

CODIFICATION OF LEGISLATION  
ON THE ENTRY, RESIDENCE AND SOCIAL INTEGRATION OF THIRD-COUNTRY NATIONALS ON  
GREEK TERRITORY

Law 3386/2005 (Government Gazette-GG A 212), as amended by Laws 3448/2006 (GG A 57), 3536/2007 (GG A 42), 3613/2007 (GG A 263), 3731/2008 (GG A 263), 3772/2009 (GG A 112) and 3801/2009 (GG A 163)

**CHAPTER A**  
**DEFINITIONS – SCOPE**

**Article 1**  
**Definitions**

For the purpose of implementation of the provisions hereof:

- a. "Alien" shall mean an individual who does not possess the Greek nationality or any nationality;
- b. "Third-country national" shall mean an individual who does not possess the Greek nationality or the nationality of any other Member State of the European Union, within the meaning of article 17(1) of the Treaty on the European Union;
- c. "Stateless person" shall mean an individual who meets the requirements of the New York Convention of 1954 relating to the status of stateless persons, ratified by Law 139/1975 (GG 176 A);
- d. "Residence permit" shall mean any authorisation issued by the Greek authorities allowing a third-country national to stay legally on Greek territory, pursuant to the provisions of article 1(2)(a) of Council Regulation (EC) No.1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (EEL 157/15.6.2002);
- e. "Family reunification" shall mean the entry and stay in the country of members of the family of a third-country national legally residing in Greece, in order to preserve the unity of his family, irrespective of whether family bonds were created before or after his entry in the country;
- f. "Sponsor" shall mean a third-country national who legally resides in Greece and submits an application for family reunification, in order for the entry and stay of his family members in Greece (as defined herein) to be permitted;
- g. "Long-term resident" shall mean a third-country national who was granted this status pursuant to article 67 hereof;
- h. "Student" shall mean a third-country national admitted to one of the educational establishments, as defined herein, whose entry and stay on the territory of the country has been permitted with the purpose of attending a course of study as his main activity;
- i. "Unaccompanied minor" shall mean a third-country national or stateless person below the age of 18, who either enters on Greek territory unaccompanied by an adult responsible for him whether by law or custom, and for as long as he is not effectively taken into the care of such a person or a minor who is left unaccompanied after he has entered the country;
- j. "Human trafficking victim" shall mean an individual who became victim of the crimes provided for in articles 323, 323A, 349, 351 and 351A of the Penal Code, irrespective of whether they have entered the country legally or illegally.

**Article 2**  
**Scope**

1. The provisions of this law shall not apply to the following categories of persons, unless otherwise determined in its provisions:
  - a. Citizens of the European Union, within the meaning of article 17(1) of the Treaty on European Union, as amended and currently in force;
  - b. Officers serving at Embassies, Consulates or international organisations seated in Greece, as well as third-country nationals employed by the above agencies as administrative personnel, their spouses and children;
  - c. Refugees and persons who have applied for recognition of the refugee status, within the meaning of the Geneva Convention of 1951, ratified by legislative decree 3989/1959 (GG 201 A), as amended and currently in force;
  - d. Persons who hold a permit to remain in Greece on the basis of temporary protection or have applied for such a permit and await the relevant decision;
  - e. Persons who hold a permit to remain in Greece on the basis of auxiliary forms of protection, pursuant to international commitments and national legislation, or have applied for such a permit and await for the relevant decision.
2. Persons holding more than one nationality, one of which is the Greek nationality or that of a European Union Member State, shall be considered Greek nationals or nationals of such Member States and shall not be included in the scope of this law.

3. Persons holding more than one nationality, one of which is not the Greek nationality, shall be obliged to choose nationality by statement to the competent Agency for Aliens and Migration, provided that they hold a passport or other travel document of the relevant State.
4. This law shall apply, without prejudice to more favourable arrangements provided for in:
  - a. bilateral and multilateral agreements between the Member States of the European Union or between the European Union and its Member States on the one hand and third countries on the other;
  - b. bilateral and multilateral agreements between the Hellenic Republic and third countries made before the entry hereof into force, subject to reciprocity;
  - c. the European Social Charter of 18 October 1961, as ratified by Law 1426/1984 (GG 32 A).

