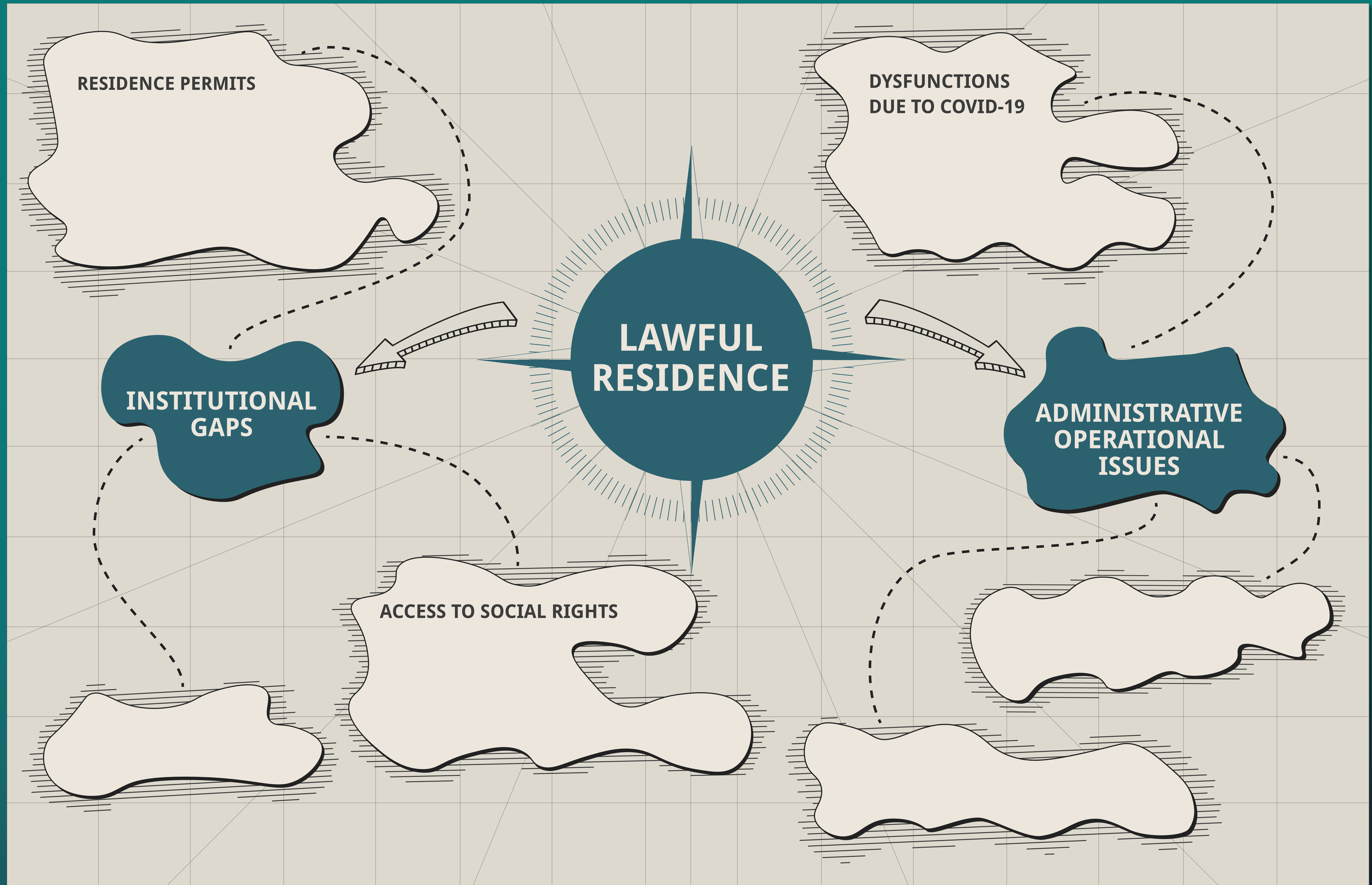


MAPPING OF THE CHALLENGES IN LAWFUL RESIDENCE



Chinedu's story

“My name is Chinedu, I am 61 years old and I come from Nigeria. I have been living permanently in Greece for the last 25 years. I've been a merchant for a long time and I've always had a residence permit. In the years of the financial crisis, business was not going well, and I could no longer meet the insurance criteria to renew my permit. In 2015 I was able to file for a residence permit for exceptional reasons, since I had a residence permit prior to that. But then, they asked me for social insurance information to get the new permit. I had a debt to the greek social security funds, like all other merchants who were going through a rough patch. Of course, I made arrangements to pay it off, but the Electronic National Social Security Agency had not so far provided me with my insurance information. So, my request for the exceptional reasons residence permit got rejected over a year ago. Then, I immediately asked to file again for the same permit, due to having completed seven years of living in Greece, that time. They gave me an appointment for June 2021. I recently found out that after the first lockdown there are no more appointments for the exceptional reasons' permits; now I'm back in square one, undocumented, and I've spent almost half my life here.”

RESTRUCTURING OF THE PERMIT FOR EXCEPTIONAL REASONS

The residence permit for exceptional reasons is a way of regularization, as it is a distinct procedure for issuing a residence permit to immigrants, who do not have a legal status, but have lived in the country for at least seven years. However, there are permanent institutional gaps, which not only affect the issuance of this permit to those who meet the legal requirements, but also maintain a state of permanent insecurity for immigrants trying to obtain lawful residence. For example, in 2018, certain special categories, under which beneficiaries could apply for a permit for exceptional reasons, were abolished by law, such as those who had a previous title of lawful residence and merged into a single category, in which they must prove their previous seven-year stay in the country. At the same time, there are serious administrative hurdles throughout the permit procedures, such as extreme delays in application appointments. The problem is intensified in the urban centers, while from March 2020 until January 2021, the scheduling of appointments, as well as the submission of supporting documents to the Directorates of Foreigners and Immigration of Attica was completely frozen. Also, considering that for the duration of the examination of the application, the immigrant is given only a “white certificate” –i.e., a document which does not give them access to any rights, other than it prevents their deportation from the country- we comprehend that people remain legally invisible for years, while they have secured the right of lawful residence.

