

Chapter 13

Migrants' Access to Social Protection in Greece



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13.1 Introduction

This chapter discusses key issues about the access of foreigners legally residing in Greece and Greek citizens residing abroad to the Greek social security system and highlights its impact on the development of a hybrid non-discrimination agenda during the financial crisis (Amitsis 2018) and the refugee crisis of 2015 (Amitsis 2016). The first section highlights the main features and developments in the fields of social security and migration in Greece. The second section examines the complex framework regulating access to social benefits and services along five core policy areas (unemployment, health care, pensions, family benefits and guaranteed minimum resources). The analysis of eligibility conditions for accessing social protection (particularly the personal scope of application) leads to the conclusion that the crisis was not used by domestic social policy makers as an argument to introduce discriminatory treatment against individuals in long-term labour mobility and cross-border mobility across Europe.

13.2 Overview of the Welfare System and Main Migration Features in Greece

Greece is the European Union (EU) Member State most impacted by the financial crisis (Giannitsis and Zografakis 2015), given that it had not established social safety nets for those (both national and foreigners) unable to meet their needs through market or family settings, while the national social protection model was

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strongly fragmented, and public spending focused on civil servants salaries and state pensions (Amitsis 2014). Migration has been an equally challenging phenomenon for Greece. Due to its geographical position and socio-economic advancement after the 1980s, the country has received an important number of immigrants from neighboring Balkan countries, who represent today the vast majority of its foreign population. The financial crisis has caused a new emigration wave of highly skilled Greeks (brain drain phenomenon), while migration flows from Asian and African countries have increased climaxing with the Syrian refugee crisis of 2015–2016.

13.2.1 Main Characteristics of the National Social Security System

The development of the national social security system had attracted the attention of academics and policy makers since the 1990s. The system was characterized by fragmented administrative structure, high bureaucracy, low sustainability and limited adequacy of social insurance schemes, supplemented by the lack of a concerted social safety net for persons at risk of poverty and social exclusion (until mid-2010s Greece and Italy were the only EU Member States without a General Minimum Income Scheme). The traditional Mediterranean type social protection model focused on statutory pensions, reproduced inequalities, increased costs against efficiency and jeopardized the system's viability (OECD 2013).

But international interest about the complex Greek case has been growing during the three Economic Adjustment Programmes (known also as Bailout Programmes), implemented since May 2010 by Greece and major lending international partners (European Commission, European Central Bank, International Monetary Fund). The programmes were influenced by budgetary control and social spending surveillance processes (Amitsis 2017a; Stergiou 2017). The outbreak of the crisis led to the adoption of new policy priorities, i.e. fiscal consolidation and structural rationalization of social security schemes. After almost a decade of ongoing reforms, the system remains in a controversial state of transition with serious repercussions on legal certainty and procedural transparency¹.

The latest phase of the reform process that impacts the status of foreigners has been marked by the adoption of Law No. 4387/2016², which introduced

¹ The implementation of reform processes has proved time-consuming due to the limited know how of competent authorities, legal constraints related to the protection of social rights and lack of broader social and political consensus. The 2016 reform further added to the confusion since, 3 years after the enactment of Law No. 4387/2016, the actual unification of the social insurance system has not materialised yet due to the lack of a uniform benefit regulation for the new single insurance fund. Legal uncertainty is intensified by petitions for judicial review (annulment) against fundamental provisions of the reforming law submitted upon the Council of State (the highest Administrative Court).

² OJ Vol. A' 85/12.5.2016.

fundamental principles of a Single Social Security System³ and unified all social insurance funds into one. Attention should be also paid to the introduction of the long-awaited national General Minimum Income (GMI) programme (Social Solidarity Income Programme) by Law No. 4389/2016⁴ and the new single family benefit (Child Benefit Programme), established by Law No. 4512/2018⁵.

