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## International and Regional Instruments

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
IOB	1	a	1954 Convention	Is your country party to the 1954 Statelessness Convention?	<a href="#">UN Convention Relating to the Status of Stateless Persons, 1954</a>	Yes.	<a href="#">United Nations: Treaty Collection</a> : Chart of signatures and ratifications of the Convention relating to the Status of Stateless Persons (1954)
IOB	1	b		If yes, when was ratification/accession?		Accession: 4/11/1975.	<a href="#">United Nations: Treaty Collection</a> : Chart of signatures and ratifications of the Convention relating to the Status of Stateless Persons (1954)
IOB	1	c		Are there reservations in place? Please list them.	Best practice is no reservations. If there are, they should have little or no impact on the rights of stateless people.	No reservations.	<a href="#">United Nations: Treaty Collection</a> : Chart of signatures and ratifications of the Convention relating to the Status of Stateless Persons (1954)
IOB	1	d		Does the Convention have direct effect?	Best practice is that the Convention has direct effect, though this may depend on the legal regime.	Yes.	<a href="#">The Constitution of Greece</a> [Article 28 (1)]  <a href="#">Law 139/1975</a> “Ratification of the New York 28 September 1954 International Convention and its accompanying Annex on the status of stateless persons” Official Gazette of the Hellenic Republic 176/A/25.08.1975
IOB	2	a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a>	No.	<a href="#">United Nations: Treaty Collection</a> : Chart of signatures and ratifications of the Convention on the Reduction of Statelessness (1961)
IOB	2	b		If yes, when was ratification/accession?		-	-
IOB	2	c		Are there reservations in place? Please list them.	As above	-	-

IOB	2	d		Does the Convention have direct effect?	As above	-	-
IOB	3	a	Other conventions	State party to European Convention on Nationality 1997? Please list any reservations.	<a href="#">European Convention on Nationality, 1997</a>	Signed: 6/11/1997 Ratified: not yet acceded. No reservations.	<a href="#">Council of Europe</a> : Chart of signatures and ratifications of the European Convention on Nationality (1997)
IOB	3	b		State Party to European Convention on Human Rights 1950? Please list any relevant reservations.	<a href="#">European Convention on Human Rights, 1950</a>	Signed: 28/11/1950, Ratified: 28/11/1974. No reservations.	<a href="#">Council of Europe</a> : Chart of signatures and ratifications of the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)
IOB	3	c		State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Please list any reservations.	<a href="#">Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006</a>	No.	<a href="#">Council of Europe</a> : Chart of signatures and ratifications of the European Convention on the avoidance of statelessness in relation to State succession (2006)
IOB	3	d		Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive). Please list any relevant reservations.	<a href="#">Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive)</a>	Yes. The Directive 2008/115/EC has been transposed into Greek legislation by Law 3907/2011.	<a href="#">Law 3907/2011 «On the establishment of an Asylum Service and a First Reception Service, transposition into the Greek legislation of the provision of Directive 2008/115/EC «on common standards and procedures in Member States for returning illegally staying third-country nationals» and other provisions»</a> & its amendments Official Gazette of the Hellenic Republic 7/A/26-01-2011

IOB	3	e		State Party to Convention on the Rights of the Child 1989? Please list any relevant reservations.	<a href="#">Convention on the Rights of the Child 1989</a>	Yes. No reservations.	<a href="#">United Nations: Treaty Collection:</a> Chart of signatures and ratifications of the Convention on the Rights of the Child (1989)
IOB	3	f		State Party to International Covenant on Civil and Political Rights 1966? Please list any relevant reservations.	<a href="#">International Covenant on Civil and Political Rights 1966</a>	Yes. No reservations.	<a href="#">United Nations: Treaty Collection:</a> Chart of signatures and ratifications of the International Covenant on Civil and Political Rights (1966)
IOB	3	g		State Party to International Covenant on Economic, Social and Cultural Rights 1966? Please list any relevant reservations.	<a href="#">International Covenant on Economic, Social and Cultural Rights 1966</a>	Yes. No reservations.	<a href="#">United Nations: Treaty Collection:</a> Chart of signatures and ratifications of the International Covenant on Economic, Social and Cultural Rights (1966)
IOB	3	h		State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Please list any relevant reservations.	<a href="#">Convention on the Elimination of all Forms of Discrimination Against Women 1979</a> Gen. Rec. 32 <a href="#">on the gender-related dimensions of refugee status, asylum, nationality and statelessness.</a>	Yes. No reservations	<a href="#">United Nations: Treaty Collection:</a> Chart of signatures and ratifications of the Convention on the Elimination of all Forms of Discrimination Against Women (1979)
IOB	3	i		State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984? Please list any relevant reservations.	<a href="#">Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984</a>	Yes. No reservations	<a href="#">United Nations: Treaty Collection:</a> Chart of signatures and ratifications of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)

IOB	3	j		State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1966? Please list any relevant reservations.	<a href="#">International Convention on the Elimination of All Forms of Racial Discrimination 1965</a>	Yes. No reservations	<a href="#">United Nations: Treaty Collection:</a> Chart of signatures and ratifications of the International Convention on the Elimination of All Forms of Racial Discrimination (1966)
IOB	3	k		State Party to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990? Please list any relevant reservations.	<a href="#">International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990</a>	No.	<a href="#">United Nations: Treaty Collection:</a> Chart of signatures and ratifications of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)

## Stateless Population Data – 2019

### Stateless Population Data

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP	1	a	Availability and sources	Does the Government have a 'stateless' category in its data collection systems (e.g. census)? Please list available figures for the total stateless population on the territory and describe how data is disaggregated (e.g. by sex, age, residence).	<p><a href="#">Gen. Rec. 32, CEDAW</a>: States parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p><a href="#">Council of the European Union (2015)</a>: Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.</p> <p><a href="#">UNHCR (2014)</a>: Improve quantitative and qualitative data on stateless populations.</p> <p><a href="#">Institute on Statelessness and Inclusion (2014)</a>: States should strengthen measures to count stateless persons on their territory.</p>	The 2011 National Population Census recorded 4,825 persons as "stateless persons or persons with unspecified citizenship". As this category refers to both stateless persons and persons with unspecified citizenship, we can conclude that there is not a discrete category for statelessness in the Greek data collection system. The National Population Census Questionnaire (2011 National Census) includes a field for information on nationality to be provided. The options in this field are: 1) Greek citizen 2) Citizen of Greece and another country (mention which) 3) Without citizenship 4) Undetermined citizenship	<p><a href="#">Hellenic Statistic Authority</a>: Demographic and Social Characteristics of the Permanent Population according to the Revision of the Results of the Population-Housing Census 2011 (20/3/2014), pp. 7</p> <p>UNHCR Greece</p>
POP	1	b		Do government authorities define data categories that may overlap (e.g. unknown nationality) or where stateless people might be more highly represented (e.g. Palestinian)? Please explain and provide any available figures.	As above	For the data collected by the Hellenic Statistical Authority see Q. POP 1a. Other Greek authorities use tools that contain citizenship categories such as "Unknown Citizenship", "Undetermined Citizenship", "Stateless". There is no formal centralised guidance on the use of these terms and no published figures are available.	<p><a href="#">Hellenic Statistic Authority</a></p> <p>Greek Council for Refugees' Legal Unit</p>
POP	1	c		What is UNHCR's estimate for the stateless/at risk of statelessness	As above	Until the end of 2018, UNHCR used data reported by the Ministry of Interior in a letter dated 2015. However, this data is not accurate or updated. As of 2019,	<a href="#">UNCHR Greece</a>

# Stateless Population Data – 2019

				population and what is the source for this estimate?		UNHCR will use the figure reported in the 2011 National Population Census – 4,825 people who are stateless or at risk of statelessness in Greece.	
POP	1	d		Have there been any surveys or mapping studies to estimate the stateless population in the country?	As above	No.	
POP	1	e		Are there any other sources of estimates for the stateless population not covered by the above? Please list sources and figures.	As above	<p>1) Greek Asylum Service: Statistical Data relating to the asylum procedure (from 07.06.2013 to 31.07.2019) In this data appear the following figures: - Number of Palestinians who had applied for international protection per year (2013: 17 persons, 2014: 74 persons, 2015: 60 persons, 2016: 850 persons, 2017: 1.304 persons, 2018: 1.519 persons, 2019: 1.352 persons)</p> <p>2) Greek Asylum Service: Statistical data relating to Relocation Scheme (until 30/03/2018) In this data appear the following figures: -Number of applications for relocation lodged by stateless people: 231 persons -Number of applications for relocation lodged by Palestinians: 603 persons</p> <p>3) Greek Police: Statistical data relating to irregular immigration (2006-2018) Concerning the last 5 years, in this data appear the following figures: 2018 -Number of Palestinians arrested by the police and port authorities due to illegal</p>	<p>1) <a href="#">Statistical Data of the Greek Asylum Service relating to the asylum procedure</a></p> <p>2) <a href="#">Statistical data of the Greek Asylum Service relating to Relocation Scheme</a></p> <p>3) <a href="#">Greek Police: Statistical data relating to irregular immigration (2006-2018)</a></p> <p>4) <a href="#">Ministry for Migration Policy (Recently the responsibilities of the Ministry of Migration Policy have been transferred to the new Ministry of Citizen's Protection): Statistical data of the legal migration</a></p> <p>5) <a href="#">UNHCR Operational portal</a></p> <p>6) <a href="#">UNHCR Report: Refugees and Migrants arrivals to Europe in 2018</a></p> <p>7) <a href="#">Asylum Information Database. Country Report: Greece</a></p> <p>8) <a href="#">National Center for Social Solidarity (EKKA): Registry of unaccompanied minors.</a></p>



# Stateless Population Data – 2019

					<p>entrance and illegal staying: 2.317 persons</p> <p>-Number of Palestinians who have been deported: 21 persons</p> <p>-Number of people from West Sahara who have been deported: 1 person 2017</p> <p>-Number of Palestinians arrested by the police and port authorities due to illegal entrance and illegal staying: 1.054 persons</p> <p>-Number of people from West Sahara arrested by the police and port authorities due to illegal entrance and illegal staying: 5 persons</p> <p>-Number of people of 'unknown nationality' arrested by the police and port authorities due to illegal entrance and illegal staying: 498 persons</p> <p>-Number of stateless people arrested by the police and port authorities due to illegal entrance and illegal staying: 10 persons</p> <p>-Number of Palestinians who have been deported: 30 persons 2016</p> <p>-Number of Palestinians arrested by the police and port authorities due to illegal entrance and illegal staying: 2.126</p> <p>-Number of people from West Sahara arrested by the police and port authorities due to illegal entrance and illegal staying: 15 persons</p> <p>-Number of people of 'unknown nationality' arrested by the police and port authorities due to illegal entrance and illegal staying: 115 persons</p>	<p>9) <a href="#">Greek Asylum Service</a></p> <p>10) <a href="#">Ministry for Citizen's Protection</a></p>
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# Stateless Population Data – 2019

					<p>-Number of stateless people arrested by the police and port authorities due to illegal entrance and illegal staying: 2 persons</p> <p>-Number of Palestinians who have been deported: 22 persons</p> <p>-Number of people from West Sahara who have been deported: 3 persons</p> <p>2015</p> <p>-Number of Palestinians arrested by the police and port authorities due to illegal entrance and illegal staying: 6.350 persons</p> <p>-Number of people from West Sahara arrested by the police and port authorities due to illegal entrance and illegal staying: 7 persons</p> <p>-Number of people of 'unknown nationality' arrested by the police and port authorities due to illegal entrance and illegal staying: 155 persons</p> <p>-Number of stateless people arrested by the police and port authorities due to illegal entrance and illegal staying: 2 persons</p> <p>-Number of Palestinians who have been deported: 28 persons</p> <p>-Number of Stateless people who have been deported: 1 person</p> <p>2014</p> <p>-Number of Palestinians arrested by the police and port authorities due to illegal entrance and illegal staying: 622 persons</p> <p>-Number of people from West Sahara arrested by the police and port authorities due to illegal entrance and illegal staying: 5 persons</p>	
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## Stateless Population Data – 2019

					<p>-Number of people of 'unknown nationality' arrested by the police and port authorities due to illegal entrance and illegal staying: 100 persons</p> <p>-Number of stateless people arrested by the police and port authorities due to illegal entrance and illegal staying: 1 person</p> <p>-Number of Palestinians who have been deported: 69 persons</p> <p>-Number of Stateless people who have been deported: 1 person</p> <p>4) Ministry for Migration Policy: Statistical data on legal migration (August 2016 – August 2019) contain figures for the number of resident permits issued per month. In the most recent data (August 2019) under the category nationality appear registrations of:</p> <ul style="list-style-type: none"> <li>- "Palestine" written in Greek = 184 persons</li> <li>- "Palestine" written in English = 167 persons</li> <li>- "Person without nationality (§1 Convention 1954)" = 23 persons</li> <li>- "Unspecified nationality" = 42 persons</li> <li>- "(blank)" = 1 person</li> </ul> <p>5) UNHCR Operational portal Contains data on sea arrivals to Greek islands as provided by Greek police and data on returns from Greece to Turkey in the framework of the EU-Turkey Statement. It must be noted that these figures are subject to adjustments and should not be considered final.</p>	
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## Stateless Population Data – 2019

					<p>According to the most recent data (January 2019 to 1 September 2019) the country of origin of 1,397 persons that arrived to Greece in this time period was the State of Palestine, and 139 persons had been registered as stateless.</p> <p>6) UNHCR Report: refugee and migrant arrivals to Europe in 2018 contains data on sea and land arrivals to Greece. According to this data, the country of origin of 1,550 persons that arrived in Greece in 2018 was the State of Palestine.</p> <p>7) Country Reports for Greece of the Asylum Information Database contain several statistical data relating to the asylum procedure including some nationality data.</p> <p>8) National Centre for Social Solidarity (EKKA): Registry of unaccompanied minors contains data of all unaccompanied minors (foreign nationals or stateless persons) transmitted to it by any source (not available online).</p> <p>9) General Statistical Data of the Greek Asylum Service (not available online).</p> <p>10) The Ministry for Migration Policy keeps data on the granting/renewal of residence permits issued to "Persons de facto deprived of passport". No detailed statistics are publicly available.</p>	
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## Stateless Population Data – 2019