The lack of legal protection has left exposed people with lengthy stays in the country, especially when, just like Chinedu, they have lost their legal documents due to the economic crisis of previous years. The immediate restructuring of the process of the permit for exceptional reasons and the provision of a special category for those who have had lawful residence in the past, are the minimum necessary actions to compensate for the injustice that has been created. The examination of such requests should be prioritized, and a “blue certificate” should be given. Finally, the issue of delays must be resolved immediately, in such a way that the services of Attica are not burdened with the largest volume of applications.

Rashid's story

"I am Rashid, I am Afghan and I am 32 years old. I came to Greece in 2016 and applied for asylum. In February 2020, the second negative decision came out, but the Committee pointed me to the permit for humanitarian reasons, because I suffer from sclerosis. But when I went to file my papers in May, I was told that this permit could never be issued, because the law had changed. Now, I do not know what to do and I am very scared. I am here without legal documents, without knowing if I will ever get them and it is not possible for me to return to my country."

PERMIT FOR HUMANITARIAN REASONS AFTER BEING DENIED ASYLUM

Until recently, it was possible for the Appeal Committees (second degree of examination of asylum applications) to refer third-country nationals to the Ministry of Migration and Asylum, for a residence permit for humanitarian reasons, after case rejections on first instance. In May 2020, this provision was abolished retrospectively from 01/01/2020, without any official provision for the management of requests submitted in the first months of the year. These requests are still pending today. However, the essential result of this legislative change is the abolition of an important path of regularization, for those who need protection but have been denied asylum.

Rashid's story is indicative. From the first moment, we have noted to the competent authorities the reasons why this provision should not have been repealed out. The ability to acquire a residence permit for humanitarian reasons by referral, is a necessary safety net for vulnerable groups of asylum seekers. Many people may not qualify for international protection status, but they have serious grounds (health or strong ties) for being entitled to lawful residence in the country. That is why it is necessary to restore this possibility immediately.

