

Access to Labour Rights for Migrants, Asylum Seekers, and Refugees (MRAs) in Greece.

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Introduction

Greece is one of the countries within the European Union (EU) that has been found to have the highest 'labour absorbing' capability for migrants, refugees and asylum seekers (MRAs) especially in the manufacturing and tertiary sectors¹. Nonetheless and despite signs of economic recovery, Greece continues to experience high unemployment and persistent labour market challenges, particularly affecting MRAs. These groups face significant barriers in accessing labour rights, stemming from complex legal frameworks, bureaucratic inefficiencies, and systemic discrimination. While recent initiatives, including regularisation programs and bilateral agreements, signal progress, meaningful access to legal employment as a prerequisite for accessing and enjoying labour rights remains elusive for many.

Greece has not ratified 39 international Conventions and Protocols² related to upholding international labour standards and rights for all, including MRAs, such as the Protocol of 2014 to the Forced Labour Convention, the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and the Domestic Workers Convention, 2011 (No. 189). The country's labour rights *acquis* is derived from the Greek constitution. Within Greece's constitution fundamental rights are stipulated also for third country nationals, including the right to work and equal treatment, gender equality (Art. 4 par.1) and equal pay (Art.22), the right to join labor unions and participate in forms of collective bargaining (Art. 22-23)³. EU Directives form including the EU Blue Card Directive, the Single Permits Directive and the Long-Term Residents Directive⁴ form part of the national legislation for MRAs albeit with problems identified in the trasposition and implementation⁵ within the national *acquis*. In regards to equal treatment and opportunity, Greece has adopted Law 4443/ 2016 that entered into force in 2018 and incorporates Directive 2000/43/EC and the principle of equal treatment between persons irrespective of racial or ethnic origin, the Directive 2000/78/EC that establishes a general framework for equal treatment in employment

¹ Baglioni et all, 'Migrants and Refugees in Europe. Work Integration in comparative perspective', Policy Press, 2023

² https://normlex.ilo.org/dyn/normlx_en/f?p=NORMLEXPUB:11210:0::NO::P11210_COUNTRY_ID:102658

³ https://www.syntagmawatch.gr/wp-content/uploads/2024/03/arthro_22_diorth.pdf [Greek]

⁴ Only 58 Blue cards were issued in 2024; the Recast Single Permit Directive sets a time limit for transposition in 2026 see in:

https://home-affairs.ec.europa.eu/policies/migration-and-asylum/eu-immigration-portal/eu-blue-card/eu-blue-card-greece_en .

⁵ https://home-affairs.ec.europa.eu/system/files/2019-03/201903_el-legal-migration-check-annex-2a-icf-201806.pdf

and occupation and the Directive 2014/54/EU on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers. Law 4443/ 2016 enacts measures complying with articles 22, 23, 30, 31 para 1, 32 and 34 of the Regulation N° 596/2014 on market abuse, incorporates Directive 2014/57/EU on criminal sanctions for market abuse and the Implementing Directive 2015/2392; it also incorporates Directive 2014/62/EU and establishes a National Investigation Mechanism for Arbitrariness Incidents within the security corps and detention centres employees and other provisions⁶.

Despite the legal provisions access to labour rights for MRAs remains elusive, as Greece insists on a fragmented and ever changing policy for regularisation, a national integration policy that has never been implemented and the unwillingness to uphold the rule of law and comply with multiple decisions of the European Court of Human Rights. By doing so, Greece seems to invite serious violations that are a direct consequence of informal employment. This note examines the current status of labour rights for migrants in Greece and provides recommendations for a more inclusive, rights-based approach to labour integration.

Access to Legal employment in Greece. A path marred by fragmentation and inconsistency.

With regards to access to the **legal employment** until January 2020, Greece was the only country in the EU where asylum seekers could be employed directly following their application for asylum. This provision was evoked with L 4636/2019 that imposed a six month employment ban post application that was later reduced to two months (60 days) with L. 5038/2023. Pre-registered asylum seekers do not have access to legal employment⁷. Fully registered asylum seekers after the period of 60 days can access legal employment only if they have a valid asylum seekers card⁸. Beneficiaries of international protection (refugees and people with subsidiary protection) once granted official recognition and hold a valid

⁶ https://natlex.ilo.org/dyn/natlex2/r/natlex/fe/details?p3_isn=104615

⁷ <https://help.unhcr.org/greece/wp-content/uploads/sites/6/2025/02/For-asylum-seekers-English.pdf>

⁸ ibid

residency permit can access legal employment under the same conditions as Greek nationals⁹.