POP	1	f		Are there issues with the reliability of data or indications that the stateless population may be over/under reported? If yes, please describe.	As above	<p>In the context of immigration data, yes, there are issues with the reliability of stateless data due to the fact that the authorities do not use a common and standard system when they register the country of citizenship of third country nationals. For example, Greek police uses in the same statistical data terms as “nationality unknown”, “People with no country (Απάτριδες) &amp; Convention 1954”, “Palestinians”, “West Sahara”. Only the Asylum Service has central guidance on this issue.</p> <p>There are indications that the stateless population is underreported. The experience from the field indicates the following reasons:</p> <ul style="list-style-type: none"> <li>-The lack of standard guidelines during the registration procedure.</li> <li>- Very often migrants do not declare the fact that they are stateless simply because they don’t know the existence of the term “stateless” and its legal dimensions.</li> <li>- In the asylum procedure, sometimes the deciding authority realizes that the person doesn’t have the nationality that initially he/she has been registered under. In such cases very often the deciding authority is reluctant in changing the nationality to stateless.</li> </ul> <p>One strong indication that the population is seriously under-reported is the following example:</p>	<p><a href="#">Greek Police: Statistical data relating to irregular immigration (2006-2018)</a></p> <p>Greek Council for Refugees' Legal Unit</p> <p>UNHCR Greece</p>
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# Stateless Population Data – 2019

						Discrepancies between Hellenic Police statistics on the citizenship of those apprehended for irregular entry in the 5 hotspot islands and the statistics of the Asylum Service concerning the same caseload in the same locations (when they are registered as asylum applicants)	
POP	1	g		Please provide any available figures for stateless refugees and/or asylum-seekers and clarify if the Govt also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting).	As above	See Q. POP 1e. There is no official government figure on the stateless population in Greece. All that exists is the 2011 National Population Census result.	See Q. POP 1e
POP	2	a	Stateless in detention data	Does the Government record and publish figures on stateless people held in immigration detention? If yes, please provide.	As above and see also norms in Detention section.	The Government does not publish such data. Nevertheless, according to the statistics provided by the Greek Police Directorate of the Hellenic Police to the Greek Council for Refugees (29/01/2019) in the year 2018 under the category “Registered expulsions – returns with detention” appear the following nationalities: - “Nationality unknown”: 49 persons - With no country (Απάτριδες) & Convention 1954): 87 persons - Palestinians: 364 persons - Western Sahara: 4 persons	Information provided by the Directorate of the Hellenic Police to Greek Council for Refugees (29/01/2019).

## Stateless Population Data – 2019

POP	2	b		Does the Government record and publish figures on people released from immigration detention due to un-removability? If yes, please provide.	As above	No. The Police collect some data on decisions suspending the return of foreigners. Such decisions contain information on the nationality of the person concerned, the date of detention etc. However, this data is not statistically processed or published by the Greek Police.	UNHCR Greece
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Statelessness Determination and Status

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
SDS	1	a	Definition of a stateless person	Is there a definition of a stateless person in national law? Do the definition and exclusion provisions align with the 1954 Convention? Please provide details.	<a href="#">UN Convention Relating to the Status of Stateless Persons, 1954</a> : Articles 1(1) & 1(2).	Two Greek laws contain a definition of the term “stateless”: 1) Law 139/1975 which ratifies the 1954 Statelessness Convention and transposes its text/term “stateless person”; 2) Immigration and Social Inclusion Code (as ratified by Law 4251/2014) according to which “a stateless person is the person who meets the conditions of the New York Convention of 1954 on the status of stateless persons, ratified by Law 139/1975”.	<a href="#">Law 139/1975</a> (Article 1) “Ratification of the New York 28 September 1954 International Convention and its accompanying Annex on the status of stateless persons” Official Gazette of the Hellenic Republic 176/A/25.08.1975  <a href="#">Immigration and Social Inclusion Code as ratified by Law 4251/2014</a> (Article 1) & its amendment Official Gazette of the Hellenic Republic 80/A/01.04.2014
SDS	1	b	Existence of a dedicated SDP	Which of the following best describes the situation in your country? <b>Choose only one and then proceed to question indicated.</b>  <b>1.</b> There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure ( <b>proceed to Question 2a</b> ).  <b>2.</b> There is no dedicated SDP but there are other	<a href="#">UNHCR (2014)</a> : It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments. <a href="#">UNHCR (2016)</a> : Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the Convention.	Group 2. In April 2016, Law 4375/2016 (Article 1) assigned the responsibility for the conduct of a statelessness determination procedure to the Greek Asylum Service and provided the authorisation [(Article 7 (7))] for a Presidential Decree (regulating the modalities for a Statelessness Determination Procedure) to be issued. This Presidential Decree has not yet been issued.	<a href="#">Law 4375/2016 (Article 1 &amp; 7)</a> “ <a href="#">Organisation and functioning of the Asylum Service, Appeals Authority, Reception and Identification Service, establishment of General Secretariat for Reception, transposition of Directive 2013/32/EU of the European Parliament and of the Council “on common procedures for granting and withdrawing international protection (recast)” (L 180/29.6.2013), provisions on employment of beneficiaries of international protection” and other provisions</a> & its amendments. Official Gazette of the Hellenic Republic 51/A/03.04.2016



# Stateless Determination and Status – 2019

				<p>administrative procedures through which statelessness can be identified (e.g. residence permit or naturalisation applications, refugee status determination, ad hoc procedures) <b>(proceed to Question 10a).</b></p> <p><b>3.</b> There is a dedicated Stateless Status but no formal procedure for determining this <b>(proceed to Question 16a).</b></p> <p><b>4.</b> None of the above. Are there other possibilities for stateless people to regularise their stay without their statelessness being determined <b>(proceed to Question 17a)?</b></p>			
SDS	10	a	Alternative administrative procedures through which statelessness can be identified (AAP)	<p><b>If there is no dedicated SDP</b>, are there other administrative procedures through which statelessness can be identified (e.g. residence permit or naturalisation applications, refugee status determination, ad hoc procedures)</p>	<p><a href="#">ENS (2013)</a>: For SDPs to be effective, the determination must be a specific objective of the mechanism in question, though not necessarily the only one.</p> <p><a href="#">Hoti v. Croatia ECtHR (2018)</a>: [the State has a] positive obligation to provide an effective and accessible procedure or a combination of procedures enabling the applicant to have the issues of [their] further stay and status determined.</p>	<p>There is no dedicated SDP in Greece, but there are other administrative procedures through which statelessness may be identified. However, these procedures do not lead to the formal recognition of stateless status nor rights under the 1954 Convention.</p> <p><b>1. Acquisition of Greek nationality:</b> The Greek Citizenship Code stipulates that in general, stateless people or people with unknown nationality born in</p>	<p>1. <a href="#">Greek Citizenship Code as ratified by Law 3284/2004</a> &amp; its amendments, Official Gazette of the Hellenic Republic 217/A/10.11.2004</p> <p>2. <a href="#">Law 4604/2019 (Article 46)</a> Official Gazette of the Hellenic Republic 50/A/26.03.2019</p>

# Stateless Determination and Status – 2019

				<p><b>If yes, provide details and then proceed to question 11a.</b>  <b>If no, proceed to question 15a.</b></p>		<p>Greece may acquire Greek nationality (see Q. PRS 1a). There is also a facilitated naturalisation procedure for stateless people in Greece.</p> <p><b>2. Acquisition of Greek nationality by Romani persons with a long historical presence in Greece:</b> this procedure was established in law in 2019 [Law 4604/2019] to address (the risk of) statelessness among Greek Roma populations.</p> <p><b>3. Ad-hoc procedure implementing the 1954 Convention:</b> until 2016 the Police issued Stateless Persons' IDs (under Article 27 of the 1954 Convention) to former Greek nationals - mainly from the Thrace and Dodecanese Muslim minority – who became stateless after losing their Greek nationality under the now abolished Article 19 of the Greek Citizenship Code</p> <p><b>4. Procedure to acquire a residence permit for people 'de facto deprived of a passport':</b> this procedure applies to third-country nationals legally entering Greece for one of the reasons in the Immigration Code. The term «Person de facto deprived of a passport» is defined as 'a third country national deprived of a passport or travel documents due to special circumstances or situations'. A Circular from the Greek Ministry for Migration Policy clarifies that the procedure refers to third country nationals who do not hold a passport or any other travel document and it is objectively impossible for them to</p>	<p>3. UNHCR Greece, Mapping Statelessness Project: Greece (2016) (not publicly available)</p> <p>4. <a href="#">Code of Immigration and Social Inclusion as ratified by Law 4251/2014</a> (Article 1 &amp; 134) &amp; its amendment  Official Gazette of the Hellenic Republic 80/A/1.4.2014; <a href="#">Ministry of Migration Policy Directorate of Migration Policy: Circular No 2 «Residence of third-country nationals with no passports»</a> (16/7/2018)</p> <p>5. <a href="#">Law 4375/2016</a> (Article 1 &amp; 7) "Organisation and functioning of the Asylum Service, Appeals Authority, Reception and Identification Service, establishment of General Secretariat for Reception, transposition of Directive 2013/32/EU of the European Parliament and of the Council "on common procedures for granting and withdrawing international protection (recast)" (L 180/29.6.2013), provisions on employment of beneficiaries of international protection" and other provisions &amp; its amendments, Official Gazette of the Hellenic Republic 51/A/03.04.2016;</p> <p>6. <a href="#">Code of Immigration and Social Inclusion as ratified by Law 4251/2014</a> &amp; its amendment, Official</p>
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## Stateless Determination and Status – 2019

						<p>obtain one either temporarily or permanently.</p> <p><b>5. International Protection procedures:</b> Statelessness may be identified during international protection procedures.</p> <p><b>6. Other:</b> It may also be possible for stateless people to obtain a residence permit under other discretionary provisions in the Immigration Code, for example, for humanitarian reasons or under provisions based on birth and schooling in Greece for second generation migrants.</p>	<p>Gazette of the Hellenic Republic 80/A/1.4.2014</p>
SDS	11	a	Access to procedures (AAP)	How is statelessness identified through other procedures?	<p><a href="#">UNHCR (2016)</a>: Efficient referral mechanisms should be established, while officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels.</p>	<p>1. Acquisition of Greek nationality: (see PRS1b and SDS15a).</p> <p>2. Acquisition of Greek nationality by a stateless Roma person: a Romani person with a long family history in Greece, who has a birth certificate (Ληξιαρχική πράξη γέννησης) and is not registered in any municipality register (because at least one of their parent's was not registered), may submit an application under this procedure, stating their family history and providing their birth certificate (Ληξιαρχική πράξη γέννησης) and any other supporting evidence. If the conditions are met, the authorities issue confirmation of Greek nationality within 20 days. If the person's status is questioned or their birth certificate was not issued within a reasonable time, their case is referred to the Regional Committee for the Determination of the Nationality of Stateless Roma People,</p>	<p>1. <a href="#">Greek Citizenship Code as ratified by Law 3284/2004</a> &amp; its amendments Official Gazette of the Hellenic Republic 217/A/10.11.2004; <a href="#">Citizenship Directorate: Model Case</a></p> <p>2. <a href="#">Law 4604/2019 (Article 46)</a> Official Gazette of the Hellenic Republic 50/A/26.03.2019</p> <p>3. <a href="#">Code of Immigration and Social Inclusion as ratified by Law 4251/2014 (Article 1 &amp; 6)</a> &amp; its amendment, Official Gazette of the Hellenic Republic 80/A/01.04.2014; Ministry for Migration Policy: <a href="#">Directorate of Migration Policy: Circular No 2 «Residence of third-country nationals with no passports»</a></p> <p>4. <a href="#">Law 4375/2016 (Article 1 &amp; 7)</a> <a href="#">"Organisation and functioning of the Asylum Service, Appeals Authority,</a></p>

# Stateless Determination and Status – 2019

						<p>who may invite the applicant to an oral hearing. If recognition is granted, the applicant is registered in the local municipality register of their permanent or habitual residence. If the application is rejected, the applicant may request a review by the Special Committee for the Determination of the Nationality of Stateless Roma People under the Special Secretariat of Citizenship of the Ministry of Interior.</p> <p>3. Procedure for people who are 'de facto deprived of a passport' to acquire a residence permit: although this procedure applies to third-country nationals legally entering Greece for one of the reasons referred to in the Immigration Code, and does not explicitly refer to statelessness, it is likely that some people entering the procedure are stateless. One of the general conditions to be granted a residence permit in Greece is that the person holds a valid travel document recognised by the authorities. If a person provides an explanation and any supporting documents for their objective inability to present a valid travel document, residence may be granted to them as 'a person deprived of a passport'. The responsible Immigration Committee may consider the degree of integration in the country in their decision. The permits are issued by the Ministry of Migration Policy.</p>	<p><a href="#">Reception and Identification Service, establishment of General Secretariat for Reception, transposition of Directive 2013/32/EU of the European Parliament and of the Council "on common procedures for granting and withdrawing international protection (recast)" (L 180/29.6.2013), provisions on employment of beneficiaries of international protection" and other provisions</a> &amp; its amendments.</p> <p>Official Gazette of the Hellenic Republic 51/A/03.04.2016</p>
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						4. International protection procedures: statelessness may be identified as a relevant fact during procedures for refugee status determination in line with relevant asylum law and policy.	
SDS	11	b		Are there obligations in law on authorities to consider a claim for statelessness made within another procedure?	<a href="#">UNHCR (2016)</a> : Access to the procedure must be guaranteed.	No.	
SDS	11	c		Are there clear, accessible instructions on how to make a claim for statelessness?	<a href="#">UNHCR (2014)</a> : For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.). <a href="#">UNHCR (2016)</a> : Information on the procedure and counselling services must be available to potential applicants in a language they understand.	No	
SDS	11	d		Is the examination of statelessness claims conducted by a centralised body with relevant expertise? Please note the competent authority and evaluate appropriateness to national context.	<a href="#">UNHCR (2014)</a> : States may choose between a centralised procedure or one that is conducted by local authorities. Centralised procedures are preferable as they are more likely to develop the necessary expertise. <a href="#">UNHCR (2016)</a> : It is important that examiners develop expertise while ensuring that the procedures are accessible.	See SDS11a.	
SDS	11	e		Is there training to inform different government bodies about statelessness? If yes, please provide details (e.g. who provides training to whom/how often?)	<a href="#">UNHCR Executive Committee (2006)</a> : Requests UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons.	There is no central training on statelessness for government bodies. UNHCR and other actors include statelessness in their training schedules for Asylum Authorities, Police, Coastguard, Municipalities, etc.	UNHCR Greece