Law No. 4387/2016 (article 1 par. 1) stipulates that public social benefits are provided in the context of a Single Social Security System, aiming at the guarantee of decent living standards. This System includes the National Health System for health benefits, the National Social Solidarity System for welfare benefits and the National Social Insurance System for insurance benefits through mandatory schemes⁶.

Basic social insurance cash benefits aim at compensating loss of employment income due to pre-defined insurance risks and are, in principle, contributory and earnings-related. They include unemployment benefit, sickness benefit, maternity benefits, old age pension and invalidity pension, granted by the Single Social Insurance Fund (EFKA) and the Manpower Employment Organisation (OAED)⁷. Health benefits in kind (medical care, pharmaceutical products, hospitalization) for the insured⁸, pensioners and their dependents are financed by contributions through a compulsory health insurance scheme managed by the National Organisation for the Provision of Health Services (EOPYY)⁹.

Basic social insurance is supplemented by other benefits, such as the non-contributory, means-tested Child Benefit granted by the Welfare Benefits & Social Solidarity Organisation (OPEKA)¹⁰. Since February 2017, persons and households in extreme poverty are entitled to enter the national GMI scheme Social Solidarity Income (KEA). The scheme is funded by the state budget and is structured in three pillars, including a non-contributory means-tested cash benefit granted by OPEKA, work integration services and access to supplementary welfare services and benefits in kind.

³ Here the term "Social Security" (*KOINΩNIKH AΣΦAΛEIA*) corresponds to a broader concept including "social insurance" (*KOINΩNIKH AΣΦAΛIΣH*) but not identifying with it.

⁴ OJ Vol. A' 94/27.5.2016.

⁵ OJ Vol. A' 5/17.1.2018.

⁶ Affiliation to the national social insurance system is compulsory for all persons employed within the Greek territory regardless of nationality (insurance territoriality principle). However, voluntary continuation of insurance for persons out of employment is possible for pension and health care under specific conditions – see Law No. 4387/2016.

⁷ EFKA and OAED are legal bodies under public law supervised by the Ministry of Labour & Social Affairs.

⁸ Health care for non-insured Greek citizens and foreign residents is also provided through a special scheme funded by the state budget – see Law No. 4368/2016.

⁹ EOPYY is a legal body under public law supervised by the Ministry of Health.

¹⁰ OPEKA is a legal body under public law supervised by the Ministry of Labour & Social Affairs.

13.2.2 *Migration History and Key Policy Developments*

For the greatest part of its modern history, Greece has been a country of emigration rather than immigration. The first major emigration wave (1850–1930) was a result of the broader geo-political context of that era¹¹ (Kardasis and Harlafti 2006). The second wave (1945–1977) consisted mainly of labour emigration¹². Estimations on the number of Greek emigrants abroad vary from 2,5 million to 4 million (Hasiotis 2006:13; Damanakis 2010:17), with the largest populations identified in USA, Australia, Germany and Canada.

It was not until the late 1980s and as a result of the broader geo-political upheavals following the break-up of the Eastern bloc that Greece started to receive the first waves of irregular immigration from Balkan and Eastern European countries. For over 20 years, the public response to this troubling situation remained reluctant and ambivalent without any particular effort to develop a comprehensive migration management system. However, immigrants of those first waves were gradually legalized and integrated into the domestic labour market¹³ (Ministry of Migration Policy 2018). In April 2018, there were 523,715 immigrants legally residing in Greece, the vast majority (353,826) of Albanian origin¹⁴ (Ministry of Migration Policy 2018). The 2017 data show that only a small share of the foreign residents were EU nationals, with the majority originating from the Balkan area¹⁵ (OECD 2018:236).