Edela's story

"I'm Edela, I'm 19 years old and I come from Albania. Even though I was born and raised here in Greece, I have not yet acquired the Greek citizenship. I submitted my documents to the Citizenship Directorate 2 years ago and I am still waiting. During this time, however, my independent residence permit due to my parents' residence permit has expired and now I have to apply for the second generation permit, because my citizenship cannot be issued otherwise. The residence permit for the second generation, however, is 300 euros! It is too much money. I wonder how my parents, who have a residence permit for dependent employment, pay 150 euros, while I pay twice as much?"

COST OF FEES

In [2018](#), new and adjusted fees and fines for residence permits were introduced to align with the common European standards. Specifically, the fees for residence permits provided for in the European directives were reduced, while for residence permits falling under the Greek law the fees were either kept the same or increased, while in some procedures fees and fines were added. For example, maintaining the 300 euros [fee](#) for the second generation residence permit means that the children of immigrants born and/or raised in the country, now pay twice as much as their parents to ensure their lawful residence. Another typical example is the fee of 100 euros for the re-issuance of a residence permit due to passport renewal. Renewing a passport is an inevitable process and therefore there is no justification for the immigrant to be further burdened financially through a new fee.

As Edela notes, reducing the cost of fees on certain residence permits, while maintaining or increasing costs of others, without the necessary justification, has essentially created disparities between categories of residence permits. The reduction of the charges of certain fees in a fair and proportionate manner with regards to other residence permits should be examined immediately. Moreover, given that the nature of the fees must be reciprocal, the resources raised from them need to be channeled into the financing of integration actions and the strengthening of understaffed services.

Joyce's story

"I am Joyce, I am 34 years old, I was born in Greece and I have never traveled abroad. I never met my father and my mother died when I was 5 years old. All I know is that my mum was of Sudanese descent. I only have a birth certificate from here, but I was never registered in Sudan, so I could never get a passport here. I am stateless. After many years of waiting undocumented, due to lack of passport, without being able to apply for second generation citizenship, while I was born and went to school here, I at last, recently managed to obtain the second generation residence permit as objectively deprived of a passport. Lately, I have been looking for the necessary documentation to start my naturalization process. And while I found in the law that I am entitled, as a stateless person, to apply for citizenship in 3 years, by paying a fee of 100 euros, I discovered that this does not apply in practice. I must have a stateless card, in order to apply. I have asked everywhere, in all the relevant departments and in the Ministry of Migration and Asylum, to finally be informed that at the moment this card is not issued from anywhere (!). As a result, I now have to wait 7 years to file for naturalization, renew the second generation residence permit, and when that time comes to pay a fee of 550 euros for the citizenship process..."

ISSUANCE OF CARDS FOR STATELESS PERSONS

The law provides for the issuance of a special card for stateless persons. However, no card has been issued, since the competent office in the Asylum Service has yet to be set up. Due to this administrative gap, stateless persons are eventually referred to the issuance of residence permits as "objectively deprived of passports". However, these permits are part of the legal procedures of immigration, with the result that stateless persons are deducted from their legal status by losing basic rights, such as specific favourable provisions for their naturalization.

Stateless people in Greece face serious obstacles, that are not due to their own fault, but due to institutional gaps, as seen in Joyce's case. Thus, the long-lasting failure to establish a service for the issuance of cards for stateless persons raises, among other things, questions regarding the safeguarding of the legal obligations of our country in accordance with the international law.

Lida's story

"My name is Lida and my origin is from Albania. My father came to Greece in 1995, where he worked ever since. In 2018 he retired at the age of 70. He had all the required documents proving that his insurance contributions have been paid, in order to get the full pension amount. But from 1995 to 1998 he had no document proof, it was not possible for him to have. Thus, his pension is the humiliating amount of 265 euros. With exactly the same years of work, a Greek receives almost the double amount. Why is there such a difference? My father worked hard all these years in this country and paid his taxes. Why can't he get the equivalent pension, in the country in which he's lived and worked for all these years?"