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SDS	11	f		Is there cooperation between agencies that may have contact with stateless people to refer cases for status determination?	<a href="#">UNHCR (2016)</a> : Cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice.	No, there is no official cooperation between agencies that have contact with stateless people and no referral to a central procedure to determine statelessness.	Greek Council for Refugees, UNHCR Greece
SDS	12	a	Assessment (AAP)	Who has the burden of proof when determining statelessness (in law and practice)?	<a href="#">UNHCR (2014)</a> : The burden of proof is in principle shared (both applicant and examiner must cooperate to obtain evidence and establish the facts). <a href="#">UNHCR (2016)</a> : SDPs must take into consideration the difficulties inherent in proving statelessness. <a href="#">UNHCR Expert Meeting (2010)</a> : Individuals must cooperate to establish relevant facts. The burden should shift to the State if an individual can demonstrate they are not a national, on the basis of reasonably available evidence. <a href="#">Hoti v. Croatia ECtHR (2018)</a> : State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness.	Statelessness is not determined under any of the procedures, but when identifying statelessness, as a general principle, the burden of proof lies on the person concerned. The competent authorities ask the individual to provide document(s) that prove that they do not have the nationality of their country of origin (or another country) and generally require people to present evidence to support a claim. In the facilitated naturalisation procedure, authorities may use official online sources to examine the claim of statelessness. In two relevant cases, the Greek Ombudsperson has expressed the opinion that the burden of proof in relation to whether an applicant holds another nationality lies with the competent authorities.	Ministry of Interior: Special Secretary for Citizenship Citizenship Directorate: <a href="#">Model Case</a>  <a href="#">Greek Ombudsperson</a> : Case 1 <a href="#">Greek Ombudsperson</a> : Case 2
SDS	12	b		What is the standard of proof? Is it the same as in refugee status determination procedures?	<a href="#">UNHCR (2014)</a> : States are advised to adopt the same standard of proof as in refugee status determination ('reasonable degree'). <a href="#">Inter-Parliamentary Union (2018)</a> The standard of proof should be in keeping with the humanitarian objectives of statelessness status determination and the inherent difficulties of proving statelessness in the likely absence of documentary evidence. <a href="#">Hoti v. Croatia ECtHR (2018)</a> : If statelessness is a relevant factor in the context of access to human rights, the	No information is available as to the standard of proof in procedures for facilitated naturalisation, or acquisition of nationality by stateless Roma. Asylum claims based on statelessness are assessed against the threshold of 'reasonable possibility'.	

# Stateless Determination and Status – 2019

					standard of proof when determining the status of statelessness cannot be too high.		
SDS	12	c		Is there clear guidance for decision makers on how to determine statelessness (including e.g. sources of evidence and procedures for evidence gathering, etc.)?	<a href="#">ENS (2013)</a> : Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances.	No. Where an assessment of statelessness is relevant to a decision under Greek law such as obtaining/renewing an immigration residence permit as a person 'de facto deprived of a national passport' the competent authorities follow disparate and often contradictory practices.	UNHCR Greece
SDS	13	a	Procedural Safeguards (AAP)	Is free legal aid available during the procedure?	<a href="#">UNHCR (2014)</a> : Applicants should have access to legal counsel; where free legal assistance is available, it should be offered to applicants without financial means. <a href="#">ENS (2013)</a> : If state funded legal aid is available, it should be provided to stateless claimants. If there is no state funded legal aid but asylum claimants can access free legal aid free of charge, the same level of access should be provided to stateless people.	Legal aid is not explicitly foreseen for procedures relating to statelessness or acquisition of nationality, though people may access it under the general provisions in Greek law. However, there are practical obstacles, for example: the request must be submitted in writing in Greek and free legal aid is only granted if the legal remedy is not considered manifestly inadmissible or unfounded. A state-funded legal aid scheme is in place for appeals against international protection decisions based on a list of providers managed by the Greek Asylum Service, but capacity is limited.	<a href="#">Law 3226/2004 "Provision of legal aid to low-income citizens and other provisions"</a> , Official Gazette of the Hellenic Republic 24/A/4.2.2004  <a href="#">Code of Administrative Procedure as ratified by Law 2717/1999 (Articles 276 &amp; 276A)</a> & its amendments, Official Gazette of the Hellenic Republic 97/A/17.5.1999  <a href="#">AIDA Country Report: Greece (2018)</a>  <a href="#">Joint Ministerial Decision ouk. 12205 on the provision of legal aid to applicants for international protection</a> , Official Gazette of the Hellenic Republic 2864/B/9.9.2016
SDS	13	b		Is an interview always offered (unless granting without interview)?	<a href="#">UNHCR (2014)</a> : The right to an individual interview [is] essential.	An interview is always foreseen only in international protection procedures.	<a href="#">Law 4375/2016 (Article 52) "Organisation and functioning of the Asylum Service, Appeals Authority, Reception and Identification Service, establishment of General Secretariat for Reception, transposition of Directive 2013/32/EU of the European Parliament and of the Council "on common procedures for</a>



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							<a href="#">granting and withdrawing international protection (recast)” (L 180/29.6.2013), provisions on employment of beneficiaries of international protection” and other provisions</a> & its amendments. Official Gazette of the Hellenic Republic 51/A/03.04.2016
SDS	13	c		Is free interpreting offered for interviews?	<a href="#">UNHCR (2014)</a> : The right to assistance with interpretation/translation [is] essential. <a href="#">ENS (2013)</a> : Assistance should be available for translation and interpretation.	In international protection procedures, the interview is conducted with the assistance of an interpreter free of charge.	<a href="#">Law 4375/2016 (Article 52)</a> “ <a href="#">Organisation and functioning of the Asylum Service, Appeals Authority, Reception and Identification Service, establishment of General Secretariat for Reception, transposition of Directive 2013/32/EU of the European Parliament and of the Council “on common procedures for granting and withdrawing international protection (recast)” (L 180/29.6.2013), provisions on employment of beneficiaries of international protection” and other provisions</a> & its amendments. Official Gazette of the Hellenic Republic 51/A/03.04.2016
SDS	13	d		Are decisions (refusals and grants) given in writing with reasons?	<a href="#">UNHCR (2014)</a> : States are encouraged to incorporate the safeguard that decisions are made in writing with reasons.	Yes, decisions are given in writing with reasons according to general rules of administrative procedure.	<a href="#">Code of the administrative procedure as ratified by law 2690/1999 (Article 26)</a> & its amendments, Official Gazette of the Hellenic Republic 45/A/9.3.1999
SDS	14	a	Stateless Status (AAP)	Does recognition of statelessness result immediately in automatic permission to stay/legal status? If not, please describe any additional requirements.	<a href="#">UNHCR (2014)</a> : The status granted to a stateless person in a State Party must reflect international standards. Although the 1954 Convention does not explicitly require States to grant a person determined to be stateless a right of residence, granting such permission would fulfil the object and purpose of the treaty.	No.	Greek Council for Refugees, UNHCR Greece



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SDS	14	b		How long is initial status granted for and is it renewable?	<a href="#">UNHCR (2014)</a> : It is recommended that States grant recognised stateless people a residence permit valid for at least two years, although longer permits, such as five years, are preferable in the interests of stability. Permits should be renewable.	N/A	
SDS	14	c		What other rights are granted to recognised stateless people (e.g. travel document, work, healthcare, social security, education, housing, family reunion etc.)?	<a href="#">UN Convention Relating to the Status of Stateless Persons, 1954</a> <a href="#">UNHCR (2014)</a> : The status granted to a stateless person in a State Party must reflect international standards.	N/A	
SDS	15	a	Access to nationality (AAP)	In what timeframe do stateless people acquire the right to apply for naturalisation and how does this compare to others with a foreign nationality? Please describe the procedure and note whether this is facilitated for stateless people (e.g. exemption from citizenship/language tests, fee waiver). <b>[Section complete, proceed to DET]</b>	<a href="#">UN Convention Relating to the Status of Stateless Persons, 1954</a> : Article 32 <a href="#">UNHCR (2016)</a> : It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. <a href="#">Council of Europe Committee of Ministers (1999)</a> : Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory. <a href="#">ENS (2013)</a> : The main benchmark is if there is any preferential treatment for stateless people compared to the general rules applied to those with a foreign nationality.	Stateless people acquire the right to apply for naturalisation after three years' legal stay, on the same basis as recognised refugees. 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 (700 EUR).	Acquisition of Greek citizenship: <a href="#">Greek Citizenship Code as ratified by Law 3284/2004</a> & its amendments Official Gazette of the Hellenic Republic 217/A/10.11.2004  <a href="#">Administrative fees</a>

## Detention

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET	1	a	Detention screening	Are immigration detention powers provided for in law? Please provide the legal source(s).	<a href="#">ICCPR</a> Article 9(1) <a href="#">ECHR</a> Article 5 (1)	<p>Yes. Concerning pre-removal detention, Greek law establishes 3 grounds: Third country nationals may be detained if they:</p> <ol style="list-style-type: none"> <li>1) display a risk of absconding;</li> <li>2) avoid or hamper the preparation of the return or removal process;</li> <li>3) present a threat to public order or national security.</li> </ol> <p>In the asylum procedure, Greek law provides that third country nationals must not be detained purely because they applied for international protection and explicitly prohibits the detention of asylum seekers who apply for asylum at liberty. However, Greek law allows for the detention of asylum seekers who apply for international protection while already detained. In this case, detention is allowed for one of the following 5 grounds:</p> <ol style="list-style-type: none"> <li>1) when there is a need to determine the person's identity or nationality;</li> <li>2) when authorities need to determine those elements of the asylum application which could not be otherwise obtained, in particular when there is a risk of absconding;</li> <li>3) when, on the basis of objective criteria, it is ascertained that there are reasonable grounds to believe that</li> </ol>	<p><a href="#">Law 4375/2016 (Article 46) "Organisation and functioning of the Asylum Service, Appeals Authority, Reception and Identification Service, establishment of General Secretariat for Reception, transposition of Directive 2013/32/EU of the European Parliament and of the Council "on common procedures for granting and withdrawing international protection (recast)" (L 180/29.6.2013), provisions on employment of beneficiaries of international protection" and other provisions</a> &amp; its amendments.  Official Gazette of the Hellenic Republic 51/A/03.04.2016</p> <p><a href="#">Law 3907/2011 (Article 30) "on the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of Directive 2008/115/EC "on common standards and procedures in Member States for returning illegally staying third country nationals" and other provisions</a> &amp; its amendments  Official Gazette of the Hellenic Republic 7/A/26.01.2011</p> <p><a href="#">Law 3386/2005 (Article 76) "Entry, Residence and Social Integration of Third Country Nationals on the Greek Territory"</a> &amp; its amendments</p>

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						<p>the individual applied for international protection purely in order to delay or hinder the enforcement of a return decision;</p> <p>4) when the person constitutes a danger to national security or public order;</p> <p>5) when there is a serious risk of the applicant absconding, in order to ensure the enforcement of a transfer according to the EU Dublin III Regulation.</p>	<p>Official Gazette of the Hellenic Republic 212/A/23.08.2005</p>
DET	1	b		Does domestic law allow immigration detention for purposes other than those listed under ECHR 5(1)(f)?	<a href="#">ECHR</a> Article 5(1)(f)	No.	<p><a href="#">Law 4375/2016 (Article 46) "Organisation and functioning of the Asylum Service, Appeals Authority, Reception and Identification Service, establishment of General Secretariat for Reception, transposition of Directive 2013/32/EU of the European Parliament and of the Council "on common procedures for granting and withdrawing international protection (recast)" (L 180/29.6.2013), provisions on employment of beneficiaries of international protection" and other provisions</a> &amp; its amendments.</p> <p>Official Gazette of the Hellenic Republic 51/A/03.04.2016</p> <p><a href="#">Law 3907/2011 (Article 30) "on the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of Directive 2008/115/EC "on common standards and procedures in Member States for returning illegally staying</a></p>

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							<a href="#">third country nationals" and other provisions</a> & its amendments. Official Gazette of the Hellenic Republic 7/A/26-01-2011  <a href="#">Law 3386/2005 (Article 76) "Entry, Residence and Social Integration of Third Country Nationals on the Greek Territory"</a> & its amendments Official Gazette of the Hellenic Republic 212/A/23.08.2005
DET	1	c		<p>Does a proposed country of removal need to be identified before a person is detained for removal? Please describe the situation in law and in practice.</p>	<p><a href="#">ICCPR</a> Article 7: Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment.  <a href="#">Auad v Bulgaria ECtHR (2011)</a>: The only issue is whether the authorities were sufficiently diligent in their efforts to deport the applicant.  <a href="#">EU Returns Directive</a>: Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.</p>	<p>No. An individual assessment mechanism to determine the necessity, proportionality and reasonableness of detention in each individual case is not consistently applied in Greece.</p>	<p><a href="#">Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 19 April 2018</a></p> <p><a href="#">UN Human Rights Council, Reports of the Special Rapporteur on the human rights of migrants on his mission to Greece, 24 April 2017</a></p> <p><a href="#">Asylum Information Database. Country Report: Greece</a></p>
DET	1	d		<p>Is statelessness juridically relevant in decisions to detain? Please describe how (risk of) statelessness is identified and whether referral to an SDP is possible from detention.</p>	<p><a href="#">Auad v Bulgaria ECtHR (2011)</a>  <a href="#">Mikolenko v. Estonia ECtHR (2009)</a>: Detention may only be justified as long as deportation proceedings are being conducted with due diligence.  <a href="#">UNHCR (2014)</a>: Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary.  <a href="#">Equal Rights Trust (2012)</a>: States must identify stateless persons within their territory or subject to their jurisdiction as</p>	<p>No (see Q. DET 1c). In Greece there is no SDP currently in place.</p>	<p>See Q. DET 1c</p>

