

MIRREM

Measuring Irregular Migration

www.irregularmigration.eu

Greece Country Brief on Irregular Migration Policy Context

AUTHOR:

Marina Nikolova



Co-funded by:



Canada Excellence
Research Chair in
Migration & Integration

Table of contents

THE MIRREM PROJECT	3
1.1 POLICY PRIORITIES	4
1.2 OVERVIEW OF THE GREEK POLICY FRAMEWORK	5
1.2.1 Policy implementation measures	5
1.2.2 Policy evolution: Main turning points	6
1.2.3 Policy impact	7
1.2.4 Policy Challenges in Addressing Migrant Irregularity	7
1.3 THE SPECTRUM OF MIGRANT IRREGULARITY IN GREECE: CATEGORIES AND PATHWAYS INTO/OUT OF IRREGULARITY	10
1.3.1 Pathways into and out of irregularity	11
1.3.2 Regularisation	12
References	13
ANNEX 1: Policy and Legal Frameworks	16
ABOUT THE AUTHORS	30

LIST OF TABLES

Table 1: Relevant Greek institutions	7
Table 2: Categories of migrant irregularity in Greece	10

THE MIRREM PROJECT

MIRREM examines estimates and statistical indicators on the irregular migrant population in Europe as well as related policies, including the regularisation of migrants in irregular situations.

MIRREM analyses policies defining migrant irregularity, stakeholders' data needs and usage, and assesses existing estimates and statistical indicators on irregular migration in the countries under study and at the EU level. Using several coordinated pilots, the project develops new and innovative methods for measuring irregular migration and explores if and how these instruments can be applied in other socio-economic or institutional contexts. Based on a broad mapping of regularisation practices in the EU as well as detailed case studies, MIRREM will develop 'regularisation scenarios' to better understand conditions under which regularisation should be considered as a policy option. Together with expert groups that will be set up on irregular migration data and regularisation, respectively, the project will synthesise findings into a Handbook on data on irregular migration and a Handbook on pathways out of irregularity. The project's research covers 20 countries, including 12 EU countries and the United Kingdom. This Deliverable of 15 country briefs is developed as part of Work Package 3 Politics: Understanding Legal and Policy Contexts.

TO CITE:

Nikolova, M. 2024. Greece Country Brief on Irregular Migration Policy Context. MIRREM Report. Krems: University for Continuing Education Krems (Danube University Krems). <https://doi.org/10.5281/zenodo.12606423>

KEYWORDS

Irregular migration; policy measures; pathways into and out of irregularity

FUNDING ACKNOWLEDGEMENT

Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the Research Executive Agency. Neither the European Union nor the granting authority can be held responsible for them.

In addition, MIRREM benefits from funding provided by UK Research and Innovation (UKRI) under the UK government's Horizon Europe funding guarantee. The Canadian research component of this project is undertaken, in part, thanks to funding from the Canada Excellence Research Chairs Program of the Government of Canada.

Greece

This Brief provides an abridged overview of the national policy landscape on irregular migration in the country, based on a more extensive policy analysis. It also provides an overview of the main types of migrant irregularity that emerge and the pathways into and out of irregularity, including regularisations as relevant. Annexed to this Deliverable is also an overview of the mapped legal and policy frameworks.

1.1 POLICY PRIORITIES

- **Restriction of arrivals and control of irregular migration**

The restriction of irregular migration flows and border protection is a key policy priority of Greece (Dimitropoulos, 2023). Greece established its Asylum Service and First Reception to determine who is in need of protection and has the right to apply for asylum and who does not fulfil the necessary criteria and consequently becomes subject to voluntary repatriation or deportation. Within the border management framework, a priority in addressing irregular migrant flows is given to the upgrade of the electronic monitoring systems to track who enters and leaves the country (Restelica, 2023).

- **Return of irregular migrants**

Returning irregular migrants to their countries of origin or to Türkiye in accordance with the strategy of cooperation with third countries is amongst the main policy priorities. In 2022 the government signed Memoranda of Understanding with Bangladesh and Egypt to support legal migration pathways and agree on the returning of irregular migrant citizens apprehended in Greece to Bangladesh or Egypt, respectively. The objective of the agreements is to meet the needs of the Greek economy and combat the flow of irregular migrants. Issues related to rejected asylum seekers and returns have also been discussed on the highest level with Iraq, as well as with Pakistan.

- **Cooperation with third countries**

Together with the rest of the EU Member States and in common agreement, Greece prioritises addressing the root causes of irregular migration, the fight against smuggling networks, and the protection of human lives in danger. The cooperation

with third countries (those considered countries of origin or transit states for irregular migration), prioritises cooperation on returns or readmissions of irregular migrants, as well as the establishment of legal routes for labour migration. The Greek Minister of Migration and Asylum has noted that at the core of these agreements are the effective guarding and protection of the European borders, as well as the need to combine the needs of the European economies in the labour force with the creation of legal migration and labour routes (Hellenic Republic Ministry of Migration & Asylum, 2023b).

1.2 OVERVIEW OF THE GREEK POLICY FRAMEWORK

See Annex 1 for an overview of the legal and policy frameworks mapped for this country.

1.2.1 Policy implementation measures

- **Border management**

In response to the high numbers of attempted irregular crossings of the sea and land border with Türkiye, Greece has taken the following measures: construction of a border fence with the plan to cover another 80 km by 2025, with a long-term goal to cover the total length of the border with a fence (Bathke, 2022; Newsroom, 2022, 2023a); an automated surveillance system at the land border with Türkiye; recruitment of 800 border guards, and enhancement of the material capacity of the Hellenic Coast Guards (Hellenic Republic Ministry of Migration and Asylum, 2021, 2023a, 2023). The main operational objective is to detect and prevent flows of irregular migrants before crossing the Greek border (sea and land). According to CSO reports, a number of informal forced returns, “push backs”, occurred at the borders (Deeb et al., 2021; Greek Council for Refugees, 2023; Greek National Commission for Human Rights, 2023; International Organization for Migration, 2021).

