

COUNTRY BRIEFING  
SEPTEMBER 2021

# Greece



## INTRODUCTION

The [Statelessness Index](https://index.statelessness.eu/) (<https://index.statelessness.eu/>) is an online comparative tool that assesses European countries' law, policy and practice on the protection of stateless people and the prevention and reduction of statelessness against international norms and good practice. The Index was developed and is maintained by the European Network on Statelessness (ENS),<sup>1</sup> a civil society alliance of over 170 organisations and individuals in 41 countries working to end statelessness and ensure that stateless people in Europe access their rights.

ENS worked with its members to research and compile comparative information on statelessness in [Greece](#).<sup>2</sup> This briefing summarises the findings on how Greek law, policy and practice performs against international norms and good practice on the protection of stateless persons and the prevention and reduction of statelessness. It covers five thematic areas – International and Regional Instruments, Stateless Population Data, Statelessness Determination and Status, Detention, and Prevention and Reduction – and makes a series of recommendations to the Greek Government for reform in priority areas.

To be stateless is not to be considered as a national by any state under the operation of its law. It is a legal anomaly that prevents more than 10 million people around the world - and more than half a million in Europe - from accessing fundamental civil, political, economic, cultural, and social rights.

### INTERNATIONAL AND REGIONAL INSTRUMENTS

Different international and regional treaties provide for the protection of stateless persons and the prevention and reduction of statelessness. The statelessness conventions help to resolve conflict of law issues and prevent individuals from falling through legal gaps.

Greece is State Party to the [UN Convention relating to the Status of Stateless Persons \(1954\)](#) with no reservations, but it is not party to the [UN Convention on the Reduction of Statelessness \(1961\)](#). Greece has signed, but not yet ratified, the European Convention on Nationality (1997) and it is not State Party to the Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession (2006).

Greece is State Party to all other relevant regional and international human rights instruments with no reservations, except for the [Convention on the Rights of All Migrant Workers and Members of their Families](#).

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Greece should consider acceding to the 1961 Convention on the Reduction of Statelessness, the 1997 European Convention on Nationality, and all other relevant international and regional human rights instruments.

### STATELESS POPULATION DATA

The collection of reliable data on stateless persons is a crucial part of addressing statelessness and States should collect reliable relative data.

Statelessness has not been comprehensively mapped in the Greek context due to the fact that there is not a single and discrete category for 'stateless persons' in the data collection system of the National Population Census.

Additionally, Greek authorities (including the Greek Asylum Service, Hellenic Police, Hellenic Coastguard, and Ministry of Migration and Asylum) do not use a common, standardised system for identifying and registering the nationality of refugees and migrants in Greece. There are several sources of disaggregated data that either include a category of 'stateless' or potentially overlapping categories.

Furthermore, no data is published on the nationality status of people held in immigration detention.

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The Greek authorities should introduce a standardised system for identifying and registering the nationality of refugees and migrants in Greece, including a single and discrete category for 'stateless persons'.

Greek authorities responsible for recording nationality status should have access to information and training about nationality and statelessness to facilitate accurate recording of nationality information.



## STATELESSNESS DETERMINATION AND STATUS

Greek law contains a definition of the term 'stateless', referring to the 1954 Convention definition of a stateless person. However, there is no dedicated statelessness determination procedure (SDP) in Greece. Law 4375/2016 assigned responsibility for the conduct of an SDP to the Greek Asylum Service and authorised the issuance of a Presidential Decree to regulate the procedure, but this has yet to be issued.

Nevertheless, in some cases, stateless people may be identified through other administrative procedures (e.g. through a procedure to determine whether a migrant who had permission to enter Greece is objectively unable to present a travel document to renew their residence permit, or through the asylum procedure) but none of these procedures leads to the formal recognition of statelessness status, nor to the rights deriving from the 1954 Convention.

Stateless people are eligible to apply for naturalisation after three years' legal stay in Greece. This is a reduction from the standard seven years for other foreigners. Stateless people may also benefit from a reduced administrative fee (100 EUR) compared to the standard naturalisation fee (550 EUR).

Greece should take concrete steps to establish a dedicated statelessness determination procedure in line with UNHCR guidance and good practice in order to give effect to the rights due to stateless people in Greece under the 1954 Convention.



## DETENTION

Stateless people are not protected from immigration detention in Greece, as a proposed country of removal does not need to be identified prior to detention. Additionally, authorities do not carry out an individual vulnerability assessment prior to the decision to detain and alternatives to detention are seldomly applied in practice.

Until the end of 2019, Greek law allowed only for the detention of asylum seekers who applied for international protection while they were already in immigration detention for the purpose of deportation or return. The International Protection Law (Law 4636/2019) also allows for the detention of asylum applicants. The detention of an asylum seeker may be successively prolonged up to a maximum time period of 18 months. Furthermore, the time limit for detention does not include the period of detention for the purposes of removal, thus the total maximum period of immigration detention may reach 36 months (18 months while in the asylum procedure plus 18 months for the purposes of removal).