Third country nationals that haven't been granted asylum and have received either a certificate on the postponement of their removal under art. 24 of L. 3907/2011 or a certificate of non-removal for humanitarian reasons under art. 78 of L.3386/2005 from the responsible police authority and who already have a valid permission to work, can also access the labour market but with the provision to work in the agricultural, farming and domestic work sectors throughout Greece except the regional units of Evros, Xanthi, Rodopi, the Northern Aegean and Kos, Rhodes, Karpathos and Kalymnos¹⁰. Permission to stay on humanitarian grounds under L. 3907/2011 is an important pathway to regularization however it is rarely granted and it has multiple limitations such as the requirement to prove continuous residency for seven years and certified documentation, being a parent of a minor Greek citizen with evidence verifying the parental relationship, it does not facilitate family reunification and the time spent in Greece as an applicant of international protection is excluded from the required seven-year residence period¹¹.

The main legal pathway for legal entry of third-country nationals in Greece for the purpose of employment is the procedure of transfer 'Metaklisi' as per art.4 of Law 5038/2023¹². The applicants must have found an employer in Greece who then informs the competent authorities that they wish the transfer of the third country national for employment purposes. In 2023, the Greek government introduced a temporary regularization programme for eligible undocumented migrants under Law 5038/2023¹³. Article 163 of Law 5038/2023 establishes a pathway for third-country nationals without legal documentation who have resided in Greece before November 30th, 2023. Applicants must be able to demonstrate at least three years of continuous residence before submitting their application, proof of residence, a passport (even if expired), a job offer, a clean penal record and must have paid a fee of €300 and a small administrative cost of €16 to be eligible. Once granted permission under article 163, they will receive a three-year residency permit and they can apply for residency permits for their spouse and minor children provided the family includes at least

⁹ <https://help.unhcr.org/greece/wp-content/uploads/sites/6/2024/11/For-recognized-refugees.pdf>

¹⁰ <https://ypergasias.gov.gr/ergasiakes-scheseis/atomikes-ergasiakes-sxeseis/ergasia-politon-triton-choron-stin-ellada/>

¹¹ https://enainstitute.org/wp-content/uploads/2023/06/ENA_Issues-of-Integration-of-Immigrants_EN-1.pdf

¹² <https://ypergasias.gov.gr/ergasiakes-scheseis/atomikes-ergasiakes-sxeseis/ergasia-politon-triton-choron-stin-ellada/>

¹³ <https://www.taxheaven.gr/law/5038/2023>

one minor child and all family members were already residing in Greece before November 30th, 2023¹⁴.

The other legal route for migrant workers are bilateral agreements with third countries for specific sectors. The Greek government has established bilateral agreements with Bangladesh and Egypt for work mainly in the domestic workers sector¹⁵. These approaches aim to address labour shortages in areas where domestic workers are insufficient. Under the current framework, Bangladeshi nationals residing in Greece before February 9th 2022, and employed at that time, can apply for a five-year seasonal work permit. The permit requires them to return to Bangladesh for three months annually¹⁶.

Employment for children under 15 years of age is prohibited in Greece with the exception of work on artistic or commercial activities such as in an advertisement, theatre, or cinema and is only possible under specific conditions, and for children above 15 years they can access the labour market following consent from their legal guardian¹⁷.

While these programmes and provisions could have had a significant impact by granting legal status to thousands of migrants, their overall effectiveness was limited. Many people who manage to benefit from the abovementioned provisions and regularisation programs fall back into undocumented status due to the temporary nature of the permits issued and the often complex and restrictive renewal processes¹⁸. Moreover, those who do not qualify for these programmes, or who lost the deadlines for applications, are left without legal protection, perpetuating their undocumented status. Since the last regularisation programme concluded in 2007, Greece refrained from initiating new efforts until 2023, leaving a significant gap in addressing the ongoing challenges faced by undocumented migrants¹⁹. Nonetheless, even the 2023 initiative fell short in breaking the fragmentation and the inconsistencies of policies aiming at stemming undocumented work. The first policy

¹⁴

<https://reliefweb.int/report/greece/revealing-unseen-migrant-workers-joint-research-study-solidaritynow-and-generation-20-right-s-equality-diversity-enel>

¹⁵ ibid

¹⁶ ibid

¹⁷ <https://help.unhcr.org/greece/wp-content/uploads/sites/6/2024/11/For-recognized-refugees.pdf>

¹⁸

<https://reliefweb.int/report/greece/revealing-unseen-migrant-workers-joint-research-study-solidaritynow-and-generation-20-right-s-equality-diversity-enel>

¹⁹ ibid

initiative of the newly appointed Minister of Migration and Asylum in March was to revoke the extension of the deadline until the 30/9/2025²⁰ of the previous administration for the submission of applications for regularization under L. 5038/2023, essentially leaving thousands who already applied outside of the process.