- **Return and deportation**

In case of the rejection of an asylum claim or revocation of international protection or residence permit, the competent authority issues a return decision. There are four different procedures which might follow afterwards: 1. Return to the country of origin. 2. Extension of the deadline for voluntary departure for max 120 days taking into account special circumstances of each case; in some cases, the authorities may impose obligations on third-country nationals to avoid risk of absconding, such as regular appearance before the authorities, deposit of an appropriate financial guarantee, filing of documents or the obligation to stay in a certain place. 3. Detention for those with return orders but subject to temporary suspension of removal. 4. Provision of non-removable status to those whose removal would violate the principle of non-refoulement (L. 4825/2021).

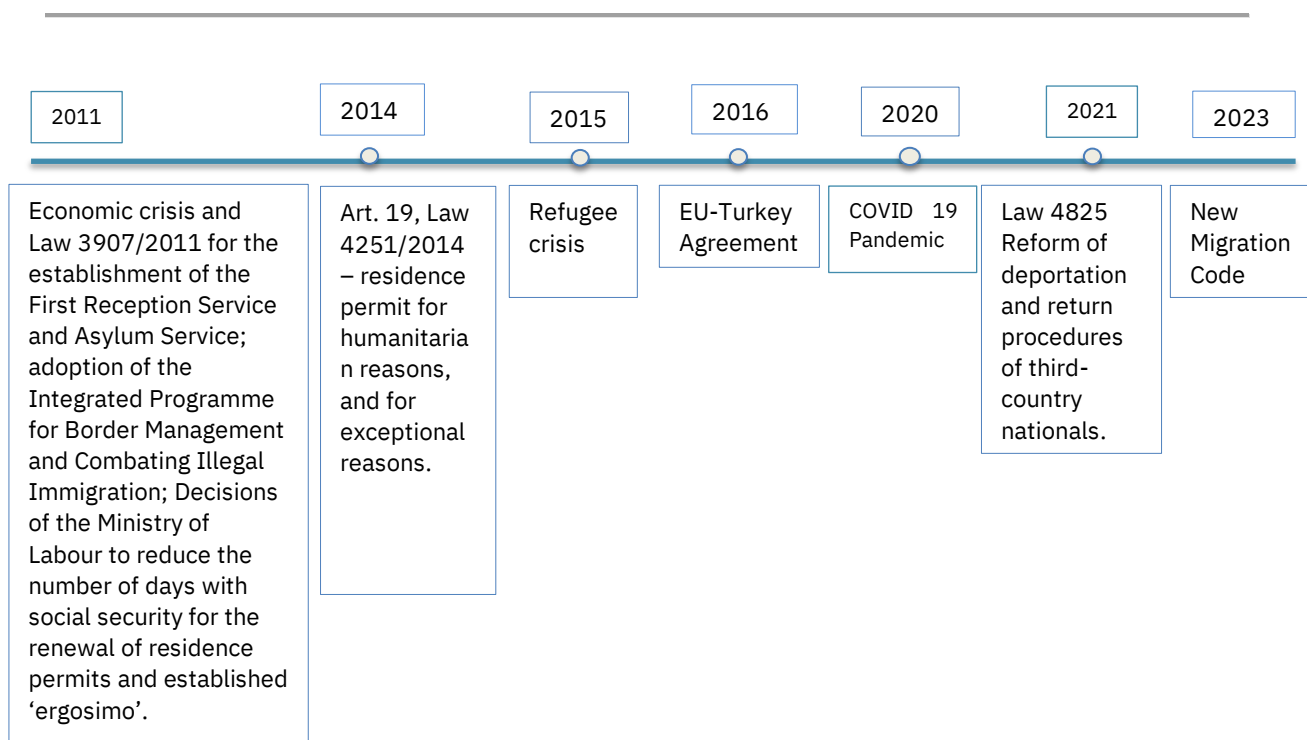
- **Penalties for irregular migrants**

Sanctions are imposed for irregular stay in the country after receiving the order to leave and violating the departure deadline, i.e. for those who remain irregularly, there is a fine upon departure, the amount of which depends on the length of the period that the irregular migrant remained in the country (5038/2023). Imprisonment is imposed for the use of forged or false documents (L. 5038/2023, Art.24, par.6).

- **Labour market**

In Greece the number of irregularly working migrants in the agriculture, tourism, and care work sectors has remained high for years (Greek civil society organisation interview, Greek expert interview). In the last 15 years, migration-related policies focused mostly on protection of the borders, and establishment of a well-functioning asylum system, meanwhile overlooking provisions for labour migrants (Greek civil society organisation interview). Combined with the economic crisis, these were main reasons for labour migrants to leave Greece, resulting in a labour crisis in the post-pandemic period in the key sectors of the economy – agriculture, tourism, and the growing sector of construction. The Greek government has taken measures to respond to this need since 2022, primarily through agreements with countries of origin of irregular labour migrants and a regularisation programme in 2024. Other related policy measures include those targeting those who do not regularise their stay for work with deportation, as well as punitive fines for employers and landlords.