Detainees can challenge the decision of their detention through Objections against the Detention (Procedure for challenging detention before the President of the Administrative Court, whose decision is non-appealable).

In practice, provision of information on rights and provision of legal aid to detainees is inadequate.

Stateless people have been returned to Turkey in the context of implementation of the EU Turkey Statement.

Greece should apply a consistent, individual assessment of the necessity and proportionality of detention in each case prior to detention, taking account of statelessness (or the risk of statelessness) as a juridically important fact.

The Greek authorities should examine and apply alternatives to detention before resorting to detention, and should not detain asylum seekers.



## PREVENTION AND REDUCTION

The legal framework was improved in March 2019, including through the introduction of a procedure for the acquisition of Greek nationality by Romani people with a long historical presence in the country, but the law was reversed in 2020 and this provision has been repealed.

There are provisions in law for a child born in Greece who would otherwise be stateless to acquire Greek nationality at birth provided it is proven that the child does not acquire another nationality.

There is an automatic legal safeguard for foundlings to acquire Greek nationality, but the authorities must carry out research into the parents of the child and their nationality.

Furthermore, a foreign child adopted by Greek parents before completion of their 18th year acquires Greek nationality on the day of adoption.

Regarding birth registration, Greek law provides that all children are registered immediately. For births in maternity hospitals/clinics, the law provides that new-borns are registered digitally in the hospital/clinic through the online system of birth registrations which was introduced in 2020. Additionally, the law provides that undocumented mothers about to give birth must be admitted to public hospitals and issued with an ad-hoc ID, which includes their personal information as provided upon their statement. This document is used solely for the purpose of registering the child's birth.

Nevertheless, despite the existing legal safeguards, there are credible reports that Romani people face barriers to birth registration. It is not yet clear if undocumented persons may face obstacles to birth registration during the new digital procedure.

There are particular sections of the Greek population believed to be stateless or at risk of statelessness. These include a small number of people in the Thrace area (members of the Muslim Minority deprived of their Greek citizenship in 1955 and a small number of people from the Former Soviet Union); a number of Romani people; a (probably) small number of *homogenis* from Constantinople and the islands of Imvros and Tenedos, who were born in Turkey or Greece and live in Greece.

There are also two categories of foreign children born in Greece who could be at risk of statelessness: a) foreign children born in Greece whose births must be registered with the consular authority of their country and no such authority exists in Greece; b) children of

beneficiaries of international protection born in Greece whose births must be registered with the consular authority of their country.

The Greek Citizenship Code includes provisions on loss of nationality, which are applied in practice. There is explicit protection from statelessness in the law except in cases of disloyalty to the Greek State and cases of nationality loss due to voluntary renunciation of nationality.

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Greece should take concrete steps to eliminate the barriers that Romani people face to acquiring Greek nationality and address the risk of statelessness faced by this community.

The Greek authorities should monitor carefully the implementation of the recently introduced digital birth registration procedure to ensure that all children born in Greece, including asylum seekers and those who are undocumented, can access immediate and correct birth registration.

## SUMMARY OF RECOMMENDATIONS

The Greek Government should:

- Consider acceding to the 1961 Convention on the Reduction of Statelessness, the 1997 European Convention on Nationality, and all other relevant international and regional human rights instruments.
- Introduce a standardised system for identifying and registering the nationality of refugees and migrants in Greece, including a single and discrete category for 'stateless persons'. Authorities responsible for recording nationality status should have access to information and training about nationality and statelessness to facilitate accurate recording of nationality information.
- Take concrete steps to establish a dedicated statelessness determination procedure in line with UNHCR guidance and good practice in order to give effect to the rights due to stateless people in Greece under the 1954 Convention.
- Apply a consistent, individual assessment of the necessity and proportionality of detention in each case prior to detention, taking account of statelessness (or the risk of statelessness) as a juridically important fact. Examine and apply alternatives to detention before resorting to detention, and should not detain asylum seekers. Take concrete steps to eliminate the barriers that Romani people in Greece face to acquiring a nationality and address the risks of statelessness faced by this community.
- Monitor carefully the implementation of the recently introduced digital birth registration procedure for to ensure that all children born in Greece, including asylum seekers and those who are undocumented, can access immediate birth registration

## ENDNOTES

<sup>1</sup> European Network on Statelessness' webpage: <http://www.statelessness.eu/>

<sup>2</sup> Lead Country Researcher for the Statelessness Index in Greece is ENS Member, Greek Council for Refugees [Aikaterini (Katerina) Komita]. Information on Greece is available at: <https://index.statelessness.eu/country/greece>

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