerable in terms of health and access to health services. Irregular migrants are not only from the Balkans but also from Asia and Africa, with a completely different epidemiological profile from that of Greeks and other Europeans posing high risks to public health given their living and working conditions, both in the country of origin and Greece. It is imperative to provide preventive vaccinations and preventive and regular medical examinations to irregular migrants they do not have access to health services, except for emergencies, minors, HIV/AIDS patients or other infectious diseases. The latter is of utmost importance considering the current situation due to the new coronavirus SARS-CoV-2 (COVID-19)¹³.

For each challenge mentioned, please describe a) for whom it is a challenge (policy-maker, organisation, other stakeholders), b) why it is considered a challenge and c) whether the assessment that this is a challenge is based on input from experts (and if so, which experts), surveys, evaluation reports, focus groups or from other sources (please indicate which ones).

Providing services (e.g. housing, health care, etc)

Please provide a brief explanation:

See Q33.

Challenges exchanging information and/or cooperation between national and local authorities on long-term irregularly staying migrants.

Please provide a brief explanation:

n/a

Challenges exchanging information between Member States?

Please provide a brief explanation:

n/a

Other challenges (e.g. other measures mentioned in section 3.

Please provide a brief explanation:

n/a

Q34. What are the challenges regarding policy measures concerning long-term irregularly staying migrants specifically linked to the impacts of the COVID-19 pandemic?

n/a

Q35. What are the challenges of promoting return or discouraging illegal stay concerning long-term irregularly staying migrants?

Please describe any additional challenges specifically linked to the impacts of the COVID-19 pandemic?

n/a

Q36. What are the challenges regarding the options for legalisation of stay available to long-term irregularly staying migrants?

Please describe any additional challenges specifically linked to the impacts of the COVID-19 pandemic?

n/a

¹³ European Commission (2017). Communication on a more effective return policy in the EU – a renewed action plan and Recommendation (EU) 2017/432 on making returns more effective when implementing the Directive 2008/115/EC of the European Parliament and of the Council, COM (2017)200. <https://eur-lex.europa.eu/legal-content/EN/LSU/?uri=CELEX:32008L0115> Fouskas, T. (2014). The Social Impact of Irregular Migration in 21st Century Greece, Review of Law Migration, 13(2-3):284-297 (in Greek). Fundamental Rights Agency (2017). Fundamental rights of migrants in an irregular situation who are not removed. Fundamental Rights Agency <https://fra.europa.eu/en/publication/2017/fundamental-rights-migrants-irregular-situation-who-are-not-removed> Hatzopoulos, V., Fouskas, T., Pechlidi, G., DeMaio, A. and Novak, C., (2017). The Effectiveness of Return in EU Member States: Challenges and Good Practices Linked to EU Rules and Standards. Athens: European Public Law Organization (EPLO)/Hellenic Ministry for Migration Policy/European Commission/European Migration Network. In English <http://emn.immigration.gov.gr/en/repository/send/27-2017/56-2rd-focused-study-2017-el-the-effectiveness-of-return-in-eu-member-states> In Greek <http://emn.immigration.gov.gr/el/meletes/send/26-2017/55-2i-meleti-edm-i-epistrofi-ton-paranomon-metanaston-os-apotelesmatiki-methodos-antimetopisis-tou-fainomenou-prokliseis-kai-veltises-praktikes-amesa-syndedemenes-me-tous-kanones-tis-ee> Spencer, S. and Triandafyllidou, A. (2020). Migrants with Irregular Status in Europe. Evolving Conceptual and Policy Challenges Cham, Switzerland: Springer. Triandafyllidou, A. and Maroukis, T. (2012). Migrant Smuggling Irregular Migration from Asia and Africa to Europe. London: Palgrave.

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Q37. According to (central and/or local) stakeholders in your (Member) State, what actions could be taken at EU level to support (Member) States to effectively cooperate and overcome the challenges faced in relation to long-term irregularly staying migrants? For each suggested improvement mentioned, please describe a) for whom it is a suggestion (policy-maker, organisation, other stakeholders), b) why it is considered a suggestion and c) whether the assessment that this is a suggested improvement based on input from experts (and if so, which experts), surveys, evaluation reports, focus groups or from other sources (please indicate which ones).