NATIONAL PENSION

Under current law, immigrants, just like Greek citizens, must have completed at least 20 years of insurance, to receive the total amount of the minimum pension (384 euros). However, in order to receive it, immigrants must meet an additional condition: to prove 40 years of permanent and lawful residence in Greece. Those who do not meet this condition, receive a reduced pension at a proportion of 1/40 (where 1 is the number of years that fall short). For example, if someone has been residing in the country permanently for 30 years and worked constantly, they are entitled to a reduced pension of 10/40, since 10 are the years of lawful residence that are falling short until the completion of 40 years of residence. Permanent and lawful residence of citizens of non-member States of the European Union is proven on the basis of residence permits. Since the first concerted regularization process began in 1998, a large portion of citizens of non-member States of the European Union, as well as naturalized Greek citizens, who are now at retirement age, are unable to prove 40 years of continuous lawful residence. In addition, due to institutional gaps or malfunctions of the public administration, as we have often pointed out, immigrants in Greece can very easily be deprived of their lawful residence status.

Particularly low pensions and the inability to maintain a decent standard of living are not a problem faced only by Lida's father. The Greek Ombudsman, responding to a [relevant complaint by G2RED](#), has pointed out that "the criterion of years of residence is unfamiliar to the Greek insurance system". Therefore, the provision on the obligation to complete 40 years of permanent lawful residence in Greece needs to be [amended](#), taking into account the legal gap of the 1990s and the later institutional issues in maintaining lawful residence in the country. And this should be done immediately, because it constitutes unequal treatment on the basis of origin among retirees, who have paid equal contributions to the insurance system.

Maya's story

"My name is Maya and I'm 29 years old. I came to Athens from Georgia, when I was 12 years old with my parents. All the last few years, I hold a second generation residence permit, as bureaucratic problems in relation to school certificates, caused me to miss the deadline to file for citizenship based on school attendance. Last October I had a serious car accident, which brought on an 82% disability in my lower body. Since then, my whole life has changed. I stopped working, I am no longer insured and when my mother recently went to OPEKA to apply for disability benefits, she was informed that I am not entitled to it, because I am only eligible if I have a residence permit for humanitarian reasons. I was very confused. For me, this allowance would be the only way not to burden my own people. I have been living here all these years. I have a long-term permit and one day I can't get such an important allowance?"

DISABILITY ALLOWANCE

In accordance with the conditions set by the Organization for Welfare Benefits and Social Solidarity (greek abbreviation: OPEKA), third-country nationals entitled to disability benefits, are holders of a residence permit for humanitarian reasons, as well as those who have permits as family members of Greek citizen or EU citizen. This, in practice means that holders of any other residence permit (e.g., long-term, or ten-year or second generation residence permit) with a disability are excluded from access to this allowance. To claim it, they need to convert the type of permit they hold into a residence permit for humanitarian reasons. The latter is a short-term residence permit (1 year) and most importantly, does not provide the same, strong residence guarantees to its holders, as the other permits do.

The [restrictive conditions](#) set by OPEKA seem to completely ignore the social reality: there are people such as Maya, who have been lawfully living in Greece for decades and yet are not entitled to disability benefits, when this is the most necessary to sustain their basic living. In addition, OPEKA's conditions are completely ignorant of the national legislation, since the Immigration and Social Integration Code foresees equal access to social protection for all third country nationals lawfully residing in Greece, without exceptions.

Anastasia's story

"My name is Anastasia, I come from Russia and I live permanently in Greece, with my husband Petros for the last 20 years. At one point, I got fired from the company I worked for, and while I was looking for another job for two years, I could not find one. I had heard that someone can get an allowance when unemployed for more than a year and is registered with the OAED. So, I went to ask about the documentation necessary to apply. Then, I found out that only Greek and European citizens have this right. I'm still trying to figure out why my unemployment is not acknowledged the same way..."