During the last decade, Greece has been facing new and complex challenges. High unemployment rates and income insecurity have taken their toll on the quality of life of both nationals and immigrants (Fouskas 2014). Since 2008, a new emigration trend can be identified with a vast number of highly skilled Greeks¹⁶ seeking better prospects abroad (OECD 2018:236; Labrianidis and Pratsinakis 2015). Also, the increase of migration waves from Asia (ex. Pakistan, Bangladesh) and Africa and the recent refugee wave from Syria are bringing in a new type of migrant

¹¹The first emigration wave is attributed to a complex set of economic, social and political factors (violent conflicts in the Balkan and broader European region, gradual collapse of the Ottoman Empire, opportunities created by the development of international trade, migrant attraction policies in countries such as USA and Russia) and included voluntary and involuntary population movements. Most emigrants (512,000) went to U.S.A., followed by imperial Russia (280,000) and colonial Africa – mostly Egypt (120,000).

¹²Out of 1,3 million emigrants of that period, (more than 600,000) went to Germany, whereas large groups were directed to USA and Australia.

¹³Integration processes were supported by the positive economic climate of that period and workforce shortages in specific sectors (agriculture, manufacture, construction).

¹⁴The second and third largest groups of third-country nationals living in Greece originate from Georgia (18,865) and Ukraine (18,447).

¹⁵Out of 516,300 immigrants in Greece in 2017, only 85,400 were EU citizens with the largest groups being Bulgarians (29,800) and Romanians (16,900).

¹⁶427,000 Greeks emigrated during 2008–2016 according to available data. Most of them were university graduates who moved mainly to Germany and the UK.

population with intensely different cultural profile and low skills level, making integration much more challenging (Ministry of Migration Policy 2018:15).

In 2010, the Government decided to establish for the first time a coherent migration and asylum management system and promote migrants' long-term integration. Flagship initiatives of this process included the setup of the Asylum Service and the Reception & Identification Service in 2011, the adoption of the Code of Immigration and Social Integration¹⁷, the reform of the Code of Hellenic Citizenship¹⁸ and the simplification of the framework on the residence status of EU citizens, as regulated by the Presidential Decree (P.D.) No. 106/2007¹⁹.

Despite the good intentions of policy makers, the effective implementation of this reform remains a difficult equation to solve during an era of heavy fiscal constraints. In this context, the Ministry of Migration Policy announced a new national strategy for immigrant integration (Ministry of Migration Policy 2018), which was approved by the Governmental Council of Social Policy in July 2018.

13.3 Migration and Social Protection in Greece

Article 1 of Law No. 4387/2016 recognizes the general right to social benefits for Greek citizens and foreigners legally and permanently residing in Greece. Also, the Code of Immigration and Integration makes clear that legally residing non-EU immigrants have the same rights as nationals in social insurance, whereas single residence permit holders are entitled to equal treatment with nationals regarding their access to social security schemes²⁰. The general right to equal treatment with nationals is also recognized to EU nationals and their family members residing in Greece (P.D. 106/2007).

However, eligibility conditions for social benefits differ according to the type of the benefit thus potentially having a different impact on the ability of national residents, non-national residents and non-resident nationals to enjoy them. Access to social welfare benefits (non-contributory), subject to subsidiarity and needs assessment principles, may also depend on prior residence requirements. Access to social insurance benefits (contributory) requires affiliation to the National Social Insurance System and fulfillment of insurance conditions, whereas nationality and duration of prior residence in Greece are irrelevant as a rule.

¹⁷Law No. 4251/2014 (OJ Vol. A' 80/1.6.2014) regulates all issues regarding the entrance and residence of third-country nationals in Greece and transposes Directives 2011/98/EU and 2009/50/EU. It was amended by Law No. 4332/2015 (OJ Vol. A' 76/9.7.2015).

¹⁸Amended by Laws No. 3838/2010, 4332/2015 and 4531/2018.

¹⁹This P.D. (OJ Vol. A' 135/21.6.2007) regulates the entrance and residence of EU nationals and their family members, transposing Directive 2004/38/EC. It was amended by Laws No. 4071/2012 and No. 4540/2018.

²⁰Social security is defined here with specific reference to Regulation (EC) 883/2004.