# Detention – 2019

					a first step towards ensuring the protection of their human rights. <a href="#">International Commission of Jurists (2014)</a> : The detention of stateless persons can never be justified when there is no active or realistic progress towards transfer to another State.		
DET	1	e		Are stateless people detained in practice?		Yes. See Q. POP 2a	Information provided by the Directorate of the Hellenic Police to Greek Council for Refugees (29/01/2019)  <a href="#">Greek Council for Refugees: The administrative detention in Greece. Findings from the field.</a>
DET	1	f		Does law (and/or policy) provide that immigration detention should be used only as a last resort, after all alternatives have been exhausted in each individual case?	<a href="#">UNHCR (2014)</a> : Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient. <a href="#">EU Returns Directive</a> : Article 15(1)	Yes. Law requires authorities to examine and apply alternatives to detention before resorting to detention. A non-exhaustive list of alternatives to detention is provided by national legislation, both for third-country nationals under removal procedures and asylum seekers. However, alternatives to detention are neither examined nor applied in practice.	<a href="#">Law 4375/2016 [Article 46 (2)] "Organisation and functioning of the Asylum Service, Appeals Authority, Reception and Identification Service, establishment of General Secretariat for Reception, transposition of Directive 2013/32/EU of the European Parliament and of the Council "on common procedures for granting and withdrawing international protection (recast)" (L 180/29.6.2013), provisions on employment of beneficiaries of international protection" and other provisions</a> & its amendments. Official Gazette of the Hellenic Republic 51/A/03.04.2016  <a href="#">Law 3907/2011 (Articles 30 &amp; 22) "on the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of</a>

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							<a href="#">Directive 2008/115/EC "on common standards and procedures in Member States for returning illegally staying third country nationals" and other provisions</a> & its amendments. Official Gazette of the Hellenic Republic 7/A/26-01-2011
DET	1	g		Are individual vulnerability assessments carried out before a decision to detain (or soon after)? Please note whether statelessness is considered to be a factor increasing vulnerability.	<a href="#">ENS (2015)</a> : Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed. <a href="#">EU Returns Directive</a> : Article 16(3) <a href="#">EU Returns Handbook (2017)</a> : Attention should be paid to the specific situation of stateless persons. <a href="#">Council of the European Union (2013)</a> : European entities should assess the situation of LGBTI persons in detention.	No (see Q. DET 1c). An individual assessment mechanism to determine the necessity, proportionality and reasonableness of detention in each individual case is not consistently applied in Greece. Therefore, an individual vulnerability assessment is not carried out before a decision to detain.	<a href="#">Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 19 April 2018</a>  <a href="#">UN Human Rights Council, Reports of the Special Rapporteur on the human rights of migrants on his mission to Greece, 24 April 2017</a>  <a href="#">Asylum Information Database. Country Report: Greece</a>
DET	2	a	Alternatives to immigration detention	Are alternatives to detention established in law and considered prior to any decision to detain?	<a href="#">ICCPR Article 9</a> <a href="#">FKAG v Australia HRC (2013)</a> : Any decision relating to detention must consider less invasive means of achieving the same ends. <a href="#">UN General Assembly (2009)</a> : Calls upon all States to adopt alternative measures to detention. <a href="#">UNHCR (2014)</a> : Detention can only be justified where other less invasive or coercive measures have been considered and found insufficient. <a href="#">Human Rights Council (2012)</a> : The obligation to always consider alternatives	A non-exhaustive list of alternatives to detention is provided by national legislation, both for third-country nationals under removal procedures and asylum seekers. Regular reporting to the authorities and an obligation to reside at a specific area are included on this list. The possibility of a financial guarantee as an alternative to detention is also foreseen in the law, provided that a Joint Decision of the Minister of Finance and the Minister of Public Order will be issued with regard to the determination of the amount of such financial	<a href="#">Law 3907/2011 [Articles 22(3) &amp; 30(1)] "on the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of Directive 2008/115/EC "on common standards and procedures in Member States for returning illegally staying third country nationals" and other provisions</a> & its amendments. Official Gazette of the Hellenic Republic 7/A/26-01-2011  <a href="#">Report to the Greek Government on the visit to Greece carried out by the</a>

					<p>before resorting to detention should be established by law.</p> <p><a href="#">EU Returns Directive</a>: Article 15(1)</p> <p><a href="#">Equal Rights Trust (2012)</a>: States have an obligation to consider and apply appropriate and viable alternatives to immigration detention that are less coercive and intrusive.</p> <p><a href="#">International Detention Coalition (2015)</a> : Immigration detention should be used only as a last resort in exceptional cases after all other options have been shown to be inadequate in the individual case.</p>	<p>guarantee. This has never been applied. Alternatives to detention are very rarely applied in practice.</p>	<p><a href="#">European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 19 April 2018</a></p> <p><a href="#">Greek Council for Refugees (2015): Applying the alternatives to detention in Greece</a></p> <p><a href="#">Asylum information Database: Alternatives to detention: Greece</a></p> <p><a href="#">UN Human Rights Council, Report of the Special Rapporteur on the human rights of migrants on his mission to Greece, 24 April 2017</a></p> <p><a href="#">Greek Ombudsman (2017): Migration flows and refugee protection – administrative challenges and human rights - Special Report 2017</a></p>
DET	2	b		Is there evidence that immigration detention is used in practice prior to all alternatives being considered?	As above.	Yes (see Q. DET 2a).	See Q. DET 2a
DET	3	a	Procedural safeguards	Is there a maximum time period for immigration detention set in law? What is it?	<p><a href="#">UN Human Rights Council (2010)</a> : A maximum period of detention must be established by law and upon expiry the detainee must be automatically released.</p> <p><a href="#">UNHCR (2012)</a> : To guard against arbitrariness, maximum periods of detention should be set in national law.</p> <p><a href="#">EU Returns Directive</a>: Article 15(5)</p>	<p>Yes. According to Law 3907/2011 (transportation into Greek legislation of Directive 2008/115/EC) the initial period of detention is up to 6 months. This period can be extended by up to 18 months if despite all reasonable efforts employed by authorities, return proceedings last longer due to a lack of cooperation of the detainee</p>	<p><a href="#">Law 4375/2016 (Article 46) "Organisation and functioning of the Asylum Service, Appeals Authority, Reception and Identification Service, establishment of General Secretariat for Reception, transposition of Directive 2013/32/EU of the European Parliament and of the Council "on common procedures for granting and</a></p>

					<p><a href="#">Equal Rights Trust (2012)</a> : Detention should always be for the shortest time possible.</p>	<p>or due to delays in obtaining the necessary documents from destination countries.</p> <p>When a foreign national applies for asylum while they are already in detention for the purpose of deportation or return, they can be deprived of their liberty for a period of 45 days. This period can be prolonged for up to 3 months.</p>	<p><a href="#">withdrawing international protection (recast)” (L 180/29.6.2013), provisions on employment of beneficiaries of international protection” and other provisions</a> &amp; its amendments. Official Gazette of the Hellenic Republic 51/A/03.04.2016</p> <p><a href="#">Law 3907/2011 (Article 30) “on the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of Directive 2008/115/EC "on common standards and procedures in Member States for returning illegally staying third country nationals" and other provisions</a> &amp; its amendments. Official Gazette of the Hellenic Republic 7/A/26-01-2011</p> <p><a href="#">Law 3386/2005 (Article 76) “Entry, Residence and Social Integration of Third Country Nationals on the Greek Territory” &amp; its amendments</a> Official Gazette of the Hellenic Republic 212/A/23.08.2005</p>
DET	3	b		Does law/policy provide that individuals must be informed in writing of the reasons for their immigration detention?	<p><a href="#">UN General Assembly (1988)</a> : Anyone who is arrested shall be informed at the time of the reason for his arrest.</p> <p><a href="#">EU Returns Directive</a>: Detention shall be ordered in writing with reasons being given in fact and in law.</p> <p><a href="#">Equal Rights Trust (2012)</a> : Stateless detainees shall receive their order of detention in writing and in a language they understand.</p>	<p>Yes. According to the law the decision that orders detention must contain a factual and legal justification and it is issued in writing. The detainee must be informed in a language they understand, about the reasons for their detention.</p>	<p><a href="#">Law 3907/2011 (Article 30) “on the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of Directive 2008/115/EC "on common standards and procedures in Member States for returning illegally staying third country nationals" and other provisions</a> &amp; its amendments. Official Gazette of the Hellenic Republic 7/A/26-01-2011</p>



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					<a href="#">International Commission of Jurists (2014)</a> : The authorities shall ensure that sufficient information is available to detained persons in a language they understand on the nature of their detention and reasons for it.		<a href="#">Law 3386/2005 (Article 76) “Entry, Residence and Social Integration of Third Country Nationals on the Greek Territory”</a> & its amendments Official Gazette of the Hellenic Republic 212/A/23.08.2005  <a href="#">Law 4375/2016 (Article 46) “Organisation and functioning of the Asylum Service, Appeals Authority, Reception and Identification Service, establishment of General Secretariat for Reception, transposition of Directive 2013/32/EU of the European Parliament and of the Council “on common procedures for granting and withdrawing international protection (recast)” (L 180/29.6.2013), provisions on employment of beneficiaries of international protection” and other provisions</a> & its amendments. Official Gazette of the Hellenic Republic 51/A/03.04.2016
DET	3	c		Are detainees provided with information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP?	<a href="#">Equal Rights Trust (2012)</a> : Detaining authorities are urged to provide stateless detainees with a handbook in a language and terms they understand, containing information on all their rights and entitlements, contact details of organisations which are mandated to protect them, NGOs and visiting groups and advice on how to challenge the legality of their detention and their treatment as detainees.	The authorities must facilitate communication with the detainee’s lawyer. In practice, there are problems concerning the information on the rights of the detainees and the provision of legal advice for issues related to detention is generally inadequate. In Greece there is no SDP currently in place.	<a href="#">Asylum Information Database. Country Report: Greece</a>  <a href="#">Human Rights Council, Report of the Special Rapporteur on the human rights of migrants on his mission to Greece, 24 April 2017</a>  <a href="#">Greek Ombudsman (2017): Migration flows and refugee protection –</a>

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							<a href="#">administrative challenges and human rights - Special Report 2017</a>  <a href="#">Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 19 April 2018</a>
DET	3	d	Are there regular periodic reviews of detention before a court or independent body, which can order release?	<a href="#">Kim v Russia ECtHR (2014)</a> : The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure. <a href="#">Equal Rights Trust (ERT) (2012)</a> : To avoid arbitrariness, detention should be subject to automatic, regular and periodic review throughout the period of detention, before a judicial body independent of the detaining authorities.	According to the law the necessity for the continuation of detention must be reviewed by the institution that issued the detention order every 3 months. In the event of an extension of the duration of the detention, the relevant decisions shall be forwarded to the Administrative Court which considers the legality of the prolongation of the detention.  Detainees are not released even when it becomes evident that their removal will not be possible due to the fact that an effective assessment mechanism to determine the necessity, proportionality and reasonableness of detention in each individual case is not consistently applied in Greece.	<a href="#">Law 3907/2011 (Article 30) “on the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of Directive 2008/115/EC "on common standards and procedures in Member States for returning illegally staying third country nationals" and other provisions</a> & its amendments. Official Gazette of the Hellenic Republic 7/A/26-01-2011  <a href="#">Law 3386/2005 (Article 76) “Entry, Residence and Social Integration of Third Country Nationals on the Greek Territory”</a> & its amendments Official Gazette of the Hellenic Republic 212/A/23.08.2005  <a href="#">Law 4375/2016 (Article 46) “Organisation and functioning of the Asylum Service, Appeals Authority, Reception and Identification Service, establishment of General Secretariat for Reception, transposition of Directive 2013/32/EU of the European Parliament and of the Council “on common procedures for granting and</a>	

							<a href="#">withdrawing international protection (recast)” (L 180/29.6.2013), provisions on employment of beneficiaries of international protection” and other provisions</a> & its amendments. Official Gazette of the Hellenic Republic 51/A/03.04.2016  <a href="#">Report to the Greek Government on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 19 April 2018</a>  <a href="#">UN Human Rights Council, Reports of the Special Rapporteur on the human rights of migrants on his mission to Greece, 24 April 2017</a>  <a href="#">Asylum Information Database. Country Report: Greece</a>
DET	3	e		<p>What remedies are available to challenge detention? Please any obstacles to accessing effective remedies in practice.</p>	<a href="#">ICCPR Article 9(4)</a> <a href="#">ECHR: Article 5(4)</a> <a href="#">Kim v Russia ECtHR (2014)</a> : The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure. <a href="#">Alimuradov v. Russia ECtHR (2019)</a> : The individual must have at their disposal a procedure for judicial review of the lawfulness of detention capable of leading to release.	<p>Detainees may challenge detention through Objections against detention. Objections against detention are not examined by a court composition but solely by the President of the Administrative Court whose decision is not appealable.</p> <p>However, in practice the ability of detained persons to challenge their detention is severely restricted by the fact that detainees are often unaware of their legal status and their rights. The main obstacle is the lack of interpreters and translation of the</p>	<a href="#">Law 3907/2011 (Article 30) “on the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of Directive 2008/115/EC “on common standards and procedures in Member States for returning illegally staying third country nationals” and other provisions</a> & its amendments. Official Gazette of the Hellenic Republic 7/A/26-01-2011  <a href="#">Law 3386/2005 (Article 76) “Entry, Residence and Social Integration of</a>