1.2.2 Policy evolution: Main turning points



1.2.3 Policy impact

- **Decline in irregular migration flows in the period 2020 - spring 2023**

The implementation of border management and control according to the requirements of the National Strategy for Integrated Border Management developed in 2019 is considered (Hellenic Ministry of Migration and Asylum, 2021, 2023; Roman et al., 2021) as an effective measure taken by the government of New Democracy, which contributed to the 75% - 90% decrease in irregular migration flows along the eastern border of Greece. Allegations of pushbacks led to strong criticism and accusations by civil society organisations for violations of basic human rights, which led to the establishment in January 2023 on behalf of the EU's Fundamental Rights Agency of a Recording Mechanism of Incidents of Informal Forced Returns, which functions at the National Commission for Human Rights of Greece.

- **Secondary movements**

The transitory nature of irregular migration in Greece is one of its main characteristics (according to two Greek expert interviews). Migrants often attempt to continue their journey to other western European countries, following the route through the Western Balkan countries or, in the past, by sea from the port of Patra. Also, it is considered that many irregularly working migrants in Greece left the country during the pandemic due to lack of sustainable solutions.

- **Expected decrease in the undeclared work and irregular migrants' stocks** - One of the main policy tools to address undeclared work are the labour market inspections, which impose fines on the employers for each irregularly employed migrant. The recently voted L. 5078/2023, Art.193, allows irregular migrants who find work to get insured and to regularise their stay in the country for work reasons. In general, priority is given to providing solutions through the fight against irregularity as an incentive to address labour shortages in the agricultural sector and tourism and fight the undeclared work (three Greek expert interviews).

- **Forthcoming policy impacts**

The impact and results of the latest policies on regularisation and cooperation with third countries will be closely observed in the upcoming period.

1.2.4 Policy Challenges in Addressing Migrant Irregularity

- **Mixed migration flows**

Mixed migration flows are a challenge for establishing a fast-working system that may distinguish between third-country nationals in need of protection and eligible for asylum, and irregular migrants. There are challenges throughout the whole process of reception and identification and management of individual cases: the difficulty lies in the fact that not all cases can be covered by the same policies and that is why some advocate for more tailor-made procedures (Greek expert interview). However, the

capacity of services sometimes is insufficient to address the number of third-country nationals in limbo.

- **Lack of comprehensive legal information for migrants**

Trustworthy and accurate information, free of charge, regarding new legal amendments, renewals of residence permits and other legal matters for migrants is not available. Moreover, NGOs serving migrants reportedly also do not receive official and understandable information from the authorities. In some cases, as it is not clear how legislation has changed, migrants may lose their rights for the renewal of residence permits or decide not to initiate renewal procedures (Greek civil society organisation interview).

- **Linking migration management with labour market needs**

Due labour shortages in the sectors of agriculture, tourism, and construction, the government signed a Memorandum of Understanding with Bangladesh to offer conditional five-year visas to Bangladeshis. Undocumented Bangladeshi migrants in Greece are also eligible if they present a contract with a Greek employer. The new initiative has not been positively received by Bangladeshis, although it is unclear as of yet whether the policy will have the intended results (MacGregor et al., 2022).

Table 1: Relevant Greek institutions

Sr. No.	Institution/ Department	Responsibilities	Web link
1.	Ministry of Migration and Asylum, General Secretariat for Migration Policy (GSMP)	GSMP was established in 2010 by Presidential Decree 11/2010 (16.02.10 A'15) and re-established by Presidential Decree 18/2020 (A34) in 2020. The General Secretariat participates in the planning and implementation of national and European policies on migration.	Link (EN)
2.	Ministry of Migration and Asylum, Reception and Identification Service (RIS)	It supervises and provides reception and identification processes to TCNs entering Greece without documents irregularly or to stateless persons, who might be refugees, economic migrants, vulnerable individuals, families, minors, or unaccompanied minors. RIS recognises and addresses the needs of each group according to relevant Greek legislation.	Link (EN)
3.	Ministry of Citizen Protection, under which operates the Hellenic Police and the National Coordination Centre	Coordination of the collaboration between the competent institutions on the national level in view of effective border management; coordination and monitoring of the actions and measures implemented within the framework of the national and European policy in the areas of	Link (EN)

	for Border Control, Immigration and Asylum	border control, immigration and asylum; cooperation with Frontex, implementation of the European model of external border security and risk analysis. In accordance with Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019, each Member State shall designate, operate and maintain a national coordination centre which shall coordinate, and exchange information among, all authorities having responsibility for external border control at national level, as well as with the other national coordination centres and Frontex.	
4.	Hellenic Coast Guard – General Directorate of Security and Policing	The General Directorate of Security and Policing supports the mission of the Hellenic Coastguard in its areas of responsibility (paragraph 1 of article 5 of Law 4150/2013) taking care of the prevention and suppression of illegal actions, the surveillance of the sea borders and ensuring the readiness and utilisation of the means available to carry out all kinds of operations and missions, including those for search and rescue.	Link (EN)
5.	Recording Mechanism of Incidents of Informal Forced Returns functioning under the National Commission for Human Rights of Greece (NCHRG)	An advisory body to the Government on issues pertaining to human rights, which addresses recommendations to the Government for migration and asylum questions. In January 2023 the EU's Fundamental Rights Agency established a Recording Mechanism of Incidents of Informal Forced Returns which functions at the NCHRG.	Link (EN)
6.	The Greek Ombudsman	The Ombudsman intervenes in cases of reported maladministration and has a mandate to act as human rights monitor for the forced return operations (expulsions) of irregular migrants.	Link (EN)
7.	Hellenic Labour Inspectorate (HLI)	Independent authority, which among other responsibilities, supervises private businesses' compliance with the provisions of the insurance legislation relating to the insurance coverage of employees, undeclared work and illegal employment, as well as the provisions on the legality of the employment of working third-	Link (EN)

		country nationals and the legislation of the Principle of Equal Treatment in Employment. The HLI investigates and prosecutes, in parallel with and independently of other authorities and organisations, the violators of the provisions of the labour law.	
--	--	---	--