The issue of irregular migration can be tackled by implementing an integrated integration policy based on the state's needs and the characteristics of the irregularly migrating population, combined with a pragmatic common return policy at European level. Achieving and effectively implementing European readmission agreements with third countries, without prejudice to European law and the *acquis*, is an issue on which the EU and its Member States should focus more effectively in the future¹⁴.

¹⁴ Hellenic Police Headquarters, Ministry of Citizen Protection.

Section 5: Conclusions

This section of the Synthesis Report will draw conclusions as to the Member States' existing policies, practices and case law related to long-term irregularly staying migrants.

Q38. With regard to the aims of this study (policy responses to long-term irregular migrants), what conclusions would you draw from your findings reached in elaborating your national contribution?

With reference to the primary research question, please elaborate your conclusions highlighting the relevance of your findings to (national and/or EU level) policy-makers. You may cover the following points:

- The size of the problem of long-term irregular migrants in your country
- The most topical issues raised in the political and policy debate on the situation of long-term irregularly staying migrants
- The main concerns and issues related to providing access to public services to long-term irregularly staying migrants
- The main concerns and issues related to implementing measures to bring protracted situations of illegal stay to an end

The flow of irregular migrants entering the EU reached unprecedented levels during 2015 and remained high in 2016. During 2016, Member States reported new arrivals from Africa, the Middle East and Asia, many of whom turned to criminal networks of smugglers for assistance. Poverty, social and political instability, as well as the limited availability of legal migration routes, push people towards criminal networks to facilitate their unauthorised entry into, transit through or stay in the EU. The journey to the EU can be extremely dangerous and smugglers frequently expose migrants to both life-threatening risks and violence. The loss of lives in the Mediterranean Sea demonstrates the need for an assertive and urgent response from the EU¹⁵.

Greece comes first among the 21 OECD member countries as 24% of the country's GDP is formed by the informal economy. The country has one of the highest rates of uninsured workers (37.3%) and the highest rate of the highest level of illegal migrant working (4.4%)¹⁶. Informal employment can provide a kind of "cushion" for irregular migrant workers who cannot find a formal economy job due to their irregular status. However, informal employment has an impact on both the employees themselves and on public revenues as employers do not contribute to social security funds. On the one hand, the treatment of the migrant as a scapegoat for the economic and labour crisis plaguing the countries while at the same time its social, labour and political rights are being violated, and on the other hand, along with the constant demand for cheap labour economy, modern forms of forced labor and slavery are emerging. The division of labour seeks, pushes and traps irregular migrants in paid work and precarious, low-status/low-paid work, distinguishing them by gender, race, nationality, religion and way of entering the country. The work and employment of migrants in precarious, low-status/low-paid work, are responsible for: creating individualistic attitudes and perceptions towards themselves and others in Greek society, the search for marginal or informal forms of security far from collective cohesion, the significant reduction of migrants' interest in claiming, recovering and protecting their labor rights and their complete alienation from collectivities, workers' associations, communities and solidarity networks.

To prevent the exploitation of migrants by criminal networks and to reduce incentives for irregular migration, both the European Agenda on Migration and the European Agenda on Security identified the fight against migrant smuggling as a priority. Criminal networks can facilitate irregular residence, including through the production and supply of counterfeit documents and by enabling migrants to use other people's genuine documents to pose as an impostor. Migrants in an irregular situation are also more vulnerable to labour and other forms of exploitation. Trafficking in human beings is a different yet interlinked crime, for which the EU has established tougher rules for action against those criminals engaged in it. EU rules also make sure that victims of trafficking have access to assistance, including the possibility of a temporary residence in the EU when they cooperate with law enforcement authorities or, for those Member States who foresee it, irrespective of their cooperation.

A humane and effective return policy - in line with the EU Charter of Fundamental Rights and based on the principle of giving preference to voluntary return is essential to a comprehensive and sustainable migration policy.

¹⁵ European Commission (2021). Irregular Migration and Return. Brussels: European Commission https://ec.europa.eu/home-affairs/what-we-do/policies/irregular-migration-return-policy_en

¹⁶ Schneider F. and Williams, C. (2013). The Shadow Economy. London: IEA, 52-96. <http://www.iea.org/sites/default/files/publications/files/IEA%20Shadow%20Economy%20web%20rev%207.6.13.pdf>

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