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						administrative decisions in a language they understand and the lack of free legal assistance.	<a href="#">Third Country Nationals on the Greek Territory</a> & its amendments Official Gazette of the Hellenic Republic 212/A/23.08.2005  <a href="#">Law 4375/2016 (Article 46)</a> <a href="#">“Organisation and functioning of the Asylum Service, Appeals Authority, Reception and Identification Service, establishment of General Secretariat for Reception, transposition of Directive 2013/32/EU of the European Parliament and of the Council “on common procedures for granting and withdrawing international protection (recast)” (L 180/29.6.2013), provisions on employment of beneficiaries of international protection” and other provisions</a> & its amendments. Official Gazette of the Hellenic Republic 51/A/03.04.2016  <a href="#">Asylum Information Database. Country Report: Greece</a>  <a href="#">UN Human Rights Council, Reports of the Special Rapporteur on the human rights of migrants on his mission to Greece, 24 April 2017</a>  <a href="#">Greek Council for Refugees: The administrative detention in Greece. Findings from the field (2018).</a>
DET	3	f		Are there guidelines in place governing the process of re-documentation and	<a href="#">Equal Rights Trust (2012)</a> : The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation.	There is no available information.	

				ascertaining entitlement to nationality for the purpose of removal?	<a href="#">ENS (2015)</a> : The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality.		
DET	3	g		Is free legal aid available to challenge detention? Please describe any barriers to accessing legal aid in practice.	<a href="#">UNHCR (2014)</a> : Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means. <a href="#">EU Returns Directive</a> : Article 13(3)	According to the law, detainees who are applicants for international protection shall be entitled to free legal assistance and representation to challenge the detention order. In practice no free legal aid is available for asylum seekers to challenge detention. Legal aid may only be requested under the general provisions of Greek law. These provisions cannot be accessed easily by asylum seekers due to a number of obstacles (e.g. the request for legal aid is submitted by an application written in Greek; free legal aid is granted only if the legal remedy for which the legal assistance is requested is not considered “manifestly inadmissible” or “manifestly unfounded”).	<a href="#">Law 4375/2016 [Article 46(7)]</a> <a href="#">“Organisation and functioning of the Asylum Service, Appeals Authority, Reception and Identification Service, establishment of General Secretariat for Reception, transposition of Directive 2013/32/EU of the European Parliament and of the Council “on common procedures for granting and withdrawing international protection (recast)” (L 180/29.6.2013), provisions on employment of beneficiaries of international protection” and other provisions</a> & its amendments. Official Gazette of the Hellenic Republic 51/A/03.04.2016  <a href="#">Law 3226/2004 “Provision of legal aid to low-income citizens and other provisions”</a> Official Gazette of the Hellenic Republic 24/A/4.2.2004  <a href="#">Code of Administrative Procedure as ratified by Law 2717/1999 (Articles 276 &amp; 276A)</a> & its amendments Official Gazette of the Hellenic Republic 97/A/17.5.1999  <a href="#">AIDA Country Report: Greece (2018)</a>
DET	4	a	Protections on release	Are people released from detention issued with	<a href="#">UN Convention Relating to the Status of Stateless Persons, 1954</a> : Article 27	People released from detention are not issued with any identification, nor confirmation of their stateless status.	Greek Council for Refugees’ Legal Unit

				<p>identification documents (including confirmation of their stateless status) and protected from re-detention?</p>	<p><a href="#">UNHCR (2014)</a> : Being undocumented cannot be used as a general justification for detention.</p> <p><a href="#">ENS (2015)</a> : State parties to the 1954 Convention have an obligation to provide stay rights to stateless people who have been released from detention.</p> <p><a href="#">Equal Rights Trust (2012)</a>: Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>	<p>If the person has not applied for asylum in detention and they are released there are different types of documents that they may be issued:</p> <ul style="list-style-type: none"> <li>• A decision postponing removal;</li> <li>• An administrative note ordering voluntary departure;</li> <li>• An administrative note stating the remedy (Objection against detention) has been accepted and the judge has decided to release them</li> </ul> <p>If the person is an asylum seeker or has expressed a wish to register an application for international protection, they leave detention with a decision that grants them international protection; or an administrative note ordering their appearance before the Asylum Service within 10 days. No confirmation of their stateless status is issued.</p>	
DET	4	b		<p>If the purpose of detention cannot be fulfilled and the person is released, what legal status and rights are provided to them in law?</p>	<p><a href="#">Saïd Shamilovich Kadzoev v Direktsia Migratsia' pri Ministerstvo na vatreshnite raboti ECJ (2009)</a>: After the maximum period of detention has expired, the person must be released immediately. A lack of valid documentation or inability to support themselves should not be a deterrent to release.</p> <p><a href="#">Equal Rights Trust (2012)</a>: Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>	<p>If the person is released without having applied for asylum, they are protected from re-detention for a specific time period (max. 6 months) but do not have the right to social security, accommodation, education and healthcare, or work. However, Law 4368/2016 provides free access to public health services and pharmaceutical treatment for people without social insurance who are considered vulnerable. Concerning minors (under 18 years old) from third countries, they can enrol in public schools even without supporting</p>	<p>Greek Council for Refugees' Legal Unit &amp; Social Unit</p> <p><a href="#">Headquarters of the Hellenic Police: Circular no. 1604/15/14234412 "Application of the provisions of Law 4332/2015 "Modification of provisions of Greek citizenship etc. "" (10.08.2018)</a></p> <p><a href="#">Headquarters of the Hellenic Police Force: Circular no. 1604/16/1195968 "Management of irregular aliens in Reception and Identification Centers - Asylum Procedures - Implementation</a></p>

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						<p>documents and they have the right to accommodation even if they have not applied for international protection. Additionally, holders of Decisions Postponing their Return have a temporary right to stay (Article 24 of Law 3907/2011) as well as the right to be accommodated in public facilities and have their basic needs covered by competent authorities. If those authorities are unable to deliver on this responsibility, then the right of employment as salaried workers is granted through the issuance of a Presidential Decree (Art 37 (5) of Law 3907/2011). This Presidential Decree has not yet been issued.</p>	<p><a href="#">of the EU-Turkey Joint Declaration of 18 March 2016 (Readmission in Turkey" (18.06.2016)</a></p> <p><a href="#">Law 3907/2011 (Articles 24 &amp; 37) "on the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of Directive 2008/115/EC "on common standards and procedures in Member States for returning illegally staying third country nationals" and other provisions &amp; its amendments. Official Gazette of the Hellenic Republic 7/A/26-01-2011</a></p> <p><a href="#">Law 4368/2016 (Article 33) "Measures to speed up government work and other provisions" Official Gazette of the Hellenic Republic A 21/A/21.2.2016</a></p>
DET	4	c		If re-detention occurs, is the cumulative time spent in detention counted towards any maximum time limits?	<p><a href="#">Equal Rights Trust (2012)</a>: When calculating the total time spent by an individual in detention, it is highly desirable that time spent in detention on previous occasions is taken into consideration.</p>	<p>No, there is no such provision in the law. The clock starts counting from scratch in case of re-detention.</p>	<p><a href="#">Law 3907/2011 (Article 30) "on the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of Directive 2008/115/EC "on common standards and procedures in Member States for returning illegally staying third country nationals" and other provisions &amp; its amendments. Official Gazette of the Hellenic Republic 7/A/26-01-2011</a></p> <p><a href="#">Law 3386/2005 (Article 72) "Entry, Residence and Social Integration of</a></p>

							<a href="#">Third Country Nationals on the Greek Territory</a> ” & its amendments Official Gazette of the Hellenic Republic 212/A/23.08.2005
DET	5	a	Return & readmission agreements	Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements?	<a href="#">UNHCR (2014)</a> : Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness.	<p>The Greek state has signed and ratified more than 15 bilateral readmission agreements. In terms of how statelessness is considered, the agreements can be divided as follows:</p> <p>a) those that do not expressly provide for stateless persons; therefore, statelessness is not a juridically relevant fact (at least five).</p> <p>b) those that disjunctively use the terms “stateless persons”/“third country nationals”, without differentiating between them or containing specific provisions for stateless persons (at least three).</p> <p>c) at least two agreements specifically provide that stateless persons can be readmitted only if they entered the applicant state using a travel document issued by the state requested to readmit them, which enables them to travel back even after its expiration.</p> <p>d) the remaining agreements expressly exclude from readmission procedures those persons that have been recognised as stateless by the applicant state, according to the New York Convention of 1954.</p> <p>It should be noted that, for the purposes of readmission, the nationality of a person may be</p>	<p>Laws of the Greek state, ratifying bilateral readmission agreements (the other contracting state is indicated in parentheses):</p> <p><a href="#">Law 3547/2007 (Bosnia-Herzegovina)</a> Official Gazette of the Hellenic Republic 67/A/20.3.2007</p> <p><a href="#">Law 2406/1996 (Bulgaria)</a> Official Gazette of the Hellenic Republic 102/A/04.06.1996</p> <p><a href="#">Law 2917/2001 (France)</a> Official Gazette of the Hellenic Republic 115/A/11.6.2001</p> <p><a href="#">Law 3726/2008 (Switzerland)</a> Official Gazette of the Hellenic Republic 256/A/17.12.2008</p> <p><a href="#">Law 2857/2000 (Italy)</a> Official Gazette of the Hellenic Republic 246/A/7.11.2000</p> <p><a href="#">Law 2350/1995 (Croatia)</a> <a href="#">Official Gazette of the Hellenic Republic</a></p>



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						<p>presumed based on a number of documents (other than ID or travel documents) and, in case of doubt, an interview may take place.</p>	<p><a href="#">225/A/01.11.1995</a></p> <p><a href="#">Law 2911/2001 (Lithuania)</a> Official Gazette of the Hellenic Republic 93/A/9.5.2001</p> <p><a href="#">Law 2861/2001 (Latvia)</a> <a href="#">Official Gazette of the Hellenic Republic</a> <a href="#">255/A/16.11.2000</a></p> <p><a href="#">Law 3321/2005 (Hungary)</a> Official Gazette of the Hellenic Republic 53/A/01.03.2005</p> <p><a href="#">Law 2384/1996 (Poland)</a> Official Gazette of the Hellenic Republic 41/A/7.3.1996</p> <p><a href="#">Law No. 2301/1995 (Romania)</a> Official Gazette of the Hellenic Republic 70/A/12.4.1995</p> <p><a href="#">Law 4466/2017 (Russia)</a> Official Gazette of the Hellenic Republic 55/A/12.04.2017</p> <p><a href="#">Law 3125/2003 (Malta)</a> Official Gazette of the Hellenic Republic 63/A/14.3.2003</p> <p><a href="#">Law 2353/1995 (Slovenia)</a></p>
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							<p>Official Gazette of the Hellenic Republic 229/A/6.11.1995</p> <p><a href="#">Law 2926/2001 (Turkey)</a> Official Gazette of the Hellenic Republic 139/A/27.06.2001 &amp; <a href="#">Law 3030/2002 (Turkey)</a> Official Gazette of the Hellenic Republic 163/A/15.07.2002</p>
DET	5	b		Are you aware of cases of cases of stateless people being returned under such agreements?		Yes, stateless persons have been returned to Turkey in the context of implementation of the EU Turkey Statement (18 March 2016).	UNHCR Greece

## Prevention and Reduction

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
PRS	1	a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to be granted nationality? <b>[If yes, continue to PRS1b. If no, proceed to PRS1h]</b>	<p><a href="#">UN Convention on the Reduction of Statelessness, 1961</a>: Article 1</p> <p><a href="#">European Convention on Nationality, 1997</a>: Article 2</p> <p><a href="#">Convention on the Rights of the Child 1989</a>: Article 7</p> <p><a href="#">Committee on the Rights of Migrant Workers and Members of their Families &amp; Committee on the Rights of the Child (2017)</a>: States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless.</p> <p><a href="#">European Parliament (2018)</a>: The EU and its MS should ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 CRC.</p>	<p>Yes. According to the Greek Citizenship Code, Greek nationality is acquired upon birth in Greece if:</p> <ul style="list-style-type: none"> <li>One of the parents was born in Greece and has been permanently domiciled in the Country since their birth. This refers mainly to third generation immigrants, who have been fully integrated into Greek society and whose legal situation is similar to stateless people [Article 1(2) (a)];</li> <li>The child does not acquire a foreign nationality by birth nor can a nationality be acquired by the child by way of a relevant declaration by the parents to the relevant foreign authorities, whenever the law of the state of the parents' nationality requires such a declaration. This provision is a subsidiary adoption of the "jus soli" principle in Greek nationality law. It applies in cases where it is impossible for the child to acquire the nationality of their parents on grounds of national law of the parents' countries of origin [Article 1(2) (b)];</li> <li>The nationality of the child is unknown, in the event that the failure to ascertain any foreign nationality to be acquired by birth is not due to their parents' refusal</li> </ul>	<p><a href="#">Greek Citizenship Code as ratified by Law 3284/2004 (Article 1 (2) (a-c) &amp; its amendments</a></p> <p>Official Gazette of the Hellenic Republic 217/A/10.11.2004</p> <p><a href="#">Ministry of Interior: Citizenship Directorate, Circular No 8, «Amendment of Greek Citizenship Code» (28/5/2010)</a></p>

						to cooperate. This concerns children whose nationality cannot be determined, despite the authorities' efforts. Most likely, they will be children of unknown parents (e.g. foundlings). It may apply in cases of children whose parents are known but are of unspecified nationality because, for example, they are not found or have died or, for objective reasons, cannot assist the Greek authorities in verifying their nationality [Article 1(2) (c)].	
PRS	1	b		Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?	<p><a href="#">UNHCR (2012)</a>: The 1961 Convention provides Contracting States with two alternatives for granting nationality to otherwise stateless children born in their territory: either automatic acquisition upon birth or upon application.</p> <p><a href="#">ENS (2015)</a>: The 1961 Convention and the ECN oblige the conferral of nationality to otherwise stateless children born on the territory. The optimal method is to grant nationality automatically at birth.</p>	In all the above cases, it is automatic, although, the person must submit an application and the necessary documents. The decision that accepts the application identifies the nationality and is not a formative action. The time of acquisition of Greek nationality starts from the child's birth.	<p><a href="#">Greek Citizenship Code as ratified by Law 3284/2004 (Article 1)</a> &amp; its amendments</p> <p>Official Gazette of the Hellenic Republic</p> <p>217/A/10.11.2004</p> <p><a href="#">Ministry of Interior: Citizenship Directorate, Circular No 8, 28/5/2010 «Amendment of Greek Citizenship Code»</a></p>
PRS	1	c		Is it a requirement that the parents are also stateless for the otherwise stateless child to acquire nationality?	<p><a href="#">UNHCR (2012)</a>: The test is not an inquiry into whether a child's parents are stateless.</p> <p><a href="#">ENS (2015)</a>: Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the parents hold a nationality but are unable to pass this on.</p>	No (see Q. PRS 1a.	See Q. PRS 1a
PRS	1	d		Are stateless children required to prove they cannot access another nationality to acquire the	<a href="#">UNHCR (2012)</a> : A Contracting State cannot avoid the obligations to grant its nationality to a person who would otherwise be stateless based on its own interpretation of another State's nationality laws. The burden of proof	There is no central guidance on how to prove that the child does not acquire another nationality at birth. The general rule in Greek administration is	UNHCR Greece