1.3 THE SPECTRUM OF MIGRANT IRREGULARITY IN GREECE: CATEGORIES AND PATHWAYS INTO/OUT OF IRREGULARITY

Table 2: Categories of migrant irregularity in Greece

Most relevant categories of migrants in an irregular situation	Description (who does this category apply to, what conditions may lead to this category, and what are the implications of being in such a situation)
Rejected asylum seekers	TCNs who are considered ineligible to lodge asylum applications after passing the pre-registration procedure or have their asylum claims rejected and become subject to removal orders are moved to pre-removal closed facilities in Greece to stay until the removal order is executed.
Visa overstayers	A third-country national who has legally entered Greece but then stayed beyond the allowed duration of their permitted stay without the appropriate visa (typically 90 days or six months), or of their visa and /or residence permit face the following penalties: fine, deportation or a ban from entering the Schengen Zone.
Irregular labour migrants	Third-country nationals who have crossed the border irregularly, do not have a permit to stay and work in Greece, but nevertheless work uninsured and live in precarious conditions. Some prefer to stay “invisible” to the authorities rather than becoming subjects of deportation to their countries of origin.
Most relevant categories of migrants with a reasonable claim to a provisional status	Conditions (e.g. who does this category apply to, under what conditions, who is exempted, implications)
Tolerated stay	Migrants with a suspended removal order who cannot be removed because, for example, their removal would violate the principle of non-refoulement.

Para-legal status (Kapsalis, 2018)	Irregular migrants who have a suspended removal order or remain in Greece for reasons of non-refoulement, and who might be granted a special work permit for a duration of six months to work in the agricultural sector to address emergency needs (Law 4384/2016 and L.4251/2014)
Migrants without passports	In some cases when a deep relationship with the host country is proven but migrants have no relationship with their country of origin and cannot renew their passports, a residence permit might be issued (Circular 2/16.07.2018 Accommodation of citizens of third countries without a passport.)

1.3.1 Pathways into and out of irregularity

-
- **Status change**
 This category refers to irregular migrants who were previously holders of residence permits but fell into irregularity due to: 1. Period of unemployment and lack of enough insurance stamps to renew their residence permit, 2. Lack of reliable information channels which leads them to miss renewal deadlines or changes in legislation, 3. Errors made by legal representatives while submitting applications, 4. Convictions for illegal activities.
 - **Regularisation for exceptional reasons**
 Art. 19, par. 1, of L.4251/2014 provides for a residence permit for exceptional reasons, which allows migrants in limbo or irregular migrants with seven years of residence in Greece proven through official documents (e.g. documentation from a public hospital) to secure a residence permit with a duration of three years under certain conditions, which might be renewed with another type of residence permit after its expiry (two Greek expert interviews, Greek civil society organisation interview).
 - **Regularisation for work purposes**
 For irregular migrants with a removal order that has been suspended, if they find work in the agricultural sector, they can obtain a renewable residence permit for six months. Also, according to the Art. 193 in L. 5078/2023, irregular migrants staying in Greece and able to find an employer who will insure them are eligible (as are their spouses and children) to receive a three-year residence permit for work through a 2024 regularisation programme. Finding a job with insurance is the only pathway out of irregularity that allows residence in the country.
 - **Return and deportation**
 Forced and voluntary returns are implemented after issuing an order to leave to irregular migrants. Afterwards, one of the four different procedures follows depending on the case: 1. Return to the country of origin or readmission to transit country; 2. Extension of the deadline for voluntary departure for a period of maximum 120 days considering special circumstances of each case. 3. Detention for those with

return orders, who have temporary suspension of removal; 4. Provision of non-removable status to those whose removal would violate the principle of non-refoulement. Mostly, return procedures are implemented with nationals of Albania and Georgia. Nationals from Middle Eastern or Central Asian countries are more often issued with suspended return orders, usually due to a lack of agreement with their countries of origin to receive them.

The procedures of deportation refer to rejected asylum seekers or irregular migrants in detention, but there is a gap between the issued orders for return and the number of actual returns (European Parliamentary Research Service, 2019; Gibney, 2008). According to the assessment of the cost effectiveness of return schemes, voluntary returns are evaluated as less costly and bureaucratically easier to carry out than forced returns. But migrants often have insufficient incentives to return voluntarily (Angeli et al., 2014).

1.3.2 Regularisation

- **Article 193 of the L.5078/2023¹ regarding Reform of professional insurance, rationalization of insurance legislation, pension arrangements, appointment and recruitment system of teachers by the Public Employment Service and other provisions**

Eligibility for regularisation under this mechanism has been widened through an exceptional regularisation programme implemented in 2024.

Eligibility criteria

- proof that they were living in Greece continuously in the last three years before 30/11/2023
- the applicant must be a holder of a passport,
- absence of reasons related to public order and security
- payment of a fee of 300 euros and the cost of printing a residence permit in the form of a self-contained document of 16 euro
- an employer must submit a declaration of intention through the Unified Digital Portal of the Public Administration (gov.gr) to employ the applicant, either in the context of dependent work, or in the context of the provision of services or work.
- apply until December 31, 2024.