13.3.1 *Unemployment*

Coverage against the risk of unemployment is provided to employees by OAED²¹ through the compulsory and contributory social insurance scheme granting earnings related allowance and health care coverage²². Unemployment benefits are granted to individuals who have lost their job unintentionally and remain capable and willing to work and available for work. The qualifying insurance period corresponds to either 125 insured work days during the 14 months preceding job loss or 200 insured work days during the 24 months preceding job loss, while the two last months before job loss are not included in the reference period. Since 2014, access to the benefit also requires that the claimant has not exceeded a maximum duration of benefit payment set at 400 days in 4 years.

Claimants must register in the Job Seekers Registry and submit an application with supporting documents, including proof of a fixed domicile and bank details (regardless nationality of the claimant) and residence documents for foreign claimants²³. The basic monthly payment corresponds to 400 Euros and is complemented by an increment of 10% for each dependent family member. The payment can go on for a maximum of 12 months, unless the beneficiary has exceeded the ceiling of 400 days of benefit in 4 years.

The benefit is revoked if the beneficiary refuses to accept suitable jobs or training opportunities offered by public employment services or leaves the country permanently (which implies unavailability for work).

²¹ OAED is both unemployment insurance fund and public employment service.

²² The scheme is regulated by a complex legislative and regulatory framework including Legislative Decree No. 2961/1954 (OJ Vol. A' 197/25.8.1954), Law No. 1545/1985 (OJ Vol. A' 91/20.5.1985), Law No. 1892/1990 (OJ Vol. A' 101/31.7.1990), Law No. 3996/2011 (OJ Vol. A' 170/5.8.2011), Joint Ministerial Decision No. 3800/359/1.3.2012 (OJ Vol. B' No. 565/2.3.2012) and implementing OAED Executive Board Decisions No. 3701/55/22.11.2011 and No. 792/20/20.3.2018.

²³ For all transactions with public authorities, non-nationals are required to demonstrate residence related documents. For EU nationals, this includes the EU citizen registration certificate or the EU citizen permanent residence card. For non-EU nationals, a valid residence card is required or a certificate of submission of an application for residence card renewal.

13.3.2 Health Care

Coverage against the risk of sickness is provided through the compulsory and contributory health insurance scheme, managed by EOPYY for health benefits in kind²⁴ and by EFKA for sickness cash benefits²⁵. Under special programmes voluntary insurance for health care is possible for Greek citizens or Greek emigrants living abroad.

Access to benefits in kind is granted both to directly insured persons and their dependent family members, provided that 75 insured work days are completed over the preceding year or over the 12 first months of the last 15 months preceding illness. Claiming the benefits requires demonstration of the EFKA Health Booklet (the procedure is soon expected to be simplified by the sole reference to the claimant's social security number – AMKA).

The main issue of controversy regarding foreigners' health care insurance concerns the treatment of their family members. For third-country nationals, only their spouse and children are considered as dependent family members (Law No. 4251/2014), provided they reside legally and permanently in Greece. For EU nationals, although the category of qualifying persons is much broader, access to health care for dependent family members requires that they are permanent residence card holders (this specific residence card is issued after 5 years of residence in Greece). These differentiations can hardly reconcile with the principle of equal treatment regarding access to contributory social insurance benefits, as proclaimed by Laws 4387/2016 and 4251/2014 and EU Directives 2000/43/EC and 2011/98/EU.

The earnings-related sickness cash benefit is provided by EFKA to the directly insured. The benefit aims at compensating loss of employment income due to the temporary incapacity for work caused by illness. For employees, access to the benefit for minimum duration of payment (182 days) requires certified work incapacity and completion of at least 120 insured work days over the year preceding illness or over the 12 first months of the 15 months period preceding illness. The duration of payment depends on completed insurance periods with a maximum of 720 days for the same illness.

