

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Greece: Human Rights of migrants

In the context of the discourse on the rights of migrant workers, Amnesty International reminds the authorities of Greece of their obligation regarding the human rights of migrants and calls them to ensure that domestic procedures for the granting of work and residence permits to migrants comply with international human rights law and standards.

All migrants irrespective of their status have human rights and these must be respected. The minimum standards that States should guarantee include protection from torture and inhuman or degrading treatment, protection from slavery and forced labour, respect of the right to seek asylum and *non-refoulement*, rights in employment such as fair wages, reasonable working conditions and access to courts to defend rights and the right to education for all children.

States should have a permanent mechanism in place to consider applications individually and on their merits. When considering applications, the right of individual migrants to private and family life should be a primary consideration, also in relation to the length of their stay in the country. In particular, family reunification needs to be a central factor when considering requests of irregular parents.

States should develop a comprehensive migration policy, detailing the procedures and requirements for the granting of work and residence permits to migrants, rather than relying on emergency and ad-hoc measures.

Regularization policies need to be designed in a way that do not lead to future irregularity, for example through overly stringent requirements or loopholes, as in the case of individual migrants who met previous criteria but do not meet new and more stringent ones. For example, when residence and work permits are granted or renewed, they should be issued simultaneously, to avoid individuals falling into irregularity.

If ad hoc regularization programmes for irregular migrants are introduced, procedures need to be fair and transparent and respect human rights obligations, including the right not to be discriminated against. Clear and comprehensive information should be provided on application procedures.

If the applications are rejected, any decision for expulsion should comply with international human rights law and standards, in particular the principle of *non-refoulement*, the right to private and family life and the right to an effective remedy.

Background

At the end of January 2011, around 250 irregular migrant workers in Athens and 50 in Thessaloniki went on hunger strike. After 44 days of hunger strike, around 100 of the migrants have reportedly been transferred to hospitals because their health was in serious condition.

The hunger strikers are calling for regularization for all irregular migrants in Greece. More specific calls include the granting of residence permits to the 300 hunger strikers, making the

renewal of residence permits independent of social insurance credits and the establishment of a "continuous and transparent" regularization mechanism.

In the last few weeks, the Greek authorities have announced certain measures such as the relative loosening of the requirements for the renewal of residence permits and measures to combat labour exploitation. However, the authorities rejected the call for mass regularization of irregular migrants. Instead, they proposed to grant those eligible among the hunger strikers "tolerance status", which would allow the decision to return them to their countries of origin to be suspended for a six-month period, and would allow access to the labour market. The migrants felt that their calls had not been met and decided to continue the hunger strike.

A meeting was expected to take place again today between representatives of the hunger strikers and the competent Ministers to find a resolution.

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