



National Summary Report

Case study: Greece

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Exploration and analysis of further public and civic alternatives to RR: case studies at multiple levels

Case study: **Greece**

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Disclaimer

This document provides a concise summary of the key findings of the WP7 national report in Greece. For detailed analysis, evidence, and comprehensive insights, please refer to the full report. The information in this summary should not be considered complete or fully representative of the entire study.



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1. Summary

This report examines Greece's response to the structural failure of return and readmission (RR) policy. Persistent barriers - legal safeguards, administrative bottlenecks, non-removability and limited cooperation with countries of origin - leave large numbers of third-country nationals (TCNs) in prolonged legal liminality. Against this backdrop, the report analyses two state-level alternatives: bilateral labour mobility agreements and Law 5038/2023 (the "three-year law"), an employment-based regularisation pathway. The findings show that regularisation reduces precarity, limits informal labour dependency and offers migrants a foreseeable legal trajectory - making it a pragmatic and necessary complement to, rather than replacement of, migration (and integration) governance.

2. Introduction

Greece illustrates a paradox common across Europe: despite political rhetoric prioritising returns, actual removals remain limited, while large numbers of TCNs live and work in irregularity. Structural barriers - legal safeguards, administrative bottlenecks, and limited cooperation with countries of origin - render return largely unenforceable for a significant share of the undocumented population. Civil society initiatives provide essential support but do not generate legal status and cannot substitute for state-level structural alternatives. This report focuses on two such alternatives: bilateral labour mobility agreements and Law 5038/2023.

3. Mapping of Alternatives

3.1 Bilateral Labour Mobility Agreements

Greece has concluded bilateral labour mobility agreements with Bangladesh, India, and Egypt to channel migrant workers into agriculture, construction and tourism. These operate as ex ante mechanisms, seeking to prevent irregularity through managed recruitment. However, permits are seasonal (maximum nine months, tied to a single employer), exclude family reunification and offer no pathway to long-term residence. In practice, they acknowledge the economic limits of exclusion without offering durable solutions, and risk reproducing precarity rather than resolving it.

3.2 Law 5038/2023 (“The Three-Year Law”)

Law 5038/2023 takes a qualitatively different approach: an ex post regularisation for undocumented migrants continuously present in Greece for at least three years, conditional on a formal job offer of at least one year’s duration. Estimated to affect approximately 30,000 workers, it directly addresses non-removability by translating de facto labour market integration into legal status. Short-term and seasonal contracts are excluded, limiting reach in agriculture and domestic care. Crucially, the application window closed in November 2023 (extended to December 2024).

4. Selected Alternative: Law 5038/2023

Law 5038/2023 was selected as the primary alternative because it meets key criteria: it addresses non-removability directly; offers legal clarity; aligns with labour market realities; respects migrants’ agency and operates within existing national law. Rather than framing the undocumented population as an enforcement failure, it recognises their economic embeddedness and links regularisation to formal employment – aligning state interests in tax revenue and labour regulation with migrants’ aspirations for stability.

The law builds on a long Greek history of regularisation (Laws 2910/2001 and 3386/2005) and was introduced by the centre-right New Democracy government – framed in economic rather than rights-based terms. Implementation, managed by regional Decentralised Administrations, was marked by significant bottlenecks: biometric registration delays, inconsistent documentary standards across regional offices, and opacity that left many applicants dependent on NGOs or private lawyers. As of late 2024, over 270,000 residence permit applications remained pending nationally.

Despite these obstacles, migrants consistently described the law as the only credible pathway out of irregularity. Interviews documented reduced fear, improved working conditions and renewed long-term planning. However, the temporary freezing of applications had an immediate chilling effect - pushing some towards onward movement, particularly to Italy, where comparable pathways were perceived as more reliable. This dynamic underscores a central finding: regularisation works only insofar as it is credible. Implementation failures undermine the very stability the law was designed to create.

Key limitations include the exclusion of migrants with lapsed permits (including some international protection beneficiaries), those in informal or seasonal sectors unable to secure qualifying contracts, and those unable to work. The law's successor legislation moves in the opposite direction: a new migration law permanently bars irregularly-entered migrants from legalisation and abolishes the seven-year residence pathway - a development strongly criticised by civil society organisations, including Generation 2.0 RED.

5. Conclusion

Law 5038/2023 demonstrates that regularisation is not an exceptional concession but a rational governance response to non-removability and labour demand. It reduced concrete harms — legal liminality, exploitation, administrative invisibility — and was welcomed by migrants, employers, and civil society alike. Its limitations and the hostile direction of subsequent legislation highlight the fragility of such measures in politicised environments. Future policy should expand eligibility, decouple permits from single employers, and develop a durable successor mechanism — grounded not only in economic utility but in a rights-based recognition of migrants' substantive contributions to Greek society.

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