

Citizenship and Migration Code: Changes and Procedures

On Friday, November 27th 2015, Generation 2.0 RED organized the informative event Citizenship and Migration Code: Changes and Procedures. Central speakers of the event were **Vasilis Papadopoulos**, General Secretary at the Ministry of Migration Policy, **Elias Chronopoulos**, Manager of Athens' Immigration Unit, **Dimitris Siamatras**, Manager of Athens' Civil Status Unit and **Ekaterini Antonogiorgou**, Head of the Regional Directorate of Primary and Secondary Education of Attiki. The day was devoted to an open discussion on the relevant modifications, the procedures, the problems and the improvements that could be done concerning the Citizenship and the Migration Code.

CITIZENSHIP

- There is still no computerized system; it is expected to be ready sometime during the New Year
- The documents and the prerequisites can all be found online
- The services, according to the law, have begun receiving new applications, but this is not being practically applied in the present moment at the Decentralized Services (the people interested must visit the Decentralized service in which they belong, in order to get informed on the procedure of application, as long as they have started accepting applications)
- Acquisition of Citizenship, at the moment, will be given only to the pending cases of the 3838 law
- Certified foreign schools are not included because they are not controlled by the Ministry of Education. Greek schools in other countries are also not included because they are not located in Greece
- There is a delay in the issuing of criminal records
- There must be harmonization of data between birth certificates and school certificates. Schools are obliged to correct the relevant certificates so they can be the same with the birth certificates. There are instructions by the Directorate of Secondary Education about how the correction is done, however it has been observed that several school principals refuse to do it
- If there is a complete difference on data, it is difficult, almost impossible for the Authorities to accept them
- There are problems with the validation of birth certificates from some countries, because the embassy authorities delay or refuse to validate them
- The law clearly states "certificates that can prove birth" and not "birth certificates", specifically to allow flexibility in this part. The birth must be, though, certified by a public document (It is written in this way so the Services can be more lenient and flexible)
- Residence permits that give parents the right to apply for their children are specified, as the law complies with the decision of the Council of State (dependent employment permit is not included, long-term residence permit is required)

CERTIFICATE OF ATTENDANCE

from the Directorate of Secondary Education

- Appointments are booked on telephone (for Athens) and the extradition time for the certificate is about 1 month, because it is a new responsibility for the Service and the personnel is still limited. There are already 4000 applications and in Attica there are 3500 school units
- The certifications cannot be sent directly from schools to the Decentralized Services or to be adduced in the file by the person concerned due to limited staff, because there cannot be an authenticity control of the school certificates. The Directorate of Secondary Education acts as an authenticity controller, when it comes to give the certificate of attendance
- The Directorate of Secondary Education works as an embankment for the movement of the applications, if the potential beneficiaries come all at the same time and the decentralized services do not have the people to receive and examine all the applications at once

ATHENS

- The citizenship directorate in the municipality of Athens (Ypatias 6) includes applications which cannot yet be examined
- Pending applications of 3838 are being examined by priority order and decisions are being released
- Everyone who has an appointment from 01.01.16 to 30.04.2016 can apply without rendezvous from 14.12.15 (there will be a program for the deposit days in the site of the service)

NATURALIZATION

- For the recognized refugees and those who have subsidiary protection, no birth certificate is needed. When someone has difficulty in bringing his passport or a birth certificate, the application is held with the documents with which he applied in Greece. (For refugees, citizens and beneficiaries of subsidiary protection – 3 years of continuous legal residence is the prerequisite for applying for naturalization)
 - * The biggest problem is the deficient information to the decentralized services resulting in a non-uniform implementation. At the same time, the decentralized services do not belong to the Ministry of Interior; the Ministry can only address Circular Directives. They interpret the law by will, the Ministry has only the supervision in the interpretation of the application of the law and this is why there is a difference in the operation and the procedures of each decentralized service

EXCEPTIONAL REASONS

- A woman who gave birth in Greece can apply in the Decentralized Services for exceptional reasons, if her husband has a powerful residence permit and receive permits for more than 2 years.
Excluded:
 1. Women with children without marriage
 2. Widowed
 3. Divorced
- Visas for family reunification has 2 problems:
 1. High demanded income
 2. Problematic operation of the Greek authorities abroad (as a result traffickers are benefited because they bring the family in Greece)
 3. A husband or wife cannot be legalized only because of marriage/creation of family (cases in which both are in Greece but only one of them has residence permit)
** There will be adjustments in forthcoming draft laws**
- Exceptional reasons with previous permit: maximum 2 continuous years of absence (will be specified with Circular Directive)
- Minors will be automatically covered with invocation to the child's benefits (it will be specified with a Circular Directive)
- There are cases that are under the responsibility of the Decentralized services but still prefer to apply in the Ministry of Interior (so that they do not pay the insurance) – with the relevant Circular Directive this will not be possible. The process takes 1.5-2 years for the Ministry, with white certificate and no work or travel permit. On the contrary, in the Decentralized services someone receives the blue certificate, with the right of access in the market and the right to travel in the country of origin

MINISTRY

Legalization of the people who live at least 7 years under prerequisites. This prerequisites have to do with social inclusion and the proof of living in the county all these years in total, not with a paper for each year (will be specified with a Circular directive). Unfortunately, they cannot have an interview in order to confirm social inclusion.

- Secretary of the Ministry of Interior: rendezvous booked by telephone for 4-5 months later & e-mail at the lawyers / maybe even online rendezvous

GENERAL INFORMATION

about the code amendments

- The long term residence permits have not increased much, not only because the foreigners did not comply with the income criteria, but also because they were absent from the country for a long time

- The residence permit as a parent of an underage Greek child gives access to the labor market. The residence permit as a parent of an adult Greek citizen does not give access to the labor market

GENERAL INFORMATION

for the certification of ratifications from the Greek authorities abroad

For the countries that do not belong in the apostille system, the international law is applied, according to which the Greek authorities abroad must validate any certificate that originates from these countries for usage in Greece. Ratification is needed for certificates from specific countries, because there have been a lot of false documents. It is a matter of the Ministry of foreign affairs to change the procedure and so far there is no provision about that.

PINK CARD HOLDERS

- About 23.000 pink card holders (backlog)
- Many of whom have the 7 years and have applied during the old system, meaning before 23.11.2010, come to the Ministry to apply for exceptional reasons. The asylum applicants are not eligible for the exceptional reasons; they must first delete their application (the ministry attence because there will be legislative adjustments soon, so that they do not have to follow the process for the exceptional reasons)

PROPOSALS

for the improvement of the legal framework and the procedures

- Residence permits of dependent work should be included, so that all parents have more than 10 years to apply for their children
- There should be a combination of written exams and a committee for naturalization, dependent on the choice of the person concerned
- The decisions for granting citizenship should be released by the Decentralized Services and only the rejections should be released by the Ministry
- The foreign schools should be included, if the child was following the Greek program
- Legislation completion so that women without a husband can be included and can have access to the provisions for the exceptional reasons
- Granting a 5 year residence permit similar to the long term permit without the right of movement within EU (so that those who do not comply with the criteria for the long term permit or do not have the economic capability or the 10years residence permit, can have access to the process of naturalization or of the citizenship for their children