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				nationality of the country of birth? If yes, please describe how this is determined in practice.	must be shared between the claimant and the authorities. Decision-makers must consider Articles 3 & 7 CRC and adopt an appropriate standard of proof. Special procedural considerations to address the acute challenges faced by children in communicating basic facts about their nationality should be respected.	that the applicant has to substantiate their claim before the administration. Different and often contradictory practices are followed by the competent Greek authorities on this issue.	
PRS	1	e		Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality? If yes, please specify length and if this must be legal residence.	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a> : Article 1(2) <a href="#">UNHCR (2012)</a> : States may stipulate that an otherwise stateless individual born in its territory fulfils a period of 'habitual residence' (understood as stable, factual residence, not legal or formal residence) not exceeding five years preceding an application nor ten years in all. <a href="#">Convention on the Rights of the Child, 1989</a> : Articles 3 & 7 <a href="#">Committee on the Rights of the Child (2015)</a> : Recommends the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to citizenship without any conditions. <a href="#">European Convention on Nationality, 1997</a> : Article 6(2)(b)	No. The law does not provide for such a period of residence.	<a href="#">Greek Citizenship Code as ratified by Law 3284/2004 (Article 1)</a> & its amendments, Official Gazette of the Hellenic Republic 217/A/10.11.2004
PRS	1	f		Are the parents of a stateless child required to fulfil a period of residence for the child to be granted nationality? If yes, please specify length and if this must be legal residence.	<a href="#">Committee on the Rights of the Child (2011)</a> : The outcome of an application by the parents of a child born on the territory should not prejudice the right of the child to acquire the nationality of the State. <a href="#">ENS (2015)</a> : Demanding that the child or their parents reside lawfully on the territory is prohibited by the 1961 Convention.	No.	<a href="#">Greek Citizenship Code as ratified by Law 3284/2004</a> & its amendments (Article 1), Official Gazette of the Hellenic Republic 217/A/10.11.2004

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PRS	1	g		What are the age limits (if any) for making an application for nationality for a stateless person born on the territory?	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a> : Article 1(2) <a href="#">UNHCR (2012)</a> : Contracting States need to accept applications lodged at a time beginning not later than the age of 18 and ending not earlier than the age of 21. <a href="#">ENS (2015)</a> : Closing the window of opportunity to apply for a nationality has the effect of leaving it in the hands of parents to take the necessary steps to secure a nationality for their child.	There are no age limits.	<a href="#">Greek Citizenship Code as ratified by Law 3284/2004 (Article 1)</a> & its amendments, Official Gazette of the Hellenic Republic 217/A/10.11.2004
PRS	1	h		Are there specific provisions to protect the right to a nationality of children born to refugees?	<a href="#">UNHCR (2012)</a> : Where the nationality of the parents can be acquired through a registration or other procedure, this will be impossible owing to the very nature of refugee status which precludes refugee parents from contacting their consular authorities.	No.	<a href="#">Greek Citizenship Code as ratified by Law 3284/2004</a> & its amendments, Official Gazette of the Hellenic Republic 217/A/10.11.2004
PRS	2	a	Foundlings	Are foundlings granted citizenship automatically by law? If not automatic, please describe the procedure.	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a> : Article 2 <a href="#">European Convention on Nationality, 1997</a> : Article 6(1)(b)	According to Article 1(2)(c) of the Greek Citizenship Law, Greek nationality is acquired upon the birth of a child in Greece in the event that the child is of unknown nationality, in the event that the failure to ascertain any foreign nationality to be acquired by birth is not due to the parents' refusal to cooperate. This applies in the case of foundlings. There is no exact information about the necessary documents. The applicant (or their legal representative) should provide all available documents. It is certain that the competent authorities will try to find out whether the parents are registered and the child will not acquire Greek nationality until the authorities are quite certain that the	<a href="#">Greek Citizenship Code as ratified by Law 3284/2004</a> & its amendments (Article 1), Official Gazette of the Hellenic Republic 217/A/10.11.2004  Ministry of Interior: Special Secretary for Citizenship <a href="#">Citizenship Directorate: Model Case</a>

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						child's parents will not appear. It is unknown how long this wait will last, maybe some years.	
PRS	2	b		Is there an age limit (e.g. 'new-born' or 'infant') in law or practice specifying when a foundling would qualify for citizenship?	<a href="#">UNHCR (2012)</a> : At a minimum, the safeguard should apply to all young children who are not yet able to communicate information about the identity of their parents or their place of birth.	No, there is no age limit. Every case is examined on an ad hoc basis.	<a href="#">Greek Citizenship Code as ratified by Law 3284/2004</a> & its amendments (Article 1), Official Gazette of the Hellenic Republic 217/A/10.11.2004
PRS	2	c		Can citizenship be withdrawn from foundlings if this leads to statelessness?	<a href="#">UNHCR (2012)</a> : Nationality acquired by foundlings may only be lost if it is proven that the child possesses another nationality.	There is no specific provision in law, but this is not likely, especially if there is no fraudulent conduct. Generally, according to jurisprudence, the revocation of an administrative act after the expiry of a reasonable period it is not allowed, unless there are reasons of public interest or fraudulent conduct of the person. The Greek Ombudsperson, in a document concerning a specific case, mentions the expressed opinion of the Ministry of Interior, according to which the subsequent acquisition of a foreign nationality does not influence the acquisition of Greek nationality by a stateless person born in Greece.	Ministry of Interior: Special Secretary for Citizenship  <a href="#">Indicative jurisprudence: Council of State, Case 2616/2012</a> <a href="#">Greek Ombudsman: Relative Case</a>

PRS	3	a	Adoption	Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is acquired?	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a> : Article 5 <a href="#">ENS (2015)</a> : Children may be exposed to a (temporary) risk of statelessness during the adoption process due to the nationality law of the child's country of origin.	A Greek national who was adopted by a foreigner before the completion of the 18th year of age can lose their Greek nationality at the request of the adopter provided they acquire the nationality of their parent. The Minister of the Interior decides on the application after taking into account the opinion of the Citizenship Council and assessing the special circumstances of the case.	<a href="#">Greek Citizenship Code as ratified by Law 3284/2004</a> (Article 20) & its amendments, Official Gazette of the Hellenic Republic 217/A/10.11.2004
PRS	3	b		Does a foreign child adopted by national parents acquire nationality? Please specify any age limits and/or risk of statelessness during the adoption process.	<a href="#">European Convention on Nationality, 1997</a> : Article 6(4)(d) <a href="#">Committee on the Rights of the Child (2015)</a> : Ensure that the child is not stateless or discriminated against during the waiting period between arrival and formal adoption.	Yes. A foreigner adopted by a Greek national before the completion of the 18th year of age becomes Greek from the day of the adoption. There doesn't seem to be any risk of statelessness during the adoption process.	<a href="#">Greek Citizenship Code as ratified by Law 3284/2004</a> (Article 3) & its amendments, Official Gazette of the Hellenic Republic 217/A/10.11.2004
PRS	4	a	Ius sanguinis	Can children born to nationals abroad acquire nationality by descent ( <i>ius sanguinis</i> ) in general and/or if they would otherwise be stateless?	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a> : Article 4 <a href="#">UNHCR (2012)</a> : Where a child who would otherwise be stateless is born to parents of another Contracting State but does not acquire the nationality of the State of birth responsibility falls to the Contracting State of the parents to grant its nationality to the child.	Yes. A child born to a Greek mother or father acquires nationality by descent ( <i>ius sanguinis</i> principle). The place of birth doesn't matter.	<a href="#">Greek Citizenship Code as ratified by Law 3284/2004</a> (Article 1) & its amendments, Official Gazette of the Hellenic Republic 217/A/10.11.2004
PRS	4	b		Are there any discriminatory conditions in law and/or practice for the acquisition of nationality by descent (e.g. differential treatment of children	<a href="#">Genovese v. Malta ECtHR (2011)</a> : The state must ensure that the right to nationality is secured without discrimination. <a href="#">CEDAW Gen. rec. No. 32, 2014</a> : Requires States parties to ensure that women and men have equal rights to confer their nationality to their children and that any obstacles to practical implementation of such laws are removed.	There are no discriminatory conditions.	<a href="#">Greek Citizenship Code as ratified by Law 3284/2004</a> (Article 1) & its amendments, Official Gazette of the Hellenic Republic 217/A/10.11.2004



				born out of wedlock, rights of father/mother/same-sex parents to confer nationality, etc.)?	<a href="#">UNHCR (2014)</a> : Action 4		
PRS	5	a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of the legal status and/or documentation of parents?	<a href="#">Convention on the Rights of the Child, 1989</a> : Article 7 <a href="#">International Covenant on Civil and Political Rights, 1966</a> : Article 24(2) <a href="#">Council of Europe (2009)</a> : Member states should register the birth of all children born on their territory even if they are born to a foreign parent with an irregular immigration status or the parents are unknown. <a href="#">UNHCR (2012)</a> : Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents. <a href="#">UNHCR (2014)</a> : Action 7 <a href="#">UN Sustainable Development Goal 16.9</a>	<p>Yes. Greek law provides that all children are registered immediately. Specifically, a new-born child should be registered with the local birth registry within 10 days of birth. Registration is not automatic. It takes place only upon the physical presence at a civil registry office of the father or the mother or any person present during birth or a duly authorised representative, and the submission of specific documents (or, in the absence of documents, testimonies). Generally, Greek law provides that public authorities are obliged not to provide their services to third-country nationals who do not have a passport or other travel document recognised by international conventions and an entry visa or residence permit, and generally they cannot prove that they have entered and reside legally in Greece. However, this general provision excludes hospitals and clinics in the case of third-country nationals admitted urgently for hospitalisation, childbirth and whenever the patient is a minor. Until very recently, situations where the mother of the new-born was an undocumented foreigner were extremely problematic. In August 2018, Law 4554/2018 (Article 62)</p>	<p><a href="#">Law 344/1976 (Article 20-21)</a> «on Birth Certificates», Official Gazette of the Hellenic Republic 143/A/11.06.1976 &amp; its amendments</p> <p><a href="#">Arrangements concerning Insurance and pension - Addressing undeclared work - Enhancing worker protection - Unaccompanied Minors' Guardianship and other provisions: Law 4554/2018 (Article 62)</a></p> <p>Official Gazette of the Hellenic Republic 130/A/18.07.2018</p> <p><a href="#">Joint Ministerial Decision No 53033/672/2018</a>, Official Gazette of the Hellenic Republic 4743/B/23.10.2018</p>

						regulated this issue in a favourable manner: the undocumented mother about to give birth, is by law admissible in public hospitals in order to give birth and issued with an ad hoc Identity Document which will include her personal information upon her statement. This document will be used solely for the purpose of birth registration of her child. Joint Ministerial Decision No 53033/672/2018 defined the template of the ad hoc Identity Document to be used by the competent Greek authorities.	
PRS	5	b		Are all children issued with birth certificates upon registration? If no, please describe legal status of documentation issued.	<p><a href="#">UN Human Rights Council, Resolution A/HRC/RES/20/4</a>: Underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of immigration status and that of parents or family members.</p> <p><a href="#">Committee on the Rights of Migrant Workers and Members of their Families &amp; Committee on the Rights of the Child (2017)</a>: Take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents.</p>	<p>In Greece, birth registration may be proved by two different documents: a) Birth Certificate (Πιστοποιητικό Γέννησης); b) Civil Registry Certificate (Ληξιαρχική Πράξη Γέννησης). Document A (Birth Certificate) only contains factual information from the time of birth (name of mother, father (if declared), place and time of birth, nationality of mother/father etc.). It is issued only to individuals who are already registered with a municipality. Because only Greek nationals are allowed by law to register with a municipality, the Birth Certificate may be used for documenting Greek nationality but does not, as such, constitute proof of Greek nationality. Document B (Civil Registry Certificate) may contain both factual information valid at the moment of birth and updated information after birth</p>	<p><a href="#">Law 344/1976 (Article 20-21)</a> «on Birth Certificates» Official Gazette of the Hellenic Republic 143/A/11.06.1976 &amp; its amendments</p> <p>UNHCR Greece</p>

						<p>(corrected name of mother/father etc.). Greek nationals not registered with any municipality are also issued Civil Registry Certificates (rather than Birth Certificates). In its publicly available document under protocol No 2019/0007040, the Head of the Citizenship Directorate of the Ministry of Interior officially recognises the following documents as acceptable proof of Greek nationality:</p> <p>a) Greek ID</p> <p>b) Valid Greek passport</p> <p>c) Any certificate issued by municipal registration authorities (Αρχές Δημοτολόγησης)</p> <p>Birth certificates do not as such constitute proof of Greek nationality. However, they are issued to persons already registered with a municipality.</p>	
PRS	5	c		<p>Is the child's nationality determined or recorded upon birth registration? If yes, please describe how and by whom (e.g. if the mother/father's nationality is recorded and/or automatically attributed to the child, if there's a formal procedure, if information on both parents is recorded etc.)</p>	<p><a href="#">Convention on the Rights of the Child, 1989:</a> Articles 3 &amp; 7</p>	<p>The child's nationality is not mentioned in the birth registration procedure (Ληξιαρχική πράξη γέννησης-Civil Registry Certificate). Nevertheless, the place of birth and the nationality of the parents are mentioned.</p>	<p><a href="#">Law 344/1976 (Article 9, 22)</a> «on Birth Certificates», Official Gazette of the Hellenic Republic 143/A/11.06.1976 &amp; its amendments</p>