¹ The Art. 193 was approved by the large majority of the Greek parliament and aims to address the labour shortages in the agricultural sector and tourism. Initially, according to the assessment of the officials, the regulation targets approx. 30.000 undocumented migrants mainly from Albania, Georgia, the Philippines, and Pakistan (Newsroom, 2023b)

References

- Angeli, D., Triandafyllidou, A., & Dimitriadi, A. (2014). *Assessing the Cost-effectiveness of Irregular Migration Control Policies in Greece* [MIDAS Policy Paper]. <https://www.eliamep.gr/wp-content/uploads/2017/11/MIDAS-Policy-Paper-EN.pdf>
- Bathke, B. (2022, September 5). *Greece blocked over 150,000 irregular migrants this year: Mitarachi*. InfoMigrants. <https://www.infomigrants.net/en/post/43075/greece-blocked-over-150000-irregular-migrants-this-year-mitarachi>
- Deeb, B., Sapoch, J., Vögele, N., Lüdke, S., Christides, G., Simeonidis, P., Beer, A., Govedrica, S., Popoviciu, A., Stadius, T., Keizer, P., van Driel, E., Bakotin, J., Derifaj, D., Laghai, S., Sabic, L., & van Dijken, K. (2021, October 6). *Unmasking Europe's Shadow Armies: Shocking evidence links violence against asylum seekers in EU to state security*. Lighthouse Reports. <https://www.lighthousereports.com/investigation/unmasking-europes-shadow-armies/>
- Dimitropoulos, G. (2023, June 29). *Kyr. Mitsotakis to R. Metsola: We protect the external borders of the EU but also the people*. euronews. <https://gr.euronews.com/2023/06/29/mitsotakis-se-metsola-kanena-kratos-den-mporei-na-antimetopisei-mono-tou-to-metanasteftiko>
- European Parliamentary Research Service. (2019). *Data on returns of irregular migrants* [Briefing Infographic]. [https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/637907/EPRS_BRI\(2019\)637907_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/637907/EPRS_BRI(2019)637907_EN.pdf)
- General Confederation of Greek Workers. (n.d.). *Ergosimo, Information Center of Employees and Unemployed*. Retrieved May 20, 2024, from <https://www.kepea.gr/aarticle.php?id=2075>
- Gibney, M. J. (2008). *Asylum and the Expansion of Deportation in the United Kingdom. Government and Opposition*, 43(2), 146–167. <https://doi.org/10.1111/j.1477-7053.2007.00249.x>
- Greek Council for Refugees. (2023). *At Europe's Borders: Between Impunity and Criminalization*. https://www.gcr.gr/media/k2/attachments/GCR_Pushback_Criminalization_Report.pdf
- Greek National Commission for Human Rights. (2023, January). *Recording Mechanism of Incidents of Informal Forced Returns*. https://www.nchr.gr/images/pdf/nea_epikairothta/deltia_tupou/2023/Interim_Report_Mechanism_en.pdf
- Hellenic Ministry of Migration and Asylum. (2021, February). *Programme Snapshot Greece National Programme Internal Security Fund*. https://migration.gov.gr/wp-content/uploads/2021/02/Programme_Snapshot_2014GR65ISNP001_2_11_el.pdf
- Hellenic Ministry of Migration and Asylum. (2023, March 27). *Mitarakis: We put barriers to illegal immigration, the goal is to support legal immigration*.

- <https://migration.gov.gr/mitarakisvalame-fragmoys-stin-paranomi-metanasteysi-stochos-stin-stirixi-tis-nomimis-metanasteysis/>
- Hellenic Republic Ministry of Migration & Asylum. (2023b, October 11). *Η Ελλάδα αναλαμβάνει την Προεδρία του Διεθνούς Κέντρου Μεταναστευτικής Πολιτικής (ICMPD) στη Βιέννη*. <https://migration.gov.gr/i-ellada-analamvanei-tin-proedria-toy-diethnoys-kentroy-metanasteytikis-politikis-icmpd-sti-vienni/>
- Hellenic Republic Ministry of Migration and Asylum. (2021, February 23). *Reinforcement of EUROSUR parameters through the supply of electro-optical systems for the vessels of the Coast Guard-Hellenic Coast Guard in the context of integrated border management*. <https://migration.gov.gr/en/ma/enisxysi-parametron-sur-plota/>
- Hellenic Republic Ministry of Migration and Asylum. (2023a, February 20). *Hellenic Coast Guard is being strengthened for the protection of the border seas with 105 million euros*. <https://migration.gov.gr/en/me-105-ekatommyria-eyro-enischyetai-to-limeniko-soma-elliniki-aktofylaki-gia-tin-prostasia-ton-thalassion-synoron/>
- Hellenic Republic Ministry of Migration and Asylum. (2023, March 22). *Funding approved for 33 new vessels for the Coast Guard—Hellenic Coast Guard for the protection of the maritime borders*. <https://migration.gov.gr/en/egkrithike-i-chrimatodotisi-gia-33-nea-skafi-gia-to-limeniko-soma-elliniki-aktofylaki-gia-tin-prostasia-ton-thalassion-synoron/>
- International Organization for Migration. (2021, February 9). *IOM Calls for End to Pushbacks and Violence Against Migrants at EU External Borders*. International Organization for Migration. <https://www.iom.int/news/iom-calls-end-pushbacks-and-violence-against-migrants-eu-external-borders>
- Kapsalis, A. (2018). *The development of Greek migration policy and the invention of “paralegality” in labour relations of immigrants*. 9, 67–87. <https://doi.org/10.12681/sp.15986>
- MacGregor, M., Ullah, A., & Islam, A. (2022, August 29). *Seasonal work visas to give Bangladeshi migrants “dignity.”* Dw.Com. <https://www.dw.com/en/greek-migration-minister-seasonal-work-visas-to-give-bangladeshi-migrants-dignity/a-62961004>
- Newsroom. (2022, August 24). *Fresh measures to fortify Evros border*. eKathimerini.Com. <https://www.ekathimerini.com/news/1191694/fresh-measures-to-fortify-evros-border/>
- Newsroom. (2023a, March 30). *Evros Fence: In two phases the expansion plan – Detailed schedule*. LiFO. <https://www.lifo.gr/now/greece/frahtis-ston-ebro-se-dyo-faseis-shedio-epektasis-analytika-hronodiagramma>
- Newsroom. (2023b, December 15). *Τροπολογία υπ. Εργασίας: Αδειες διαμονής σε αλλοδαπούς εργαζόμενους*. Η ΚΑΘΗΜΕΡΙΝΗ. <https://www.kathimerini.gr/society/562784818/adeies-diamonis-se-allodapoys-ergazomenoys/>
- Restelica, B. (2023, March 28). *Greece Prioritises Construction of Evros Fence at Border With Türkiye*. Schengen.News. <https://schengen.news/greece-prioritises-construction-of-evros-fence-at-border-with-turkiye/>