LONG-TERM UNEMPLOYMENT BENEFITS

According to the current legislation, only Greek citizens and citizens of the European Union Member States are beneficiaries of the long-term unemployed allowance provided by the Labour Employment Organization (greek abbreviation: OAED). In order to claim it, beneficiaries must be registered as unemployed in the OAED, must have completed a continuous year of unemployment for 12 months and their annual family income must not exceed 10.000 euros. Most types of residence permits in Greece depend directly on the existence of dependent work. In other words, most immigrants in the country must work anyway to be able to reside lawfully. However, there are residence permits that are not dependent on work, such as permits of family members of a Greek or EU citizen. Thus, the allowance excludes someone who, while living lawfully in the country, at some point found themselves in a state of long-term unemployment.

The reason unemployment is not taken into consideration, as in Anastasia's case, is the type of residence permit she holds. The exclusion of immigrants from the long-term unemployment benefits is, first of all, contrary to the provisions of the Code of Migration and Social Integration. According to the Code, the national provisions on social protection should also apply to lawfully residing third-country nationals. Moreover, the social reality of recent years -that has been characterized by a generalized crisis and a deep recession of the economy- is ignored. So, people, who live in the country, are left exposed due to institutional gaps.

ADMINISTRATIVE OPERATIONAL ISSUES

Olga's story

“My name is Olga, I come from Ukraine and I am 51 years old. My permit expired on July 22nd. I had been asking in what way I could renew it, as everyone told me to wait for the platform to open, in order to make an appointment through there. A friend of mine called me in early August and informed me that it had started operating. I tried to find the web address, to enter and to register. The only language option was Greek... I had a hard time understanding what the platform was asking and all the other supplementary instructions. I tried entering my details more than 10 times, but each time they kept getting declined. I did not know what to do. My friend told me that I should consult and pay for an accountant or a lawyer to come in and make an appointment on my behalf. I had no money for such a thing. Finally, I was lucky enough that my neighbor's daughter, who is a student and is familiar with technology, helped me. Of course, the suffering did not end here. We entered the platform, registered, and everything seemed to be set but then there was no appointment slot to book. Every day since, I enter the platform where the same text appears, 'No dates available'.”

ONLINE PLATFORM FOR RESIDENCE PERMITS

The Ministry of Migration and Asylum has proceeded in setting up an [online platform \(e-appointment\)](#), through which immigrants can book an appointment to receive or renew their residence permit from the Immigration Services. This platform is very late in its implementation and is not fully operational for the immigrant. To this day, in fact, there is no other language choice than that of Greek, which implied negligence in relation to the language needs of the population to which it is addressed.

According to an earlier announcement of the Ministry, its operation would have started on 25/02/2020, however for “unforeseen technical reasons” it finally started operating on 19/06/2020, initially only for appointments for the delivery of prepared permits. On [31/07/2020](#), the option of scheduling an appointment for the renewal of residence permits as well as the original granting to a minor child, was added to the platform. However, due to the lack of planning and prioritization of renewals based on the expiration date of the licenses, the appointment slots available, at least in Attica, were exhausted during the first days of the platform's operation. On 21/10/2020, in a delayed attempt to prioritize the renewals, the platform gave available appointment dates again, only for those residence permits that had expired from [01/12/2019 until 30/06/2020](#). The procedures were partially restored, for 16 days, until the second lockdown on 07/11/2020, when the scheduled appointments for permits' renewal were finally postponed. Thus, the initial lack of scheduling of the platform's appointments, combined with the [second lockdown](#), have already created delays and insecurity for immigrants, who are unable to find available appointments.

Olga's story is indicative of the ongoing suffering and insecurity experienced by immigrants trying to process their residence permits through this platform. Procedures that are crucial to ensuring their lawful residence. And while they are trying to fulfill their obligations on time, the state does not provide them with the essentials, that is, a functional and simplified electronic system comprehensible and accessible to all.