### **Article 3**

#### **Establishment of Interministerial Migration Policy Monitoring Committee**

1. An Interministerial Migration Policy Monitoring Committee shall be established for the coordination of the migration policy in Greece, consisting of the Ministers of Interior, Public Administration and Decentralisation, of Economy and Finance, of Foreign Affairs, of National Defence, of Development, of National Education and Religious Affairs, of Employment and Social Protection, of Health and Social Solidarity, of Rural Development and Food, of Justice, of Culture, of Public Order and of Mercantile Marine, which shall meet at least twice a year.<sup>1</sup>
2. The Committee shall be responsible for processing migration issues (legitimate and illegitimate) on the basis of the course of development of the phenomenon, issuing guidelines aiming at coordinating the involved bodies, monitoring their tasks and recommending institutional and technical measures towards the effective handling of relevant problems. The Committee shall coordinate the preparation and implementation of Integrated Action Plans under article 66 for the social integration of third-country nationals.
3. To facilitate its tasks, the Interministerial Committee shall be assisted by a Special Committee, which shall meet at least once every quarter to prepare the issues to be examined and recommend appropriate measures. The said Special Committee shall be constituted by decision of the Minister of Interior, Public Administration and Decentralisation and shall consist of managers, experts and officials of the Ministries referred to in paragraph 1 hereof. The same decision shall appoint its President and secretarial support.<sup>2</sup>
4. A joint decision of the Ministers of Interior, Public Administration and Decentralisation, of Economy and Finance, of Foreign Affairs, of National Defence, of Development, of National Education and Religious Affairs, of Employment and Social Protection, of Health and Social Solidarity, of Rural Development and Food, of Justice, of Culture, of Public Order and of Mercantile Marine shall determine specific matters relating to the functions of the Committee referred to in paragraph 1 and its secretarial support.<sup>3</sup>

## **CHAPTER B CONTROLS IN BORDER PASSES**

### **Article 4**

#### **Points of entry-exit**

1. Individuals shall be allowed to enter into and exit from Greek territory only from the controlled border passes.
2. Entry into and exit from the border passes referred to in the preceding paragraph may be allowed, on a case-by-case basis and for exceptional reasons, by decision of the Minister of Public Order, which shall also determine the control method.
3. A decision of the Ministers of Economy and Finance and of Public Order may determine, at the borders of the country, temporary passing points on grounds of public interest, on condition that they meet the necessary requirements for controlling the circulation of passing individuals. The working hours and total period of operation of such points shall be determined on the basis of specific conditions that dictate the need for the operation which cannot exceed eight months, unless their operation for a longer period is dictated on grounds of public interest.

### **Article 5**

#### **Entry control**

1. Any person entering into or exiting from Greek territory shall be subject to controls on arrival and departure.
2. The control of persons entering into or exiting from Greek territory shall come under the Ministry of Public Order and shall be effected by local special police authorities.
3. A decision of the Ministers of Interior, Public Administration and Decentralisation, of Economy and Finance, of Foreign Affairs, of National Defence, of Development, of National Education and Religious Affairs, of Employment and Social Protection, of Health and Social Solidarity, of Rural Development and Food, of Justice, of Culture, of Public Order and of Mercantile Marine shall determine the airports, ports and terrestrial points of the country, through which persons may enter into and exit from Greek territory, as well as the content of any form of control, the control authorities and the procedure for application of judicial and administrative acts relating to the entry and exit of persons

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<sup>1</sup> Replaced by article 2, para.1, of Law 3536/2007.

<sup>2</sup> Replaced by article 2, para.2, of Law 3536/2007.

<sup>3</sup> Replaced by article 2, para.3, of Law 3536/2007.

into and from the country. A similar decision may determine a simplified procedure for the control of persons in recreation cruises or aboard chartered yachts or aircrafts, as well as the conditions and procedure for the entry and exit of sailors to be recruited or dismissed.

4. A presidential decree, issued on recommendation of the Ministers of Interior, Public Administration and Decentralisation and of Public Order, shall determine the documents to be provided to third-country nationals who are not in possession of travel documents and cannot procure them on time from the diplomatic authorities of their country.