Roman, E., Belloni, M., Cingolani, P., Grimaldi, G., Hatziprokopiou, P., Papatzani, E., Pastore, F., Siotou, A., & Vlastou, F. (2021). *Figurations of Displacement in southern Europe: Empirical findings and reflections on protracted displacement and translocal networks of forced migrants in Greece and Italy* (TRAFIG working paper no. 9). <https://zenodo.org/records/5841883>

ANNEX 1: Policy and Legal Frameworks

Laws and policies on migrant irregularity

Sr. No.	Title of policy/law	Year	Description	Weblink to source
1	Law 2910 02/05/2001	2001	The law also refers to refusal of entry, revocation of residence permits, expulsions, detention, irregular entry, and exit (Art. 42-50); Article 40, par.3 on access to education for children of parents with unregulated status; residence obligations and sanctions for the employers of undocumented migrants (Art.53); sanctions for transporters of undocumented migrants (Art.55); Art 66-68 – regularization of irregular migrants under specific conditions.	Link (EL)
2	Law 3386/2005 (Official Gazette 212/A ' /23.08.2005)	2005	Law 3386/2005 includes provisions on the revocation of residence permits (Art. 74-75), administrative deportation and other issues related to deportation incl. protection against it (Art. 76-80); detention (Art. 81); irregular entry and exit (Art. 83[1]); obligations against the provision of services to undocumented migrants and	Link (EL)

			<p>sanctions (Art. 84-85); Obligations of employers and third-country nationals workers – Penalties for not complying (Art.86); Furthermore, the law established the granting of residence permits on humanitarian grounds or exceptional reasons (Art. 44) and the granting and renewal of residence permits to victims of trafficking in human beings (Art. 46-52).</p>	
3	Law 3907/2011 (Publ. in Gazette 7/A/26.01.2011)	2011	<p>Organization and Operation of Asylum Service: 1. Establishment of the First Reception Service (Chapter II) under the Ministry of Citizens protection with a mission to manage the reception of the third country nationals who enter the country irregularly. 2. Common standards and procedures for returning irregularly staying third-country nationals (Chapter III) – return, removal, entry ban, postponement of removal or provision of non-removable status (Art. 24), detention; 4. Art. 42 replaces Art. 44 of Law 3386/2005 on the granting for the first time and renewal of residence permits on humanitarian ground or for exceptional reasons, and expands the categories of beneficiaries.</p>	Link (EL)

4	Law 4052/2012 (Official Gazette A' 41/01-03-2012)	2012	Article. 79 Prohibition of employment of irregular resident citizens of third countries (Article 3 paragraphs 1 and 2 of the EU Directive 2009/52/EK); Facilitation of complaints (Article 13 paragraphs 1, 2 and 3 of the Directive) The right of illegally employed persons to submit a complaint provided for by national legislation against their employer. Conditions of employment of TCN with an issued return order (Art.83 - 90).	Link (EL)
5	Law 4251/2014 (Official Gazette 80A'/01.04.2014) codified by 5007/2022	2014	The law 4251/2014 is the coded legislation on migration. As regards to the irregular migration, the law gives definitions of the notions of irregular stay of a TCNs, return, decision of return, removal, voluntary return (Art.1) Defines procedures of entry, stay and exit and points of legal entry, control of entry, visa policy, refusal of entry (Chapter II).	Link (EL)
6	Law 4249/2014	2014	Articles 101-103 Definition of the competencies of the National Coordination Center for Border Control, Immigration and Asylum (N.C.C.B.C.I.A.). In Greece, the role and responsibilities of the national coordination center have been assigned to the National Coordination Center for Border Control, Immigration and Asylum (N.C.C.B.C.I.A.), according to	Link (EL)

			Law 4058/2012, as amended and replaced by Laws 4249/2014 (articles 101-103) and 4960/2022 (article 48). N.C.C.B.C.I.A. is an independent service under the Minister of Citizens' Protection.	
7	Ministerial Decision 11.1/6343/25-11-2014 (GG3295/B ' /09.12.2014)	2014	<p>The law regulates issues concerning the internal structure and operation of the accommodation facilities by the First Reception Service and includes the basic principles of operation, the conditions for the accommodation of third country nationals, the procedures for their integration into the facilities, as well as the duties and obligations of the staff of the above services. The aim is to ensure minimum standards both for the entire operation of the Accommodation Centres and for the quality of the services provided.</p> <p>According to Art. 6 on Supervision-Evaluation - Quality assurance, the supervision, monitoring and evaluation of the organization, management and operation, as well as any other issue related to the operation, is carried out by the competent Department of Central Service of First Reception. Details on the evaluation procedures are explained below in the text of the Article 6.</p>	Link (EL)