Hassan's story

“My name is Hassan, and I am from Pakistan. I have been living in Athens for the last 9 years. As soon as I arrived here, I applied for asylum, which a few years later was rejected and since then I have been undocumented. After having lived in Greece for 7 years, I went to the ‘Peripheria’ (administrative division) to apply for a residence permit for exceptional reasons. They gave me a paper for an appointment dated 1.5 years later, June 18, 2020. I waited with anticipation, until the day I could submit would come. In the meantime, I was preparing my file, so that it included all the documents that proved my permanent living status all these years. When the coronavirus pandemic started, I found out that the ‘Peripheria’ closed and no longer accepted people. Eventually, I am wondering if I am the lucky one because I had an appointment after the lockdown. The day finally arrives, and I am going there early in the morning, where the security guard at the entrance informs me that these appointments are no longer valid and nothing else was said. Since that day, I have been asking everywhere for more information. Those who know claim that there is no possibility to make a submission for a residence permit for exceptional reasons in Attica. So many months have passed, and I am still waiting for an update. I do not know how much longer I will be left undocumented, waking up and going to sleep with the fear of being detained by the police.”

ALTERATIONS IN THE WAY SERVICES OPERATE

During the first wave of the COVID-19 pandemic, it was decided to [suspend the reception of the public](#) in the Directorates of Foreigners and Immigration (greek abbreviation: DAM) of the Decentralized Administrations of the country, as well as in the Directorate of Immigration Policy from 12/03 to 15/05/2020. The interruption of the services in combination with the subsequent lack of planning during the reopening of the DAMs caused [serious consequences](#) and delays in the service of the immigrants.

First of all, the initial provision of the Ministry of Immigration and Asylum for the possibility of delivering the residence permits that were ready by [courier](#) services, was at last, never implemented. When the services [operated again](#) in early June, they were open to the public with exceptional appointments, only for specific cases (re-issuance of a permit due to theft or loss, initial issuance of visa-dependent permits, renewal after receiving a decision to grant an expired permit). At the same time, the Ministry's new [online platform](#) was very slow in becoming operational and so, the first appointments for the delivery of permits were booked at the end of June, while the first renewal appointments, at the end of July 2020.

In addition, another key issue has been [the lack of a common and uniform operation of the relevant services](#) in the country, which resulted in two-speed service provision in Attica and the other regions. The peak of this differentiation is that in Attica, from March 2020 until January 2021, the scheduling of appointments as well as the submission of supporting documents for the residence permit for exceptional reasons was completely frozen. The second lockdown in November 2020 increased the intensity of the already existing delays, after a [new partial suspension of services](#).

Hassan's story is not an isolated case. Therefore, the digitization of all procedures for residence permits must proceed and be completed immediately, including the submission of electronic applications and supporting documents. In fact, the total restoration of the procedures for the residence permit for exceptional reasons in the services of Attica is absolutely urgent. For almost a year, due to this omission, an Immigration Code provision was not applied and the right of thousands of immigrants to access lawful residence has been substantially violated. For this reason, we submitted a [Complaint to the Greek Ombudsman](#) calling for his intervention.

On 21/01/2021 Attica's DAMs in a [joint publication](#), announced the reopening of appointment's requests via email. In this upcoming period, we are expecting to see how this new process will work in practice and how many immigrants will be served due to the huge volume of requests.

Ardit's story

“My name is Ardit and I am 47 years old. I came from Tirana 14 years ago and I have lived in Athens with my family, ever since. I have a residence permit for dependent work, through which my two young sons have obtained residence permits. All of our 3 permits expired on July 5th. We were waiting to see what will happen with the extension. We found out that my wife's permit, which expired in May, would be extended until the end of the year. We asked friends and acquaintances and we searched on the internet, but we could not figure out anything. On July 22, I learned from a friend that his permit, which expired at the end of July, was renewed for another 8 months. I was happy because I thought that ours would be extended as well. However, as it turned out a few days later, our permits were never extended and so I had to immediately send an email to the DAM, to book an appointment for renewal. I never understood why all this confusion happened!”