The risk of invalidity is mainly covered through the compulsory and contributory pension scheme of EFKA²⁶. The current legislation²⁷ defines invalidity as a condition resulting from illness or physical or mental disability, which appeared or worsened after insurance affiliation and affects the ability of the insured to earn normal

²⁴ Scheme regulated by Laws No. 3918/2011 (OJ Vol. A' 31/2.3.2011), No. 4238/2014 (OJ Vol. A' 38/17.2.2014), No. 4486/2017 (OJ Vol. A' 115/7.8.2017) and No. 4529/2018 (OJ Vol. A' 56/23.3.2018) and Joint Ministerial Decision No. ΕΑΛΕ/Γ.Π.80157/31.10.2018 (OJ Vol. B' 4898/1.11.2018).

²⁵ Law No. 4387/2016.

²⁶ Law No. 4387/2016.

²⁷ The scheme for employees is the most generalized one, regulated by Statutory Law No. 1846/1951, Law No. 2084/1992 (OJ Vol. A' 165/7.10.1992) and Law No. 4387/2016.

yearly earnings. There are three degrees of insurance invalidity, severe (over 80%), moderate (67% – 79,99%) and partial (50% – 66,9%). Just like old age pension, invalidity pension includes a contributory and a non-contributory component. The crucial difference here is that prior residence is not taken into account for the calculation of the non-contributory component of invalidity pension.

Access to the contributory component (Contributory Pension) requires certified²⁸ invalidity over 50% and the completion of 15 years of insurance. The contributory pension is calculated according to pensionable earnings and duration of affiliation, but access to the full amount requires severe invalidity as a rule.

The non-contributory component (National Pension) is flat-rate and financed by the state budget. Access to the full amount (384 Euros) requires the completion of at least 20 years of insurance.

13.3.3 Pensions

The risk of old age is covered through the compulsory and contributory pension scheme of EFKA²⁹. Voluntary insurance for pension is also possible for Greek citizens or Greek emigrants living abroad³⁰.

Since the 1990s, the old-age pension reform has been attracting the strong interest of political elites and stakeholders because sustainability and adequacy of pension benefits represent a key challenge for the rudimentary Greek social security model in the context of demographic ageing and high financial imbalances (Amitis 2017b). Therefore, it comes as no surprise that the Greek Parliament has adopted at least ten major pension statutes so far³¹. The age conditions were tightened after the 2013 and 2015 reforms³², whereas the scope of the benefit was reshaped in 2016 through the introduction of a non-contributory component.

The contributory component (Contributory Pension) is financed by contributions of employers and employees; it is calculated according to previous pensionable earnings and pensionable years. The general conditions to receive the full contributory pension include attainment of 62 years of age with 40 years of insurance or

²⁸Invalidity certification and assessment tasks are performed by specialized public agencies (*Invalidity Certification Centers* – KEPAs).

²⁹The scheme is regulated by a complex institutional framework. See article 2 of Law No. 4336/2015 (OJ 111/3.8.1984) on age and insurance conditions and articles 2, 7, 8 and 28 of Law No. 4387/2016 on residence requirements, features and calculation of the benefits.

³⁰See articles 1–4 of Law 1469/1984 (OJ Vol. A' 111/3.8.1984).

³¹See Laws No. 1902/1990, No. 2084/1992, No. 3029/2002, No. 3232/2004, No. 3385/2005, No. 3518/2006, No. 3655/2008, No. 3863/2010, No. 3986/2011, No. 3996/2011, No. 4093/2012, No. 4111/2013, No. 4316/2014, No. 4334/2015, No. 4336/2015, No. 4387/2016, No. 4393/2016 and No. 4472/2017.

³²According to Law No. 4336/2015, the general uniform age limits for drawing standard full pension are applicable from 1.1.2022 with few exceptions. In the meantime, age limits are being gradually increased to reach the uniform new limits by 31.12.2021.

67 years of age with 15 years of insurance. A reduced contributory pension can be claimed at the age of 62 with 15 years of insurance.

The non-contributory component (National Pension) is flat-rate and financed by the state budget. Access to the national pension requires prior establishment of the right to the contributory pension and prior legal and permanent residence in Greece for at least 15 years (from age of 15 until retirement age). Drawing the full national pension (384 Euros) requires an established right to a full contributory pension, at least 20 years of insurance and 40 years of legal and permanent residence in the country.