8	<p>Joint Ministerial Decision 8038/23/22-ιγ - Official Gazette 118/B/21-1-2015</p> <p><i>Establishment and operation of Pre-departure Detention Centers for Foreigners and Regulation of their Operation.</i></p>	2015	<p>The operation of the Pre-Departure Detention Centers for Foreigners that were established with the joint ministerial decision number 8038/23/22-ιγ from 20.01.2015 (B' 118) and are still operating, was extended until 31.12.2023 by the Joint Ministerial Decision 8038/23/22-ιγ. Until 30.06.2015, special facilities for the detention of third-country nationals, against whom deportation or return decisions have been issued and are detained pursuant to article 31 of Law 3907/2011 and articles 76 par. 3 and 81 par. 1 of Law 3386/2005, are established, until their deportation or removal procedures are completed.</p> <p>These facilities operate as Greek Police Services, at Police Station level and are located: two in Attiki, and one in Orestiada, Korinthos, Xanthi, Drama, and Lesvos. The Pre-Departure Detention Centers have as their mission the safe custody of irregular immigrants in conditions of respect for their dignity and to provide them with medical control, pharmaceutical coverage, and psychosocial support.</p>	Link (EL)
---	---	------	--	---------------------------

9	Joint Ministerial Decision (JMD) 53619/735/ 1-12-2015 (B` 2631)	2015	<p>Defining the terms and conditions for access to the labour market for third-country nationals remaining in the country under a deferred removal procedure. Access to the labour market is available to third country nationals, who have a status of suspended removal, according to Article 24, Law 3907/2011 or a certificate of non-removal for humanitarian reasons in accordance with the Article 78, Law 3386/2005) by the competent police authority, under conditions. The specific work permit is issued by the Region of the place of residence of the third country national under Article 3 of the No.53619/735/2015 JMD. Beneficiaries of the specific work permit may work exclusively in the agricultural and livestock farming sector, in the sector of domestic work as well as in the textiles sector and work in the entire territory of the country with certain exceptions. The exception for work in the above areas will be explicitly stated in the work permit granted. The beneficiaries do not have the right to access social integration programs during their stay in the country.</p>	Link (EL)
---	---	------	---	---------------------------

10	Law 4375/2016 (Gazette 51/A/03.04.2016)	2016	<p>The New Asylum Law adapts the Greek legislation to the provisions of EU Directive 2013/32 on common procedures for granting and withdrawing international protection status (recast)" (L 180/29.6.2013).</p> <p>The Article 9 defines the procedures of reception and identification for all TCNs and stateless persons who enter the country without the legal formalities.</p>	Link (EL)
11	Art. 58, Law 4384/2016 (Government Gazette A'/26.04.2016), of the Ministry of Rural Development and Food	2016	<p>Employment of irregularly resident third-country nationals in the agricultural economy: In cases, when there is a lack of workers in the agricultural sector, the employer might lodge an application with the personal data and the nationality of the irregular migrants that the employer wishes to hire as workers. The irregular migrants receive an order for the postponement of their removal and have the right to lodge applications for residence permit. Then they can be insured with the Greek system of "ergosimo"².</p>	Link (EL)

² "Ergosimo" replaces the payment of the employees and covers their contributions to the insurance sector. Part of the listed value is withheld against insurance contributions and is given to the employee's insurance provider. The "ergosimo" is a legal way of remuneration and insurance for people working at domestically provided services or works: for example domestic helpers, house cleaning, babysitting, delivery of private lessons etc. See: (General Confederation of Greek Workers, n.d.)

12	Joint Ministerial Decision 10700/2017 (Official Gazette 891B'/17.03.2017)	2017	<p>This JDM established a regularization program for TCNs with expired residence permits in the General Police Directorates of Attica and Thessaloniki and gave the migrants a chance to renew them.</p> <p><i>(Amendment of no. 123/2016 (B' 35) of a joint decision of the Ministers of the Interior, Foreign Affairs and Labour, Social Security and Social Solidarity "Determining the category of residence permit of third-country nationals who held residence permits or foreigner's identity cards issued by the services of the Hellenic Police.")</i></p>	Link (EL)
13	Circular 2/16.07.2018 <i>Accommodation of citizens of third countries without a passport.</i>	2018	<p>The Circular provides for the TCN who do not possess a passport or another travel document and is temporary impossible to issue one (in cases where there is proof of the termination of all ties with the country of origin as well as in cases where there is no diplomatic representation of these countries in Greece or due to non-compliance with military obligations), but typically fulfill the right to possess Greek residence permit. The aim of the Circular is to facilitate the issuance of residence permit in those cases and to ensure basic living conditions.</p>	Link (EL)

14	Law 4783/2021 (Official Gazette A' 38/12-03-2021)	2021	<p>Articles 16 and 16A – Gives the employer the right to hire an undocumented TCN living in the country for the performance of agricultural work, under certain conditions, and gives irregular migrants the right to seasonal work and to insurance. Defines the conditions of stay and work for those type of seasonal workers.</p> <p><i>(Ratification of Council Decision (EU, EURATOM) 2020/2053 of 14 December 2020 on the system of the European Union's own resources and repealing Decision 2014/335/EU, Euratom and other provisions).</i></p>	Link (EL)
15	Law 4825 /2021 (Official Gazette 157 A' /4.09.2021)	2021	<p>The Law refers to deportation and return, prohibition, or delay of return procedures in certain cases. Law 4825/21 abolished the possibility for the administration to refer asylum seeker cases to the humanitarian reasons procedure for cases where it considers that this should happen. Introduces amendments for issues arising through the implementation of the return procedure of irregularly staying third-country nationals. The main objective is to reform the current procedure for granting a</p>	Link (EL)