EXTENSIONS OF EXPIRED RESIDENCE PERMITS

In the period starting from 30/03/2020 to 14/07/2020, three extensions of residence permits were provided, due to the suspension of the public reception in the Directorates of Foreigners and Immigration due to the COVID-19 pandemic. In the [first extension](#), the residence permits that expired between 11/02/2020 and 12/05/2020, were extended for 5 months from their expiration date. In the [second extension](#), the residence permits and the blue certificates that expired from 01/12/2019 until 30/06/2020 were extended until the end of the year (31/12/2020). In the [third extension](#) the residence permits and the blue certificates with expiration dates from 20/07/2020 to 31/12/2020 were extended for 8 months from their expiration date. Although the enforcement of these measures was inevitable due to the pandemic, the lack of timely planning of the extensions and their problematic administrative implementation revealed a [series of obstacles](#) for both government agencies and the immigrants themselves.

Initially, there was a peculiar time gap between the last two extensions: residence permits that expired from 1 to 19 July 2020 were not extended. Therefore, only the holders of these permits had to renew them normally and within the deadlines set by law, to ensure lawful residence. The main problem, however, especially at the first period that the extensions were decided, was the poor interconnection and relevant information exchange between the ministries and their respective services. Immigrants whose residence permit or blue certificate has formally expired or is about to expire, face a number of difficulties in dealing with public and private entities, because they [do not know about or do not recognize the extensions](#). Another serious consequence is that immigrants with permanent lawful residence in Greece were trapped abroad, as their residence permit expired during the flight ban period.

Ardit, like many other immigrants, experienced the absurdity caused by the poor organization of the extensions. In addition, due to the second lockdown renewals are not taking place. On 23/12/2020, a [new extension](#) was set for the residence permits that expired at the beginning of 2020 and for those that expire by March 2021. This time, the provision was adopted by law, while for the first time the possibility of [electronic issuance of a certificate of extension](#) of residence permits and blue certificates was provided in order to facilitate the transactions of immigrants with public services. In any case, successive extensions are not the solution, but part of the problem. Due to the ongoing pandemic status quo, it is necessary to immediately implement an operational renewal system, so as not to intensify the inconvenience of the immigrants. That is why it is more crucial than ever, to extend the digitization of all procedures related to the request for residence permits!

ADMINISTRATIVE OPERATIONAL ISSUES

Mariam's story

"Every time I have to renew my residence permit, I get a feeling of despair because I know that I will go to the service which -as always- will be a disaster, the employees will be upset with the situation and it will be uncertain, if I will manage to be served on the same day or if I will have to go back again and lose another daily wage from my job. Also, whenever I have applied for the residence permit, it has never arrived on time, I always must wait for months, at the best case, and sometimes I had to wait for more than a year for the issuance of the residence permit."

SERVICES: UNDERSTAFFING - INFRASTRUCTURE

The [understaffing](#) of the Foreigners and Immigration Directorates (greek abbreviation: DAM), due to the continuous departures of many employees, is a serious issue, which causes [extreme delays](#) in serving immigrants' requests. Specifically, in DAMs of Attica the existing staff is so insufficient, that it is impossible to process the applications related to immigrants' residence permits within a reasonable time period. The reduction of the Directorates' staff is caused by the state's insufficiency to provide and support enough positions, anyway. In addition, many current public servants choose to be transferred to other public services. Apart from the understaffing issue, several services in Attica are housed in unsuitable building infrastructures for the needs of their work. In particular, DAMs are facing inadequacy of space, in relation to the number of served immigrants, while some Directorates even share the same building, which causes difficulties in the proper operation of the services and therefore, in the suitable service provision of the public.

In order for the thousands of "Mariams", who have been lawfully and permanently living in the country for months, even years, to not have to wait to receive the permit they are entitled to, DAMs must first be staffed with the necessary number of employees. Next, a minimum staff threshold needs to be set, so that services can be operational in a way that does not infringe on employees' right to mobility. Finally, provision should be made for the relocation of Directorates to more appropriate structures.





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