## **CHAPTER C**

### **GENERAL CONDITIONS FOR THE ENTRY AND RESIDENCE OF THIRD-COUNTRY NATIONALS**

#### **Article 6**

##### **Visa**

1. A third-country national entering on Greek territory must hold a passport or other travel document recognized by international conventions.
2. Such documents shall have a visa, if so required by applicable international conventions, Community law and national arrangements.
3. The visa shall be issued by the consular authority of the place of residence of the third-country national, having regard to reasons mainly relating to public policy and to the protection of national security and public health, and shall be distinguished into short-term residence ("Schengen" visa) and long-term residence (national visa).
4. National visas shall be issued on the basis of legislative arrangements hereof relating to the residence permit and their length shall be equivalent to that of the residence.
5. Third-country nationals not subject to visa may enter and remain on Greek territory for a period of up to three months overall or in part, within six months from the date of initial entry.
6. In exceptional circumstances, visas may be issued by passport control agencies on arrival of the third-country national to the point of entry, by decision of the Minister of Public Order.
7. A decision of the Minister of Foreign Affairs shall determine the conditions, documentation and procedure for the issuance of visas.

#### **Article 7**

##### **Transit of third-country nationals**

1. For the purposes of this law, the stay of a third-country national in the transit zone of an airport or port of the country with aim of continuing his trip abroad in the same or other aircraft or ship does not constitute entry into Greek territory.
2. A visa shall be required for the stay in the transit zone when so provided for by Community law.
3. A third-country national remaining in the transit zone shall be obliged to depart. If he does not depart, the police authority shall see that he boards an aircraft or ship. Airport or port authorities shall be obliged to assist, if so requested.
4. Competent police, customs, port and health authorities shall reserve the right to check, if they consider it necessary, persons in the transit zone.
5. Greek control authorities may oblige a third-country national in transit to depart immediately, if they find that he does not hold a visa, when so required, and a ticket for continuing his trip both to the country of destination and the countries through which he shall have to pass.

#### **Article 8**

##### **Refusal of entry**

1. Decisions to dismiss requests for visa made by diplomatic and consular authorities shall not be accompanied by special justification, unless they relate to the following categories of third-country nationals and without prejudice to the concurrence of reasons relating to public policy and to the protection of national security:
  - a. Third-country nationals being family members of a Greek;
  - b. Third-country nationals being family members of a national of another European Union Member State;
  - c. Third-country nationals whose entry, residence, establishment and employment in Greece are sought by implementation of Community laws;
  - d. Recognised refugees and their family members;
  - e. Third-country nationals employed in undertakings established in another European Union Member State who travel to Greece to perform work in the context of a relevant contractual obligation.
2. Greek control authorities may prohibit, with justification, the entry into Greece of a third-country national holding a visa, if they find that at least one of the following requirements is met:
  - a. He is included in the list of third-country nationals to whom the prohibition of entry under article 82 hereof applies;
  - b. His entry may pose a threat to public order and security or public health;
  - c. The passport or other travel document he holds does not ensure his return to the country of origin or nationality or to a third country;

d. He enters with the purpose of remaining in Greece for a reason for which a residence permit must be issued and he does not hold the required visa;

e. He does not hold the necessary documents to justify the purpose of his trip and the financial means to support himself. However, a native Greek may, by a reception statement drawn up on a special form and submitted as documentation to the passport control authorities, mention the purpose of the third-country national's trip and guarantee, by depositing to the Loans and Deposits Fund a sum covering the costs of refoulement or deportation and a sum equal to unskilled workers' three-months' salary, to cover part of or all necessary costs for his maintenance.

If one of the above cases is met, the third-country national shall receive the relevant form of refusal of entry, as provided for by international conventions.

The Minister of Public Order may allow, by decision, the entry of a third-country national at the controlled border passes and temporary passing points, despite the occurrence of a prohibiting reason under this paragraph, if it is dictated on grounds of public interest or force majeure or facilitation of sail of a Greek ship, which cannot be served in any other way.

3. A third-country national who has entered in Greece from the transit zone and is not allowed to enter the country of destination shall be admitted for reentry only if he meets again the requirements hereof, provided that, during his return, he has entered another, intermediate, country.

4. A person proved to hold the Greek nationality or the nationality of another European Union Member State shall not be prohibited from entering Greece, even if he does not hold a passport or another travel document.

5. If Greek control authorities, on entry into Greece of a third-country national holding a residence permit, discover grounds justifying its withdrawal, they shall immediately notify the competent Agency for Aliens and Migration in order to set the relevant procedure in motion.

## **CHAPTER D GENERAL CONDITIONS FOR THE ISSUANCE OF RESIDENCE PERMITS**

### **Article 9**

#### **Types of residence permits**

1. A third-country national who has been issued with a visa for Greece for one of the reasons provided for herein shall apply for a residence permit for the same reason, provided that he meets the conditions prescribed by this law.