As a corollary of the contributory pension, the national pension is considered to be absorbed by the former (main benefit) and, therefore, to have the same legal nature (social insurance benefit). Given that the national pension is not means tested and remains strongly linked to previous contribution, it does not correspond to the status of a special non-contributory cash benefit in the sense of article 70 of Regulation (EC) 883/2004 (Amitsis 2017b), nor should it be confused with public non-contributory pension schemes (Stergiou 2017:759)³³.

Once the claim for the contributory pension is granted, EFKA proceeds with the examination of conditions required for the national pension. Regarding the prior residence condition, the legality of residence for non-EU nationals is proved by a certificate of legal residence issued by the same immigration authority which had issued the last residence card. The examination of the permanent character of residence is more complex and concerns both immigrants and Greek citizens who have spent part of their lives abroad. Competent authorities have issued guidelines³⁴ according to which affiliation period to EFKA is not indisputable proof of permanent residence and supplementary evidence³⁵ should be required. The guidelines also point out that residence periods in another EU country or a country which has signed a bilateral social security agreement (BSSA) with Greece, are aggregated with the residence periods in Greece for access to national pension, whereas the calculation of the benefit follows the principle of apportionment.

³³As A. Stergiou points out:

The introduction of the national pension has not changed the philosophy of the system by turning it into some kind of Beveridge-type system. It has only infused elements of social security in its dominant Bismarckian rationale. The differentiating element is the requirement of a residence period in Greece, in addition to the requirement of an insurance (employment) period. It is evident that employment usually identifies with residence. Therefore, someone having the minimum years of insurance/employment period (at least 15) must prove a long and legal stay (40 years) in Greece in order to enjoy the full amount of national pension (national solidarity). Social solidarity indirectly but clearly acquires "national borders". The right to national pension is recognized to immigrants, only when they have integrated into the structures of society, this proved by their long and legal residence in the country.

³⁴Guidance No. 60000/18191/976/19.9.2017 issued by the Ministry of Labour, Social Insurance & Social Solidarity and EFKA Circular No. 10/7.3.2018.

³⁵Such as residence related documents for non-nationals, tax record in Greece, insurance and residence periods in other countries, municipal certificates of permanent residence, rent contracts, utility bills etc.

13.3.4 Family Benefits

Directly insured women employees are compensated for the loss of employment income during the legally provided maternity leave through the Maternity Benefit (known also as Pregnancy & Postpartum Benefit). This is a contributory social insurance benefit granted by EFKA to claimants, who have completed 200 insured working days during the last 2 years³⁶ and stay off work for the overall duration of the benefit payment (56 days before due date of child birth and 63 days after). The amount corresponds to 50% of the standard wage of the claimant's insurance contribution class. Once the compulsory maternity leave is over, beneficiaries who have received the Maternity Benefit are automatically entitled to the Supplementary Maternity Allowance granted by OAED. This is a non-contributory social insurance benefit that equals the difference between the Maternity Benefit and the beneficiary's actual wage.

Women employees who have received the Maternity Benefit and have a valid employment contract can also benefit from the Special Maternity Protection Leave and Allowance Programme³⁷ managed by OAED. This is a non-compulsory additional maternity leave of 6 months with financial compensation equal to the statutory minimum wage (non-contributory).

Protection to families with dependent children is provided through the Child Benefit³⁸, a non-contributory means-tested allowance financed by the state budget and granted by OPEKA. The Child Benefit belongs to the category of *demogrants*, corresponding rather to a composite social security benefit than a genuine social welfare one.

Access to the benefit requires that the family has dependent children, that a tax declaration has been submitted prior to the claim and that the equivalent family income does not exceed the legally defined thresholds. There are some residence requirements for both the claimant parent and the child, including prior legal and permanent residence in Greece for 5 years before the claim³⁹ and legal and permanent residence in Greece at the time of the claim and during benefit payment⁴⁰. The

³⁶Article 34 and 39 of Statutory Law No. 1846/1951.