			<p>period of voluntary departure. Provisions are also introduced to ensure the legal residence of third country nationals by extending the validity of their residence permits and the deadlines for submitting applications. In fact, an old provision concerning the possibility for returning migrants to request to stay a little longer in the country to settle their pending cases has been amended – e.g. such as the school attendance of their children.</p>	
16	<p>Law 4939/2022 (Official Gazette 111/A ' /10.06.2022)</p>	2022	<p>Approval of the Code of Legislation on the reception, international protection of third country citizens and stateless persons and temporary protection in case of mass influx of displaced foreigners. Article 95: Border procedures for lodging asylum applications; Article 96: Revocation; Article 110: Re-promotion in case of negative decision; Articles 136-139: Repatriation upon termination of protection.</p> <p>Article 95: Border procedures for lodging asylum applications; Article 96: Revocation; Article 110: Re-promotion in case of negative decision; Articles 136-139: Repatriation upon termination of protection.</p> <p>Ratification of a Code of</p>	Link (EL)

			Legislation on the reception, international protection of third country citizens and stateless persons and temporary protection in the event of a mass influx of displaced foreigners.	
17	Law 5038/ 1-4-2023 <i>Immigration Code (Entry into force: 1/1/2024)</i>	2023	The aim is the reform of the Migration Code to include all residence permits issued by the competent Greek authorities to third country nationals in order to ensure a more complete response of immigration policy to the modern needs of Greek society.	Link (EL)
18.	L. 5078/2023, publ. in State Gazette A 211/20.12.2023 (Art. 190-194)	2023	Art. 190 Obligations and sanctions to employers and TCNs who came to Greece through the procedure of “metaklisi” or invitation for seasonal work - Amendment of article 23 of the Immigration Code (L. 5038/2023). Art. 191. Appointment of National Coordinator for the Returns	Link Circular for the implementation of the law (Link)

			<p>and National Coordinator against Illegal Migrant Smuggling in the Ministry of Asylum and Migration. Art. 192. Access of applicants for international protection to the labor market - Amendment of par. 1 of article 57 of the Code of Legislation on the reception, international protection of citizens of third countries and stateless persons and temporary protection in the event of a mass influx of displaced foreigners. Art 193. Granting of a new type of residence permit for work to citizens of third countries. Art. 194 Possibility of subjecting beneficiaries of temporary protection to the provisions of the Immigration Code.</p>	
--	--	--	--	--

Laws and policies indirectly impacting migrant irregularity

Sr. No.	Title of policy/law	Year	Description: How it relates to migrant irregularity	Weblink to source
1	Law 4052 (Government Gazette 41/A/1-3-2012)	2012	In Chapter 13, Art. 77-89, the Greek law harmonizes with and integrates the EU Directive 2009/52/EC of the European Parliament and of the Council of Parliament and Council of 18.6.2009 on the "Enforcement of minimum standards with regard to the sanctions and measures against employers who employ irregular migrants in order to combat irregular immigration.	Link (EL)

2	Circular No. 30921/25-06-13	2013	The circular is addressed to all Directorates and Departments of the Labour Inspectorate for the purpose of carrying out inspections in tourist areas, drawing particular attention to the detection of irregularly staying foreigners working in the country.	Link (EL)
3	Law 4198/2013 (Government Gazette 215/A/11.10.2013) <i>Prevention and combating of human trafficking and protection of its victims and other provisions</i>	2013	The Greek legislation is harmonized with Directive 2011/36/EU on preventing and combating human trafficking and on the protection of its victims, regardless of whether they have entered the country legally or in irregular way.	Link (EL)
4	Ministerial Decision Y1.G.P.ok.92490/2013 (Government Gazette 2745/B'/29.10.2013) <i>Program of medical check-up, psychosocial diagnosis and support and referral of TCN entrants without legal documents to first reception centers</i>	2013	A detailed program of access to health services is defined through medical check-ups, psychosocial diagnosis, and support as well as social referral to undocumented TCNs with special provisions for minors, entering the country to first reception facilities. Vaccinations for minors and adults are provided through the program, the patients are provided with medical booklets and the protection of medical data are guaranteed.	Link (EL)

5	<p>Law 4368/2016 (Gazette 21/A/21-2-2016)</p> <p><i>Measures to accelerate government work and other provisions</i></p>	2016	<p><u>Article 33.</u> Health coverage of uninsured and vulnerable social groups without distinction of legal status among them also: beneficiaries of humanitarian status, asylum seekers, and TCNs with an order for expulsion, under the condition that they have social security number.</p>	Link (EL)
6	<p>Joint Ministerial Decision 64186/2018 (Gazette 3877/B/06.09.2018)</p>	2018	<p>Assignment of a Program for the assurance of public health and the coverage of the health needs of refugees and migrants, with HCDCP as implementing body.</p>	Link (EL)
7	<p>Ministerial Decision: [ac. 180838/2022] Measures to deal with the COVID-19 pandemic</p>	2022	<p>Extension of residence permits due to the pandemic.</p>	Link (EL)

ABOUT THE AUTHORS

Marina Nikolova is a Research Associate at the Hellenic Foundation for European and Foreign Policy (ELIAMEP), Greece.

COPYRIGHT CLAUSE



This work is licensed by the MIRreM Consortium under a Creative Commons Attribution-ShareAlike 4.0 International License, 2020. For details, see <http://creativecommons.org/licenses/by-sa/4.0/>

THE MIRREM CONSORTIUM

University for Continuing Education Krems (Coordinator)

European University Institute

University of Osnabrück

University of Maastricht

University of Turku

Complutense University Madrid

Hellenic Foundation for European and Foreign Policy (ELIAMEP)

University of Milan

University of Potsdam

Platform for International Cooperation on Undocumented Migration (PICUM)

International Centre for Migration Policy Development (ICMPD)

Migration Policy Institute Europe (MPI-E)

University of Warsaw

Vrije Universiteit Brussel

Instituto Universitário de Lisboa (ISCTE-CIES)

Associated Partners:

Toronto Metropolitan University

University of Leicester

University of Oxford