2. The following categories of residence permits shall be established, along with the types of permits included therein. The types of residence permits entitle the holder to have access to the labour market pursuant to the specific arrangements of this law:

A) Residence permits for employment:

A1. Dependent employment or provision of services or work;

A2. Seasonal employment;

A3. Corporate executives;

A4. Temporary travel for the provision of services;

A5. Athletes-Coaches;

A6. Members of artistic groups;

A7. Intellectual creators;

A8. Members of schools of archaeology.

B) Residence permits for independent economic activity:

B1. Independent economic activity;

B2. Development of investment activity.

C) Residence permit for special reasons:

C1. Studies;

C2. Vocational training;

C3. Scholars-Special programmes;

C4. Studies at military academies;

C5. Acquisition of medical speciality;

C6. Financially independent persons;

C7. Adult children of diplomatic officers;

C8. Diplomatic delegations' service staff;

C9. Foreign press correspondents;

C10. Ministers of known religions;

C11. Athonias Academy;

C12. Study of, acquaintance with and practice of monastic life;

C13. Organized tourist group leaders;

C14. Researchers;

D) Residence permit for exceptional reasons:

D1. Humanitarian reasons

D2. Public interest

D3. Trafficking victims.

E) Residence permit for family reunification:

- E1. Family members of a third-country national;
- E2. Autonomous residence permit for the family members of a third-country national;
- E3. Family members of a Greek or EU citizen.
- F) Unfixed-term residence permit.
- G. Long-term resident permit.

3. The above permits shall be issued in a uniform format in implementation of the Regulation (EC) 1030/2002, with the exception of E3 permits, which shall be issued in the form of Residence Card and Permanent Residence Card. A decision of the Ministers of Interior, Public Administration and Decentralisation, of Foreign Affairs and of Public Order shall determine the form and content of such cards.

4. Each residence permit shall state whether the holder is entitled to have access to the labour market, subject to any special arrangements hereof.

## **Article 10**

### **General conditions for the right of residence**

The right of residence of third-country nationals legally entering Greece for one of the reasons referred to herein shall be subject to the following conditions:

- a) They must possess a current passport or other travel document recognized by international conventions.
- b) There must pose no threat to public order and security.

The investigation of the reasons relating to public policy and to the protection of national security shall be necessary requirement at the initial issuance of the residence permit of the third-country national, for his inclusion in the long-term resident status and the issuance of an unfixed-term residence permit pursuant to the provisions of article 91, para.2. The competent Agencies for Aliens and Migration of the Regions shall, at the end of every month, forward to local police directorates or security directorates of the Hellenic Police lists comprising accurate particulars of third-country nationals whose residence permits have been renewed. If there are reasons relating to public policy and to the protection of national security, including the delivery of a final judgment sentencing such person to at least one (1) year in prison for felony or misdemeanour, the competent agency may refuse to issue or renew the residence permit. If reasons relating to public policy and to the protection of national security occur after the issuance of the residence permit, such permit may be withdrawn. If reasons relating to public policy and to the protection of national security are met in the person of the third-country national, for which there is no final sentencing judgment or entry in the list of unwanted persons under article 49 of Law 2910/2001 (GG 91 A), such grounds shall be mentioned in the relevant decision specifically and with justification.<sup>4</sup>

c) They shall not pose threats to public health. The only conditions that may justify the refusal of entry or of the right of residence are those provided for by the World Health Organisation, as well as other infectious, contagious or parasitical diseases that dictate the taking of measures for the protection of public health. The ascertainment, after the issuance of the initial residence permit, that the holder suffers from a diseases contracted after his entry in the country shall not constitute grounds for the non-renewal of his residence permit or his removal from the territory of the country.

d) They must hold full health insurance for all risks covered for native Greeks.

e) They must have resources to cover the cost of their return to the country of origin. If public expenditure is incurred for their return, they shall be obliged to cover such expenditure.

## **Article 11**

### **Submission of application for the issuance and renewal of residence permits**

1. A third-country national applying for the issuance of a residence permit in Greece for one of the grounds comprised herein shall, after his entry into the country and before the expiry of his visa, apply for the issuance thereof, unless otherwise determined herein. For the renewal of the residence permit, the third-country national shall, two months before the expiry of the residence permit, apply for such renewal. Late applications for the renewal of residence permits may be submitted up to one month after the expiry thereof. In such case, para.3 of article 73 shall not apply and the third-country national shall be subject to pay a fine in favour of the State, equal to one-third of the deposit fee referred to in article 92, para.1, indent (a), of Law 3386/2005. The application cannot be submitted later than one month after the expiry of the residence permit.<sup>5</sup> The applications shall be examined by the Agency for Aliens of the Region operating in the prefecture of his place of domicile or residence.