³⁷Article 142 of Law No. 3655/2008.

³⁸Article 214 of Law No. 4512/2018 (OJ Vol. A' 5/17.1.2018), Joint Ministerial Decision No. Δ12/Γ.Π.οικ.2738/36/17.1.2018 (OJ Vol. B' No. 57/18.1.2018) as amended and Joint Ministerial Decision No. Δ11/οικ.19750/540/30.3.2018 (OJ Vol. B' No. 1293/12.4.2018).

³⁹According to Law No. 4512/2018, 5 years prior residence is required for parents and legal and permanent residence (with no specified time limit) for the child. In administrative practice (Joint Ministerial Decision No Δ11/οικ.65072/2920 of 10.12.2018), the verification of 5 years residence requirement is performed both for parents and children (unless younger than 5 so residence time counts since birth) through previous tax returns of the family.

⁴⁰Absence from Greece for more than 3 months leads to benefit suspension, whereas if the family or the child moves abroad permanently the benefit is revoked. An indefinite absence abroad without benefit suspension is allowed in case the reason for staying abroad relates to studies, hospitalization or work for an employer established in Greece.

paid amount depends on the equivalent income category of the claimant and the number of dependent children ranging from 28 Euros (for income of 10,000–15,000 Euros) to 70 Euros (for income up to 6000 Euros) per child.

13.3.5 Guaranteed Minimum Resources

The national GMIS corresponds to the Social Solidarity Income Program (KEA)⁴¹, a social welfare programme, centrally managed and state financed, providing non-contributory and means-tested benefits to people living in extreme poverty (Amitsis 2017a). The scheme is structured in three pillars, including income support, activation services and access to supplementary welfare services and benefits in kind⁴².

The benefit is addressed to recipient units, either to a household or a homeless person (registered as such by the municipal social services) who fulfill the following requirements⁴³:

- Members of the household must legally and permanently reside in Greece.
- The declared income of the recipient unit during the 6 months preceding claim must not exceed six times the guaranteed amount for each type of household.
- The assets of the household must not exceed the legal thresholds.

The maximum duration of coverage by the KEA Programme is 6 months and, if need continues, a new application may be submitted with full reassessment. For households with no other source of income the cash benefit corresponds to the guaranteed amount⁴⁴, otherwise the benefit equals the difference between the household's income and the guaranteed amount.

13.3.6 A Critical Discussion of Key Factors on the Access of Migrants to Social Benefits

The analysis of the Greek institutional framework and administrative practice clearly leads to the conclusion that Greek citizens and foreigners legally residing in Greece may access social benefits on equal terms since eligibility criteria are not based on nationality. The basic migrant-related requirement corresponds to the

⁴¹ See article 235 of Law No. 4389/2016 as amended and Joint Ministerial Decision Δ13/οικ/33475/1935/15.6.2018 (OJ Vol. B' No. 2281/15.6.2018).

⁴² Due to the underdeveloped social care system, the service provision aspect of the scheme remains extremely weak in practice.

⁴³ Article 235 par. 6 of Law No. 4389/2016 and article 3 of Joint Ministerial Decision Δ13/οικ/33475/1935/15.6.2018.

⁴⁴ 200 Euros for a single person plus 100 Euros for each extra adult member and 50 Euros for each dependent child up to a maximum of 900 Euros per household.

existence of valid residence permits. As for prior residence requirements, they are introduced when justified by the non-contributory and social solidarity character of the benefit concerned and are equally implemented for Greeks living abroad. The only special attention attributed to the latter corresponds to their right to affiliate with the Greek social insurance system on a voluntary basis for pension and health insurance in an effort to encourage repatriation.

However, a key issue about the interrelation between migration and social protection concerns how the insufficiency of financial resources implied by the recourse to the GMIS might affect residence status, family reunification rights or naturalization potential of migrants.