PRS	5	d		<p>If a child's nationality is not determined or recorded upon birth registration, is there a legal framework to determine the child's nationality later? If yes, please describe the procedure, including the legal grounds, deadlines and competent authority.</p>	<p><a href="#">Convention on the Rights of the Child, 1989: Articles 3 &amp; 7</a></p>	<p>The procedure for determining Greek nationality foreseen in the Greek Citizenship Code was amended in March 2019 by Law 4604/2019. This is considered to be a major positive development as it introduces strong elements of transparency and stronger procedural safeguards in what was previously a "black box". Another major positive development is the procedure established for contesting Greek nationality as per Article 41 of Law 4604/2019. This article adds a new Article 26A to the Greek Citizenship Code (on contesting Greek nationality). According to the Greek Citizenship Code the person who wishes to determine their Greek nationality, shall apply to the competent Regional Directorate for Citizenship. If the applicant has entered the country legally, the legality of their stay is not a prerequisite for the application. If the person lives abroad, the application may also be submitted to the Greek Consul at the applicant's place of residence. The consul, after conducting an inquiry in the consular registers, shall immediately forward the application to the competent Regional Directorate. The application shall be accompanied by the relevant supporting documents. Facts that are proven by Municipality Registries are accepted as the basis for determining Greek nationality. The Regional</p>	<p><a href="#">Greek Citizenship Code as ratified by Law 3284/2004 (Article 26 &amp; 26A) &amp; its amendments, Official Gazette of the Hellenic Republic 217/A/10.11.2004</a></p> <p><a href="#">Law 4604/2019 (Article 40), Official Gazette of the Hellenic Republic 50/A/26.03.2019</a></p>
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						<p>Directorate shall examine whether the essential requirements for the determination of nationality are fulfilled in accordance with the provisions of national or international law and issue a declaration of the determination of Greek nationality or a refusal of this determination. In the event of rejection, the person may appeal to the Minister of the Interior who may ask the opinion of the Citizenship Council. The deadline for reviewing the appeal is suspended until the Citizenship Council's delivers its opinion. In any event, the suspension may not exceed six months.</p>	
PRS	5	e		<p>Are there credible reports to suggest that children are prevented from registering in practice because of parents' legal status or other reasons (please specify)?</p>	<p><a href="#">Committee on the Rights of Migrant Workers and Members of their Families &amp; Committee on the Rights of the Child (2017)</a>: Urge States parties to take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents. Legal and practical obstacles to birth registration should be removed.</p>	<p>There are reports, mainly concerning certain profiles of Romani people, that describe the problems they face in Greece, including difficulties registering in the municipal registry. This has led to the adoption of certain measures such as Article 46 of Law 4604/2019 (Acquisition of Greek nationality by Romani persons with a long historical presence in Greece) and Article 62 of Law 4554/2018 (Issuance of identity documents to undocumented mothers giving birth in Greek hospitals for the purpose of birth registration only). In addition, UNHCR Greece has documented examples of administrative barriers which may amount to prevention of registration. In Greek law, registration of civil status events (including births</p>	<p><a href="#">Greek Ombudsman: "Registering Greek Roma on the Municipal Pole" (2009)</a></p> <p><a href="#">National Commission of Human Rights: "The situation of Roma in Greece" (2001)</a></p> <p><a href="#">National Commission of Human Rights: "Report and suggestions on issues related to situation and rights of Roma people in Greece" (2009)</a></p> <p><a href="#">Acquisition of Greek citizenship of persons belonging to the Roma people with a long historical presence in Greece: Law 4604/2019 (Article 46)</a></p> <p>Official Gazette of the Hellenic Republic 50/A/26.03.2019</p>

					<p>in Greece) must take place before the Civil Registrar with the physical presence of the person concerned, their authorised proxy or as otherwise foreseen in Greek law. The procedure is conducted in Greek and if the person does not speak Greek, there must be an interpreter to support the procedure after taking an oath as per in civil court procedures. There are two main issues with the implementation of these provisions, mainly concerning asylum seekers and persons granted international protection:</p> <p>a) When they present to the Civil Registrar without an interpreter, they are usually turned away.</p> <p>b) If they opt to complete the procedure through a proxy, an authorisation validated by a Notary Public is required rather than a simple authorisation validated by the Police. For the former there is a relatively high fee.</p> <p>In practice in certain regions of Greece birth registration of asylum seeking/refugee children is extremely difficult while in Athens it is easier (as it is easier to obtain pro-bono interpretation by NGOs, solidarity groups etc.)</p>	<p><a href="#">Arrangements concerning Insurance and pension - Addressing undeclared work - Enhancing worker protection - Unaccompanied Minors' Guardianship and other provisions: Law 4554/2018 (Article 62)</a></p> <p>Official Gazette of the Hellenic Republic 130/A/18.07.2018</p> <p>UNHCR Greece</p>
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Prevention and Reduction – 2019

PRS	5	f		Are there mandatory reporting requirements that would deter undocumented parents from coming forward to register their children (e.g. health or civil registry authorities required to report undocumented migrants)?	<a href="#">Committee on the Rights of Migrant Workers and Members of their Families &amp; Committee on the Rights of the Child (2017)</a> : Legal and practical obstacles to birth registration should be removed, including by prohibiting data sharing between health providers or civil servants responsible for registration with immigration enforcement authorities; and not requiring parents to produce documentation regarding their migration status.	No.	No.
PRS	5	g		Is there a statutory deadline for birth registration? If yes, please state the deadline and whether late birth registration is possible in law and practice.	<a href="#">Committee on the Rights of Migrant Workers and Members of their Families &amp; Committee on the Rights of the Child (2017)</a> : Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration. <a href="#">UN Human Rights Council, Resolution A/HRC/RES/20/4</a> : Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child.	Yes. Greek law provides that all children are registered immediately. Specifically, a new-born child should be registered with the local birth registry within 10 days of birth. Late registration is possible, but the parent must pay a penalty fee.	<a href="#">Law 344/1976 (Article 20)</a> «About Birth Certificates» & its amendments Official Gazette of the Hellenic Republic 143/A/11.06.1976
PRS	5	h		Are there additional requirements for late birth registration (e.g. fees, documents, court procedure)? Please describe the procedure including the competent authority and procedural deadlines.	As above	For births registered from the 11th to the 100th day after birth the penalty fee is 100 EUR; and for births registered after the 100th day the penalty is 300 EUR.	<a href="#">Law 344/1976 (Article 49)</a> «About Birth Certificates» & its amendments Official Gazette of the Hellenic Republic 143/A/11.06.1976

Prevention and Reduction – 2019

PRS	6	a	Reduction	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	<a href="#">UNHCR (2014)</a> : Action 7	No programme as such exists. However, favourable legal provisions (Law 4604/2019 (Article 46) and Law 4554/2018 (Article 62) have been enacted to facilitate birth registration/civil registration.	Acquisition of Greek nationality by Romani people with a long historical presence in Greece: <a href="#">Law 4604/2019 (Article 46)</a> , Official Gazette of the Hellenic Republic 50/A/26.03.2019  Arrangements concerning Insurance and pension - Addressing undeclared work - Enhancing worker protection - Unaccompanied Minors' Guardianship and other provisions: <a href="#">Law 4554/2018 (Article 62)</a> Official Gazette of the Hellenic Republic 130/A/18.07.2018
PRS	6	b		Are there particular sections of the population - such as minority groups - believed to be stateless/at risk of statelessness? Please provide details and source of information.	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a> : Article 9 <a href="#">UNHCR (2014)</a> : Action 4 <a href="#">UN Human Rights Council (2019)</a> : States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities.	Yes. It is estimated that a few dozen stateless people live in the area of Thrace. It is believed that part of this population are members of the Muslim Minority of Western Thrace who were deprived of their Greek nationality under Article 19 of the Greek Citizenship Code of 1955, and another part comes from the ex-Soviet Union. Recently, the Ministry of Interior started an effort to identify these cases in order to address their statelessness.  Another affected group is Romani people. Recently, Law 4604/2019 introduced a procedure for the acquisition of Greek nationality by Romani people with a long historical presence in the country.  Another section of the population believed to be stateless is a (probably)	<a href="#">Ministry of Interior: Letter of The Special Secretary of Citizenship (23/04/2019) «Collection of data on stateless people as part of efforts to eliminate statelessness in Greece»</a>  <a href="#">«Efimerida ton Sintakton», Newspaper (04.04.2019)</a>  <a href="#">Hellenic League for Human Rights (02.10.2015)</a>  <a href="#">Vice.com: The Greek «sans papier»</a>  <a href="#">Explanatory memorandum of law 4604/2019</a>  <a href="#">Ministry of Interior: Circular No Φ.130181/17760 «Provision of instructions for the acquisition of Greek nationality by expatriates (stateless or non-stateless) coming from Turkey» (24/7/2018)</a>



						<p>small number of people who are members of the Greek Orthodox genos (homogenis from Constantinople and the islands of Imvros or Tenedos) who were born in Turkey or Greece and live in Greece.</p> <p>Other categories of people on whom there are no official statistics, but who might be at risk of statelessness are:</p> <ul style="list-style-type: none"> <li>• Foreign children born in Greece whose births must be registered with the consular authority of their country and no such authority exists in Greece.</li> <li>• Children of beneficiaries of international protection born in Greece whose births must be registered with the consular authority of their country.</li> </ul>	UNHCR Greece
PRS	6	c		<p>Has the Government implemented any other measures specifically aimed at reducing (risk of) statelessness? (e.g. identification, registration or naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, etc.)</p>	<p><a href="#">UN Convention on the Reduction of Statelessness, 1961</a>  <a href="#">UNHCR (2014)</a>: Actions 1 &amp; 8  <a href="#">UNHCR (2015)</a>: States parties to the 1954 Convention are required to help stateless persons become naturalised citizens.</p>	<p>Yes.</p> <p>1. On 21/01/2019 the Ministry of Interior and UNHCR signed a Memorandum of Cooperation on statelessness prevention and nationality acquisition issues.</p> <p>2. In a letter signed by the Special Secretary for Citizenship, the Head of the Directorate for Citizenship is requested to collect data on persons who are possibly stateless in the areas of Eastern Macedonia and Thrace. Collection of data should be done through proactive communication with local hospitals, police authorities and</p>	<p><a href="#">UNHCR Greece</a></p> <p><a href="#">Ministry of Interior: Letter of The Special Secretary of Citizenship (23/04/2019) «Collection of data on stateless people as part of efforts to eliminate statelessness in Greece»</a></p> <p>Acquisition of Greek nationality by Romani people with a long historical presence in Greece: <a href="#">Law 4604/2019 (Article 46)</a>, Official Gazette of the Hellenic Republic 50/A/26.03.2019</p>

						<p>social services of municipalities in the concerned region. There is no information available on the implementation of this exercise.</p> <p>3. New procedure introduced for the acquisition of Greek nationality by Romani people with a long historical presence in Greece (Law 4604/2019).</p>	
PRS	7	a	Withdrawal of nationality	<p>Are there provisions on loss and/or deprivation of nationality established in law? Please describe and state whether there is a safeguard against statelessness in law and practice.</p>	<p><a href="#">UN Convention on the Reduction of Statelessness, 1961</a>: Article 8  <a href="#">European Convention on Nationality, 1997</a>: Article 7(3)  <a href="#">Universal Declaration of Human Rights</a>: Article 15(2)</p>	<p>The Greek Citizenship Code includes provisions on loss and deprivation of nationality. There is protection from statelessness except in cases of a) disloyalty to the Greek State; and b) nationality loss due to voluntary renunciation of nationality. The law is applied in practice.</p> <p>Loss of Greek nationality due to acquisition of foreign nationality (Article 16): in this case the protection from statelessness is absolute. The Minister of the Interior may grant permission to an individual who wishes to renounce Greek nationality, if the person:</p> <p>a) voluntarily acquired the nationality of a foreign state or</p> <p>b) took on a service in the public sector of a foreign state and, by taking that position would have to acquire the nationality of that state.</p> <p>In exceptional cases, permission is granted after the acquisition of the other nationality, therefore, Greek nationality is renounced following the granting of permission. An individual</p>	<p><a href="#">Greek Citizenship Code as ratified by Law 3284/2004</a> (Articles 16-21) &amp; its amendments, Official Gazette of the Hellenic Republic 217/A/10.11.2004</p> <p><a href="#">Ministry of Interior: Directorate of Citizenship, Circular No. 14 «Providing instructions for the withdrawal of naturalization decisions of homogenis holders of the Special homogenis' Identity Card for doubting their status as homogenis»</a></p> <p><a href="#">Law AN 261/1968 «Recall of unlawful administrative acts»</a>, Official Gazette of the Hellenic Republic 12/A/1968</p> <p>Ministry of Interior:  <a href="#">Circular No 40 (Protocol Number 102744/17205 issued on 23.7.2014)</a></p>