Applications for the issuance and renewal of residence permits shall be submitted to the municipality or community of the applicant's place of domicile or residence.

Municipalities and communities shall check the completeness of the documentation and shall forward the relevant file to the competent Agency for Aliens of the Region, within fifteen days of the submission, at the latest. For residence permits issued by the Ministry of Interior, Public Administration and Decentralisation, the relevant applications shall be submitted to the competent Directorate of the Ministry.

2. The application for the issuance or renewal of the residence permit shall be accompanied by a deposit fee, as defined by article 92 hereof, and the documentation determined by decision of the Minister of Interior, Public

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<sup>4</sup> Replaced by article 3 of Law 3536/2007.

<sup>5</sup> Added by article 4, para.1, of Law 3536/2007.

Administration and Decentralisation. A similar decision shall determine the format and content of applications, the procedure of delivery of the residence permits to applicants and the format of certificate referred to in the next paragraph.

3. If documentation is complete, the competent Directorate of the Ministry of Interior, Public Administration and Decentralisation or the municipalities and communities, as the case may be, shall issue a certificate of deposit to the third-country national.

4. Third-country nationals who have promptly submitted an application for the issuance or renewal of a residence permit with all required documentation and have received the certificate of deposit referred to in the preceding paragraph shall be considered as legally residing in the country until the administration decides on their request. In the event of delivery of a rejecting decision, the said certificate shall cease to be valid ipso jure.

## **Article 12**

### **Procedure for issuance and renewal of residence permits**

1. The Region, taking into consideration the the reasons relating to public policy and to the protection of national security, may procure that, pursuant to the arrangements of para.2 and 3 hereof, the third-country national is interviewed at a specific place and time by the Migration Committee. If he does not attend the interview, the application shall be rejected. The relevant decision shall be issued by the Region within two months of the date it received all documentation. Late applications shall be rejected, without prejudice to the provisions of article 11, para.1, unless force majeure can be proved.<sup>6</sup>

2. Third-country nationals shall be invited for interview before the Migration Committee on receipt. Non-attendance of the interview shall be justified only on grounds of force majeure. In such case, third-country nationals shall be invited again for interview under the above procedure and, in case non-attendance, the application shall be rejected.

3. The Migration Committee shall give its opinion when so requested by the General Secretary of the Region.

4. The residence permit shall be issued by decision of the General Secretary of the Region.

5. The initial residence permit, subject to any special arrangements hereof, shall be valid for one year and any renewal thereof shall be valid for two years, until the holder meets the requirements for issuance of an unfixed-term residence permit or for inclusion in the long-term resident status.

6. In any event, no change of purpose shall be allowed to holders of residence permits for the reasons provided for in articles 16 to 23, 28, 30, 32, 33, 34, 36 to 43 and 45 hereof.<sup>7</sup>

## **Article 13**

### **Migration Advisory Committee**

1. A five-member Migration Committee shall be established in all prefectures of the Region, consisting of four officers of the relevant Agency for Aliens and Migration of the Region, one of whom shall be its chief and chairman, and of one representative of the police authority. For the Region of Attica, one Committee shall be established for each competent Agency for Aliens and Migration. A decision of the General Secretary of the Region shall constitute the Committee and appoint its regular and alternate members, the secretary and his alternate, as well as the rapporteur (who shall not be entitled to vote) and his alternate. The rapporteur and the secretary shall be officers of the competent Agency for Aliens and Migration.

Decisions of the General Secretaries of the Regions of Attica and Central Macedonia, respectively, may constitute, in each Agency for Aliens and Migration of the Region of Attica and the Prefecture of Thessaloniki of the Region of Central Macedonia, up to two additional Migration Committees, if this is dictated for the more rapid performance of their tasks.<sup>8</sup>

The Committees at each Region's Prefecture may also consist of its officers, serving at any agency of the same Prefecture, if the personnel of the relevant Agency for Aliens and Migration is not sufficient.<sup>9</sup>

2. The duty of the Migration Committee is to express an opinion on the issuance or renewal of third-country nationals' residence permits. To formulate its opinion, the Committee shall take into consideration the information provided for hereby and the overall personality of the third-country national.