For non-EU nationals, inadequacy of resources may lead to the revocation or non-renewal of residence permit (articles 4 par. 2 and 24 par. 1 of Law No. 4251/2014). For EU Blue Cards holders, insufficiency of resources and recourse to the national social welfare system directly entails revocation or not renewal of residence permit (article 116 par. 3 of Law No. 4251/2014). Also, non-EU nationals can only exercise the fundamental right to family reunification when they prove sufficiency of resources without dependence on the national social assistance system (article 70 par. 2 point b No. 4251/2014).

The residence status of EU nationals without permanent residence card can also be affected since sufficiency of resources without recourse to the national welfare system is a basic condition for their right to reside in Greece and receive a permanent residence card (articles 7 par. 1 and 13 par. 1 of Presidential Decree No. 106/2007).

Naturalisation prospects may also be affected by the claim or the receipt of KEA, as one of the main criteria for granting Hellenic citizenship to foreigners is the degree of their socio-economic integration, while their financial status is legally defined as an important indicator (article 5A of the Citizenship Code). Thus, what may affect the naturalization process is not the act of claiming or receiving KEA *per se*, but the poor financial condition implied.

Finally, regarding the application of beneficial transnational coordination rules, it is evident that EU social security legislation is in full implementation in Greece and, thus, access to rights is facilitated for all EU and non-EU citizens residing in Greece and falling under their scope, as well as Greeks living in other EU countries.

Bilateral social security agreements have similar beneficial results in the field of pensions, where the principles of equal treatment, maintenance of acquired insurance rights, aggregation of insurance periods, apportionment of insurance benefits and export of cash benefits are applied for all persons insured in Greece and the other contracting party regardless nationality. Greece has signed “classic” BSSAs with eight non-EU countries, including USA⁴⁵, Australia⁴⁶ and Canada⁴⁷, which

⁴⁵ Ratified by Law No. 2186/1994 (OJ Vol. A' No. 15), covering old age pension, invalidity pension and survivors' benefits.

⁴⁶ Ratified by Law No. 3677/2008 (OJ Vol. A' No. 140), covering only old age pensions.

⁴⁷ Ratified by Law No. 2492/1997 (OJ Vol. A' No. 83), covering old age pension, invalidity pension and survivors' benefits. Greece has also signed a separate classic type BSSA with Quebec.

represent the three largest destinations of Greek emigrants⁴⁸. There is no BSSA, though, signed with the countries whose nationals represent the three largest groups of non-EU foreigners in Greece (Albania, Georgia and Ukraine).

13.4 Conclusions

It is expected that Greece will not be affected by high rates of EU migrant workers and jobseekers in the forthcoming years, given that the economic and financial situation bring into question the main reasons for moving in Greece (OECD & European Commission 2014): earn enough to have a higher purchasing power at home; achieved previously set goals, such as savings or completing education; having higher chances of employment at home, etc. But the situation would be rather different for retired EU movers (Fries-Tersch et al 2016) and third country nationals, who might be *de jure* and *de facto* influenced by policy decisions concerning their access to the Greek social protection model.

This chapter has applied both institutional analysis and y bibliographical research in order to assess whether, during a sharp financial crisis, Greece respects the fundamental principles of free movement and equal treatment for EU citizens (Poptcheva 2014), and the solidarity discourse in favour of third-country nationals (Guild and Carrera 2013). It concludes that affiliation with social insurance schemes is directly linked to the degree of integration into the labour market, while access to social welfare depends on the development of a controversial (for Greek citizens) but generous (for third-country nationals) public assistance regime.

Last but not least, although prior residence requirements are applied equally regardless nationality, it is clear that Greeks who have lived a part of their lives abroad as well as immigrants may have a greater difficulty in fulfilling them. On the other hand, access of foreigners to income support benefits may be discouraged since, in certain cases, the implied inadequacy of resources affects their residence status or naturalisation prospects.

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⁴⁸Greece has also signed classic BSSAs with Argentina, Venezuela, Brazil, New Zealand and Uruguay.

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