Systemic barriers, exclusionary policies and discrimination inhibit access to labour rights and social welfare support in Greece.

Critical in ensuring access to labour rights especially for beneficiaries of international or temporary protection in Greece is the operationalization of a properly mainstreamed integration policy. However, while an integration strategy exists in paper, it appears that integration has never become a primary policy concern of respective Greek administrations. The only nationwide integration program, HELIOS, was promoted and funded by the European Commission not the Greek state. The HELIOS program run by IOM ended in November 2024 and the succeeding scheme, HELIOS+, has not been fully operational to date. While these programs aimed at filling the gap of the Greek state in providing information services for employability, linking refugees with employers and providing housing subsidies, their scope and target population falls significantly short of the approx. 120,000 beneficiaries of international and temporary protection in Greece²¹. Most importantly as the Greek administration has failed to address systemic barriers that arise from the compartmentalization of the Greek administrative system, the multiple Ministries involved issuing and applying administrative decisions that seem contradictory, such initiatives are destined to fail in successfully supporting beneficiaries of international or temporary protection to integrate in the labour market and accessing and enjoying their rights in Greece.

These systemic barriers have been well documented and span from protracted delays of the Greek administration in upholding their obligations to a discriminatory approach towards refugees. Notable are the delays in renewing residency permits

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<https://www.thetoc.gr/politiki/article/o-makis-boridis-ebale-telos-stis-parataseis-gia-ti-xorigisi-adeion-paramonis-se-metanastes/>

²¹ https://rsaegean.org/wp-content/uploads/2025/04/RSA_BIP_Report_EN.pdf

and issuing travel documents²² for refugees, which are prerequisites to issue the social security number to access legal employment in Greece, open bank accounts for them to be able to receive their salaries and accessing social welfare benefits. Without an active residency permit they cannot issue a tax identification number (AFM), which is also immediately deactivated upon expiry of the residency permit and cannot open a bank account or apply for any social benefits by issuing a tax clearance. As such, beneficiaries of international or temporary protection are at risk due to delays of the administration to lose acquired rights including labour and unemployment benefits²³. The lack of streamlining and rationalizing policies throughout the Greek administrative system are most apparent in the ‘circular logic’ applied in particular with regards to the issuance and activation of the social security number (AMKA) thus depriving beneficiaries of international protection of accessing their rights to healthcare, social support, shelter, legal employment, issuing driver’s license, unlimited transportation cards and others. While an active AMKA is a requirement for beneficiaries to access these services the responsible administrator, EFKA, requires a valid residency permit even though renewals are significantly delayed and a recruitment certificate or contract. Citing the Greek Ombudsman, instead of ensuring access to rights as a precondition for integration, access to these rights in Greece is in fact conditioned upon already secured employment, and this ‘goes counter to any sense of an integration policy’²⁴.

Discriminatory policies towards MRAs are apparent in their exclusion from the social welfare system in Greece. MRAs are expected to fend for themselves and while there has been no dedicated social support to ensure their transition into the Greek social welfare system, access to housing allowance, one-off childbirth allowance, monthly child support allowance, disability benefits and the uninsured retiree benefits for people above 67 require require at least 5 years of uninterrupted certified residence in Greece, 12 years for the one off childbirth allowance and 15 years of residence for retirement²⁵. Single mothers and women are particularly affected by

²² On Lesvos a task force of the police issues travel documents within 20 days of notification of the asylum decision. However, without any other system in place that will actively support beneficiaries in integrating in Greece refugees cannot see a future that will allow them to stay. As a result most chose to continue with their journeys in search of a sustainable future for themselves and their families instead. For the rest of the country the issuance of travel documents is marred by significant delays.

²³ https://rsaegean.org/wp-content/uploads/2025/04/RSA_BIP_Report_EN.pdf

²⁴ ibid

²⁵ ibid

such exclusion. Such requirements cannot be met by MRAs given the precarious status that they find themselves in and compounded with delays or discontinuance or abrupt administrative decisions that affect residency permits. Discrimination is also prevalent in accessing the housing market as owners tend to be suspicious of renting their houses to MRAs and in accessing the public services in Greece which are available only to Greek or English speakers.