					<p>who has acquired a foreign nationality can renounce Greek nationality provided that the Minister of the Interior accepts an application for the renunciation of Greek nationality. In this case, renunciation is effective from the date of the acceptance of the application. The granting of permission and acceptance of the application are carried out on the basis of an opinion of the Citizenship Council.</p> <p>Loss of Greek nationality due to revocation (Article 17): in this case the protection from statelessness does not cover the person concerned, only their spouse and children. Greek nationality can be revoked if the person:</p> <ul style="list-style-type: none"> <li>a) takes on a position in the public sector of a foreign country against the express wishes of the Minister of the Interior;</li> <li>b) acts in the interests of a foreign state, unyielding to their status as a Greek national and contrary to the interests of Greece;</li> <li>c) has acquired Greek nationality because of their status as a novice on Mount Athos, and provably left their monastery and the Holy Community of Mount Athos.</li> </ul> <p>Revocation is announced by a decision of the Minister of the Interior following a justified concurrent opinion of the Citizenship Council. Loss of nationality by revocation is personal</p>	
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					<p>and does not affect the nationality of any spouse or children.</p> <p>Loss of Greek nationality due to declaration of renunciation (Article 18): in this case there is no protection from statelessness as the individual provokes the renunciation. The renunciation of Greek nationality is permitted provided that the person is an adult, declares they have no connection with the country and resides abroad. A written declaration must be submitted before the Greek Consul at their place of residence together with an application to the Ministry of the Interior. The application is approved by a decision of the Minister following an opinion of the Citizenship Council. Loss of nationality is effective from the day of the approval of the application. Circular Note No 40 (Protocol Number 102744/17205 issued on 23.7.2014) clarifies that in this specific case, the "renunciation application" is examined by the Citizenship Council, which adopts a recommendation binding on the Minister of Interior, who is the body deciding on the application. The views of the competent Greek Consul are mandatorily included in the file before the Citizenship Council reaches its recommendation. The Citizenship Council or the Minister theoretically have discretion to reject the application for reasons of public</p>	
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					<p>interest or because it runs contrary to the international obligations of Greece. Loss of nationality by renunciation is personal and does not affect the nationality of any spouse or children.</p> <p>Loss of Greek nationality by children of foreign nationals who acquired it by declaration or naturalisation of their parents (Article 19): in this case the protection from statelessness is absolute. The child of foreign nationals who became Greek as a minor, may renounce Greek nationality by submitting a relevant declaration and application to the municipality in which they are registered, or, if they reside abroad, to the Greek consulate at their place of permanent domicile within one year after they become an adult. The application is rejected if through acceptance of the application the applicant would become stateless.</p> <p>Loss of Greek nationality due to adoption by a foreign national (Article 20): in this case the protection from statelessness is absolute. A Greek national adopted before they become an adult by a foreign national may, upon the application of the adopter, if they acquire the nationality of the adopter, renounce their Greek nationality. This can only occur with the approval of the Minister of the Interior, who evaluates the special</p>	
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					<p>circumstances of the case following an opinion of the Citizenship Council.</p> <p>Loss of Greek nationality by a woman through declaration due to marriage to a Greek citizen (Article 21): in this case the protection from statelessness is absolute. A foreign national who acquired Greek nationality through marriage to a Greek national and maintains a foreign nationality, renounces Greek nationality if she declares her relevant intention to the General Secretary of the Prefecture or to the Greek Consulate in her place of domicile or residence. For the loss of Greek nationality, the General Secretary of the local Prefecture issues a recognition decision.</p> <p>Revocation of Greek nationality in cases of fraud is possible even if the person concerned is rendered stateless. The Greek Citizenship Code does not provide any particular provision on loss of nationality in cases where the person in question acquired it by fraud. Therefore, competent authorities handle such cases by implementing general principles of law which were gradually formulated and systematised by the case law of the Greek courts and, above all, by the Council of State. In general, the revocation of an administrative act issued in violation of law takes place within a reasonable time after its</p>	
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						<p>adoption. In the event that a period of more than five years has passed, the courts shall decide whether the withdrawal time is reasonable or not. The Council of State has developed jurisprudence on this issue.</p> <p>Articles 22-24 of the Greek Citizenship Code regulate the reacquisition of Greek nationality. A female Greek national who lost her Greek nationality due to her marriage to a foreign national reacquires it, provided that she declares her relevant intention to the General Secretary of the Prefecture or to the Greek Consulate in her place of domicile or residence. A child born to a Greek mother who lost their Greek nationality because of legitimisation or recognition by a foreign father reacquires their Greek nationality, provided they declare their relevant intention to the General Secretary of the Prefecture or to the Greek Consulate in their place of domicile or residence. In this case children become Greek nationals if on the day of the declaration they are minors and unmarried. The reacquisition of Greek nationality is determined through a decision of the General Secretary of the local Prefecture.</p>	
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PRS	7	b		Who is the competent authority for withdrawal of nationality and what procedural safeguards are in place (legal aid, judicial oversight, appeal, time limit, subject to prior sentencing)?	<a href="#">UN Convention on the Reduction of Statelessness, 1961: Article 8(4)</a> <a href="#">European Convention on Nationality, 1997: Article 11</a>	The competent authorities are noted above (PRS 7a). The person concerned may appeal against the decision ordering deprivation before the competent administrative court (Three-member Administrative Court). The decisions of the Three-member Administrative Court may be appealed before the Council of State. The application of annulment is exercised within a period of 60 days commencing on the day following the notification of the contested act or its publication, if the latter is required by law or, otherwise, since the applicant has been fully aware of the act. Free legal aid is available under general conditions for access to legal aid in Greece.	<a href="#">Law 3068/2002 (Article 15) (3b) «Conformation of the Administration to court decisions, promotion of judges of ordinary administrative courts to the rank of State Counselor and other provisions»</a> , Official Gazette of the Hellenic Republic 274/A/14.11.2002 & its amendments  <a href="#">Law 702/1977 (Article 5) «Regarding subsumption of cases in the administrative courts, replacement, amendment and repeal of provisions of the Degree Law 170/1973 "on the Council of State"»</a> & its amendments, Official Gazette of the Hellenic Republic 268/A/19.9.1977  <a href="#">Presidential Degree 18/1989 (Article 46 (1)) «Codification of legal provisions for the Council of State»</a> & its amendments, Official Gazette of the Hellenic Republic 8/A/9.1.1989  <a href="#">Code of Administrative Procedure as ratified by Law 2717/1999</a> (Articles 276 & 276A) & its amendments Official Gazette of the Hellenic Republic 97/A/17.5.1999
PRS	7	c		Are withdrawal provisions applied in practice?		Yes.	<a href="#">Hellenic League for Human Rights (02.10.2015)</a>  <a href="#">«Proto Thema» Newspaper (12.08.2017)</a>



Jurisprudence and Training

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
LIT	1	a	Published judgements	Number of published judgements adjudicating statelessness (broken down by level of jurisdiction). Please list.		No available information. The total number of court decisions it is not possible to be counted as not all judgments are published in the private professional legal information databases.	
LIT	1	b		Number of published judgements mentioning statelessness (broken down by level of jurisdiction). Please list.		No available information.	
LIT	2	a	Legal training	Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	<a href="#">UNHCR (2016)</a> : Officials who may be in contact with stateless persons need to be trained to identify potential applicants for stateless status and refer them to appropriate channels. <a href="#">UNHCR (2010)</a> : It is recommended that States provide specialised training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations.	There is no judicial training on statelessness. For lawyers there is only ad hoc trainings.	<a href="#">National School of Judges: Curriculum</a>
LIT	3	a	Pro Bono	Are there specialised lawyers or organisations providing free advice to stateless people or those at risk of statelessness? If yes, please describe.	<a href="#">UNHCR (2014)</a> : Applicants must have access to legal counsel.	The specialised lawyers in the field of statelessness and nationality in Greece are few. Most of the professionals work on such cases in the framework of their general legal activities. Concerning asylum, NGOs work with stateless asylum seekers or beneficiaries of international	<a href="#">Greek Council for Refugees</a> <a href="#">Danish Refugee Council</a> <a href="#">Generation 2.0</a> <a href="#">Arsis</a>

						<p>protection in the framework of the general services that they provide. The following NGOs are more active in the field of statelessness:</p> <ul style="list-style-type: none"> <li>• Greek Council for Refugees (GCR): NGO active since 1989 in the field of asylum and human rights in Greece.</li> <li>• Danish Refugee Council (DRC): Denmark's largest international NGO active in Greece since 2015.</li> <li>• Generation 2.0 for Rights, Equality &amp; Diversity: NGO consisting of people with different origins who work together to promote equal participation in a diverse society, through the empowerment of communities.</li> <li>• Association for the Social Support of Youth (ARSIS): NGO specialising in the social support of youth in difficulty or danger and in the advocacy of their rights.</li> </ul>	
LIT	4	a	Literature	<p>Is there domestic academic literature on statelessness? Please list and provide references and hyperlinks (where available).</p>		<p>Akgonul, S. (2013). The minority concept in the Turkish context. Practices and perceptions in Turkey. Greece and France. Leiden: Brill.</p> <p><a href="#">Alexandridis, T. (2003). "Faces of romani statelessness in Greece". European Roma Rights Center.</a></p> <p>Foundation for Middle East and Balcan Studies &amp; YTU Department of political science and international relations (2007). Proceedings of the</p>	

						<p>International Conference on Minority Issues in the Balkans and the EU.</p> <p><a href="#">Greek Helsinki Monitor (1999). Minority rights in Greece.</a></p> <p><a href="#">Grigoriadis, I. (2008). "On the europeanization of minority rights protection: Comparing the cases of Greece and Turkey". Mediterranean Politics, 13, 1, p.p. 23-41.</a></p> <p>Gruberg, S. (2011). "De facto statelessness among undocumented migrants in Greece". Georgetown Journal on Poverty Law &amp; Policy, XVIII, 3, Symposium Issue.</p> <p><a href="#">Human Rights Watch (1990). Destroying ethnic identity: The Turks of Greece.</a></p> <p><a href="#">Human Rights Watch (1992). Greece. Improvements for Turkish minority; Problems remain.</a></p> <p><a href="#">Human Rights Watch (1999). Greece: The Turks of Western Thrace.</a></p> <p>Institute on Statelessness and Inclusion &amp; ASKV steunpunt vluchtelingen &amp; European Network on Statelessness (2019). From Syria to Europe: Experience of Stateless Kurds and Palestinian Refugees from Syria seeking protection in Greece.</p>	
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					<p><a href="#">Sitaropoulos, N. (2006). Discriminatory Denationalisations Based on Ethnic Origin: The Dark Legacy of Ex Art 19 on the Greek Nationality Code. IN P. Shah, W. F. Menski, (Eds.), Migration, diasporas and legal systems in Europe, pp. 107-125. London: Routledge-Cavendish, 2006.</a></p> <p><a href="#">Sitaropoulos, N. (2004). "Freedom of Movement and the Right to a Nationality v. Ethnic Minorities: The Case of ex Article 19 of the Greek Nationality Code". European Journal of Migration and Law, 6, p.p. 205-223.</a></p> <p><a href="#">Tsitselikis K. (2006). "Citizenship in Greece: Present challenges for future changes. In Kalekin-Fishman, D. &amp; Pitkanen, P. (Eds.) Multiple Citizenship As a Challenge To European Nation-States, pp. 145-170. Roderdam: Sense Publishers.</a></p> <p>Tsitselikis, K. (2012). Old and New Islam in Greece. From Historical Minorities to Immigrant Newcomers. Leiden, Boston: Martinus Nijhoff Publishers.</p> <p>Veikou, M. (2017). "Back to Basics: Stateless Women and Children in Greece". Journal of Balcan and near eastern Countries, 19, 5, p.p. 557-570.</p> <p>In Greek</p>	
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					<p><a href="#">Kostopoulos, T. (2003). Deprivations of citizenship. The dark side of Modern Greek History (1926-2003). Synhrona Themata, 83, pp. 53-76.</a></p> <p><a href="#">(Κωστόπουλος, Τ. (2003). "Αφαιρέσεις ιθαγένειας. Η σκοτεινή πλευρά της Νεοελληνικής Ιστορίας (1926-2003)". Σύγχρονα Θέματα, 83, σελ. 53-76).</a></p> <p>Papasiopi- Pasia, Z. (2011). "The legal status of stateless persons in the Greek legal order". Yearbook of refugee and immigration law, pp. 547-579. Athens, Komotini: Ant. Sakoulas. (Παπασιώπη-Πασιά, Ζ. (2011). «Το νομικό καθεστώς των ανιθαγενών στην ελληνική έννομη τάξη». Στο Επετηρίδα Δικαίου Προσφύγων και Μεταναστών, σελ. 547-579. Αθήνα, Κομοτηνή: Εκδόσεις Αντ. Σάκκουλας).</p> <p>Sitaropoulos, N. (2007). Deprivation of Greek citizenship on the basis of ethnic origin: The heavy shadow of Article 19 of the Code of Greek Citizenship of 1955 (Law 3370/1955). Yearbook of refugee and immigration law, pp. 683-716. Athens, Komotini: Ant. Sakoulas. (Σιταρόπουλος, Ν. (2007). Αφαίρεση της ιθαγένειας με κριτήριο την εθνοτική καταγωγή: Η βαριά σκιά του άρθρου 19 του Κώδικα Ελληνικής Ιθαγένειας του 1955 (Ν.Δ. 3370/1955). Στο Επετηρίδα δικαίου Προσφύγων &amp; Αλλοδαπών, σελ. 683-716. Αθήνα, Κομοτηνή: Εκδόσεις Αντ. Σάκκουλας).</p>	
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					<p>Tsolakou, E. (2011). “The risks for fundamental rights in cases of involuntary deprivation of citizenship. Thoughts on the basis of the Decision 3328/2011 of the Council of State”. Yearbook of refugee and immigration law, pp. 579-616. Athens, Komotini: Ant. Sakoulas.</p> <p>(Τσολάκου, Ε. (2011). «Ο κίνδυνος για τα θεμελιώδη δικαιώματα στις περιπτώσεις ακούσιας αφαίρεσης ιθαγένειας. Σκέψεις με αφορμή την απόφαση 3328/2011 του Συμβουλίου της Επικρατείας». Στο Επετηρίδα δικαίου Προσφύγων &amp; Αλλοδαπών, σελ. 579-616. Αθήνα, Κομοτηνή: Εκδόσεις Αντ. Σάκκουλας).</p> <p>Baltsiotis, L. (2004). The citizenship during the Cold War. In Tsapogas, M. &amp; Christopoulos, D. (Eds), The rights in Greece 1953-2003. Athens, Kastaniotis.</p> <p>(Μπαλτσιώτης, Λ. (2004). “Η ιθαγένεια στον Ψυχρό Πόλεμο”. Στο Τσαπόγας, Μ. και Χριστόπουλος, Δ. (Επιμ.), Τα δικαιώματα στην Ελλάδα 1953-2003, σελ. 82. Αθήνα: Καστανιώτης).</p> <p>Christopoulos, D. (2012). Who is a Greek citizen? Status of the Greek nationality from the establishment of the Greek state until the beginning of the 21th century. Athens: Vivliorama.</p> <p>(Χριστόπουλος, Δ. (2012). Ποιος είναι Έλληνας πολίτης; Το καθεστώς ιθαγένειας από την ίδρυση του</p>	
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						ελληνικού κράτους ως τις αρχές του 21ου αιώνα. Αθήνα, Εκδόσεις Βιβλιόραμα).	
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