## **CHAPTER E**

### **RESIDENCE PERMITS FOR EMPLOYMENT**

## **Article 14**

### **Procedure for inviting a third-country national for employment**

1. A third-country national may enter Greece for employment, under a dependent-employment relation, with a specific employer and for a specific type of employment, provided that he has been issued with a relevant visa.

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<sup>6</sup> Replaced by article 4, para.2, of Law 3536/2007.

<sup>7</sup> Article 4, para.3, of Law 3536/2007 abrogated paragraph 5, and paragraphs 6 and 7 were renumbered to paragraphs 5 and 6 respectively.

<sup>8</sup> Supplemented by article 34, para.2, of Law 3448/2006 and replaced by article 4, para.4, of Law 3536/2007.

<sup>9</sup> Supplemented by article 34, para.2, of Law 3448/2006.

2. A Committee shall be constituted at the seat of each Region, consisting of:
  - a. The General Secretary of the Region or the Director of the relevant Agency for Aliens and Migration, as chairman;
  - b. The head of the Employment Inspection Taskforce (SEPE);
  - c. A representative of the Association of Prefectural Authorities of Greece (ENAE);
  - d. A representative of the Greek Manpower Employment Organisation (OAED);
  - e. A representative of the Labour Union at the seat of the Region;
  - f. A representative of local Chambers;
  - g. A representative of the General Confederation of Greek Agrarian Associations (GESASE) or the Panhellenic Confederation of Agrarian Associations (PASEGES), as regular members, along with their indicated alternates;
  - h. A representative of the Panhellenic Middle Range Union of Ship-owners;
  - i. A representative of the Ship-Owners' Association "Gri-Gri" for the Aegean and the Ionian Sea.<sup>10</sup>
3. The Committee shall be constituted by decision of the General Secretary of the Region every year in December and its term of office shall be two years, starting from 1 January of the following year. If the members are not recommended by the relevant bodies referred to in the preceding paragraph thirty days of the submission of a relevant request thereto, they shall be appointed by the General Secretary of the Region. The task of the Committee shall be to prepare a report within the last quarter of each year, which shall indicate the existing needs in work force at the Region and the job vacancies by speciality, prefecture and length of employment, which may be covered by third-country nationals. The preparation of the report must take into consideration the criteria laid down by the joint ministerial decision referred to in paragraph 5 and the interests of national economy.<sup>11</sup> This report shall be forwarded to the Ministry of Employment and Social Protection, which shall expedite the delivery of the joint ministerial decision referred to in the next paragraph. This report shall also be forwarded to the Ministry of Interior, Public Administration and Decentralisation. The decision referred to in the first sentence shall appoint the rapporteurs and the secretary of the Committee, who shall be officers of the Directorate for Aliens and Migration of the Region.<sup>12</sup>
4. On the basis of the report referred to in the preceding paragraph, the Ministers of Interior, Public Administration and Decentralisation, of Foreign Affairs and of Employment and Social Protection shall determine by decision the maximum number of residence permits for employment to be issued each year to third-country nationals by prefecture, nationality, type and length of employment, as well as any other necessary detail. This decision shall be forwarded to the relevant Regions, the OAED, the competent Ministries and to the relevant Greek consular authorities.
5. A joint decision of the Ministers of Interior, Public Administration and Decentralisation, of Economy and Finance, of Foreign Affairs, of Employment and Social Protection, of Rural Development and Food and of Public Order shall determine the criteria to taken into consideration, the procedure for the preparation of the report referred to in paragraph 3, as well as the specific conditions for inviting third-country nationals in the country for dependent employment.<sup>13</sup>
6. A presidential decree, issued on recommendation of the Ministers of Interior, Public Administration and Decentralisation, of Economy and Finance, of Foreign Affairs and of Employment and Social Protection, may constitute, at the seats of embassies and remunerated Greek consular authorities, in the context of bilateral agreements and subject to the country's international commitments, Job Finding Offices, determine their powers, provide for permanent staff positions, define the categories, branches and qualifications of such staff, the method of filling such permanent positions and any other relevant matter.
7. Where, in the arrangements of this article, the relevant Greek consular authority is mentioned, after the establishment of the Job Finding Offices abroad referred to in the preceding paragraph, it shall be understood to mean henceforth such Offices.<sup>14</sup>

## **Article 15**

### **Issuance and renewal of residence permits for dependent employment**

1. Third-country nationals who have obtained a visa for the provision of dependent employment in Greece shall be issued with a residence permit for dependent employment, provided they have concluded an employment contract showing that their remuneration is at least equivalent to the monthly salary of unskilled workers and have submitted the required documentation determined by the decision referred to in article 11, para.2, hereof.
2. For the renewal of the residence permit for dependent employment, third-country nationals shall, two months before the expiry of the residence permit, submit to the municipality or community of their place of domicile or residence, an application and documentation showing:
  - a. That they have fulfilled their tax obligations;

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<sup>10</sup> Added by article 5, para.1, of Law 3536/2007.