Asylum seekers living inside the formal reception system should be provided with cash assistance however this ceases upon notification of their decision and is marred by significant delays in the provision. The Guaranteed Minimum Income allowance does not include people leaving in households of persons above the poverty line or multi-person households such as the ones that exist within the Greek reception system²⁶. Moreover, the notion of homelessness that is applied to allow for the provision of the Guaranteed Minimum Income allowance is extremely restrictive and does not consider people living in squats for instance or homeless people changing locations²⁷. People receiving rental subsidies from HELIOS programs are effectively excluded from accessing the Guaranteed Minimum Income allowance²⁸.

Similarly, eligibility for housing allowance requires a 5-year continuous and proven residency in Greece, shelters for homeless are over capacity and this while as asylum seekers they are hosted inside the reception system they are obliged to leave 30 days following the notification of the decision on their asylum application. The HELIOS program did provide rental subsidies for beneficiaries however we already discussed how the scope and outreach of this program cannot effectively meet the needs. Lastly, aside from the administrative, legislative and critical gaps in interpretation services there have been reports that access for support in accessing rights to the competent authorities and the help desk for integration are non-responsive and access to legal assistance is obstructed by the fact people cannot verify their signatures before a competent authority especially for those whose renewal of the residency permit has been delayed by the public administration²⁹.

²⁶ ibid

²⁷ ibid

²⁸ ibid

²⁹ ibid

The language barriers have been highlighted in recent research as being a significant reason for why people cannot effectively be informed about their rights and obligations however there is no centralized system to make this a requirement or provide the services necessary effectively leaving this task to non-governmental organizations that provide such services. Another complication in people exercising their labour rights in Greece and seeking formal employment is the lack of recognition of competences or degrees earned in the countries of origin or formal habitual residence without official documentation which is something that rarely people on the move have with them.

Lack of accountability and respect for the rule of law.

Accountability and respect for the rule of law is an essential component of ensuring and promoting adherence to rights in general labour rights included. With regards to identifying labour exploitation in Greece³⁰ the mechanisms designated to ensure this accountability such as the National Commission for Human Rights have been systematically understaffed and overlooked, the labour inspectorate (SEPE), which is the primary responsible to monitor the implementation of the labour law in Greece, investigate undeclared work and prevent breaches of labour law is inefficient and the Special Insurance Control Service (SISC) of the Social Insurance Institution in Greece (EFKA) role is limited to insured individuals³¹. Recent research has shown that more than half of the respondents with a formal contract experience labour rights violations spanning from delays in payments, lack of proper or any compensation after dismissal, and non-payment of insurance or sickness compensation or leaves and holiday allowances³². For MRAs without a formal contract they reported facing multiple violations with the largest group being asylum seekers without a formal contract and against their will; 75% of the respondents in the research did not receive their payment as agreed; 58% did not receive the amount of money they were entitled to after resignation and the vast majority of the

³⁰ https://home-affairs.ec.europa.eu/system/files/2019-03/201903_el-legal-migration-check-annex-2a-icf-201806.pdf

³¹ We mentioned earlier throughout this note the inefficiencies of EFKA with the requirement of having a declared contract to enrol and a valid residency permit.

³² https://www.solidaritynow.org/wp-content/uploads/2025/02/Joint-Research_Revealing-the-Unseen-ENG.pdf

respondents who faced a work accident during their shift did not receive any compensation³³.

Over the years Greece has been found to fail in upholding the rule of law exacerbated by poor law-making but most importantly by the absence of accountability and attribution of responsibility to state institutions for violations of rights including those of MRAs³⁴. As has been well documented “The Greek judiciary systematically fails to effectively scrutinise the executive branch for wrongdoing and to assign responsibility for crimes perpetrated by state officials”³⁵. As a result, MRAs having first exhausted all national legal remedies to no avail and ultimately resort to the European Court of Human Rights in search of justice.

And indeed Greece has been convicted multiple times by the European Court of Human Rights for violations against migrants and refugees³⁶. With regards to forced labour and human trafficking Greece was convicted in 2016 in the case L.E. v. Greece however seminal in terms of accountability against labour rights in Greece was the 2017 ruling of Chowdry and Others versus Greece by the European Court of Human Rights³⁷.

The case of Chowdry and Others v Greece, involved 42 Bangladeshi nationals who did not have work permits nor residence permits for Greece, and were recruited in 2012-13 as seasonal agricultural workers at Manolada, Peloponnese. Having been promised a wage of EUR 22 per day and housed in deplorable conditions, they worked extremely long hours under the supervision of armed foremen. After several months of unpaid wages the migrants went on strikes that were met with threats and new recruitments by the employers. On 17 April 2013 one of the guards of the employers opened fire on about a hundred migrant workers who were demanding

³³ ibid

³⁴ <https://rsaegean.org/en/the-state-of-the-rule-of-law-in-greece>

³⁵ ibid

³⁶ Indicative but non exhaustive convictions: **ALMUKHLAS ET AL MALIKI v Greece** (Art.2) March 2025, **A.R.E. v. Greece** (Art.3, 5 and 13) January 2025, **Alkhatib and others v. Greece** (Art. 2), 2024, **M.A. and Others v. Greece** 2024, **E.F. v. Greece**, (Art. 3), 2023, **H.A. v. Greece** (Art. 3 +13), 2023, **B.Y. v. Greece** (26/01/2023), **Safi and Others v. Greece** (Art.2 +3), 2022, **Sh.D. and Others v. Greece, Austria, Croatia, Hungary, North Macedonia, Serbia and Slovenia** (Art. 3 + 5 § 1), 2019, **Sarwari and Others v. Greece**, (Art. 3), 2019, **J.R. and Others v. Greece** (Art. 5 §2) 2018, **Chowdry and Others v. Greece**, (Art.4), 2017, **L.E. v. Greece** (4 , 6 § 1 , 13) 2016, **Ha.A. v. Greece** (Art.3, 5 par.4) 2016, **F.H. v. Greece** (Art 3) 2014 ,**Sharifi and Others v. Italy and Greece** (Art 3, 13, 4 Prot. 4) 2014, **C.D. and Others v. Greece** (Art.3) 2013, **B.M. v. Greece** (Art. 3) 2013, **Sentul v Greece** ,(Art.3), 2012 , **A.F. v. Greece** (Art 3) 2011, **MSS v Belgium and Greece** (Art. 3 +13) , 2011, **Rahimi v. Greece** (Art. 3, 5, 13, 41) 2011, **Efremidze v Greece** (Art. 3, 5) 2011, **S.D. v. Greece** (Art. 3) 2011, **R.U. v. Greece** (Art. 3) 2011, **Bubullima v Greece** (Art. 5) 2010, **Tabesh v Greece** 2009, **A.A. v. Greece** (Art. 3) 2008

³⁷ [https://hudoc.echr.coe.int/eng#/{%22itemid%22:\[%22002-11581%22\]}](https://hudoc.echr.coe.int/eng#/{%22itemid%22:[%22002-11581%22]})

their wages, seriously injuring several. The group of people attacked but not injured also lodged a complaint as victims of trafficking on May 2013 which the prosecutor refused to investigate, on the grounds that the applicants' delay in coming forward cast doubt on the reality of their presence at the time of the events. The applicants, who considered that they had been subjected to forced or compulsory labour, alleged before the European Court that the authorities had failed to react. The Court found that Greece had violated amongst others article 4 of the European Convention of Human Rights on the prohibition of slavery and forced labour (4.1 on trafficking of human beings and 4.2 on forced labour) and ordered Greece to pay compensation to the victims.

The complete failure to promote accountability within its national judicial system but also the systematic failure of Greece to comply with the provisions of the European Convention of Human Rights, whose compliance is obligatory for all Member states and being part of the Union itself, points to this radical decline of the rule of law in Greece. Most importantly, the failure to hold accountable those violating the said rights leaves the doors open for further violations and unaccountability .

Recommendations to the stakeholders

- The EU Commission and Parliament should ensure that any EU funds channelled to Greece for MRAs must be conditional upon full compliance upon respect for the European Convention of Human Rights.
- Greece must ratify and mainstream into its national legislations all 39 labour related Conventions and Protocols it has not ratified yet and ensure appropriate access to legal remedies and accountability in human and labour rights violations against MRAs.
- Greece must mainstream decisions across the administration, reduce beaurocratic delays and implement a national integration policy that ensures information on rights and obligations, recognition of skills and qualifications, vocational and language trainings, affordable housing including measures to promote employability.
- Greece must launch a nation-wide recording mechanism of monitoring labour and human rights violations and ensure that the available mechanisms for reporting these violations are properly staffed, funded and taken into consideration.

- Greece must introduce measures to address the multiple forms of discrimination MRAs face that inhibit them from exercising their rights by initiating nationwide awareness and sensitisation campaigns.



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