<sup>11</sup> Replaced by article 5, para.3, of Law 3536/2007.

<sup>12</sup> Added by article 5, para.2, of Law 3536/2007.

<sup>13</sup> Replaced by article 5, para.4, of Law 3536/2007.

<sup>14</sup> Article 5, para.5, of Law 3536/2007 abrogated paragraphs 6 and 7, and paragraphs 8 and 9 were renumbered to 6 and 7 respectively.

b. That the requirements of the preceding paragraph are met. Specifically for the employment of people to agricultural work, builders, exclusive nurses and house staff, under a dependent employment relation with more than one non-stable employers, no employment contract needs to be submitted.<sup>15</sup> Similarly, no timely employment contract needs to be submitted in case of seasonal workers to hotels and restaurants, provided that they receive an unemployment benefit during the renewal.<sup>16</sup>

c. That they have effected a minimum number of wages at the relevant insurance organization, as determined in the decision referred to in article 90, para.1, hereof.

If third-country nationals have effected a smaller number of wages, they may redeem a number of insurance days up to 20% of the number required on the basis of the said decision. In case of renewal of a two-year residence permit, this condition must be met cumulatively for the entire two-year period.<sup>17</sup>

The relevant Agency for Aliens and Migration of the Region shall be competent to examine the application.

3. Third-country nationals may conclude an employment contract with another employer during the validity of their residence permit, provided that no change is made in the speciality for which the visa was issued and in the insurance organization. In case of change of employer, employees shall notify the competent Agency for Aliens and Migration of the Region within thirty days of the conclusion of the new contract. The Region shall notify such change to the Committee referred to in article 14, para.2, hereof.

4. Holders of residence permits for employment may work in another prefecture of the same or other Region one year after the issuance of the initial residence permit.<sup>18</sup>

5. One year after the issuance of a residence permit for dependent employment, the residence permit may be renewed for the provision of services or work, provided that third-country nationals have fulfilled their tax obligations and have effected a minimum number of wages at the relevant insurance organization, as determined in the decision referred to in article 90, para.1, hereof. This residence permit for the provision of services or work shall be valid for two years and may be renewed every two years. Further change of the said permit for the provision of services or work into a permit for dependent employment cannot be made during the period of validity thereof, but only on renewal. The residence permit for dependent work can only be renewed for practice of independent economic activity three years after the entry into force of the initial residence permit.<sup>19</sup>

## **Article 16**

### **Seasonal employment of third-country nationals**

1. Seasonal employment of third-country nationals is their employment in Greece for a period of up to six months per calendar year, in a field of activity relating to temporary, seasonal employment. Seasonal employees sign a contract with a specific employer under a fixed-term employment relation. The relevant contract must make an explicit mention of the type of employment.

2. Employers wishing to employ third-country nationals for seasonal employment must, in order for the relevant visa to be issued, have the prior approval of the General Secretary of the Region, if corresponding positions are provided for in the decision referred to in article 14 hereof. To this end, they must submit an application to the municipality or community of their place of domicile or residence at least three months before the commencement of works. The procedure of article 11 hereof shall apply to all other matters. Along with the application, employers must submit a letter of guarantee by a bank or the Loans and Deposits Fund, equivalent to unskilled workers' one-month's salary, which shall be return to employers on expiry of the residence permit and departure of third-country nationals from Greece.

The relevant Agency for Aliens and Migration of the Region shall be competent to examine such applications.

3. A residence permit issued pursuant to the provisions of this article cannot be renewed for any of the other grounds referred to herein.

4. In all other aspects, the entry, residence and period of employment of third-country nationals for seasonal employment in Greece shall be regulated by bilateral or multilateral international agreements, which shall be prevalent.

## **16A**

### **Invitation of fishermen**

1. Employers wishing to employ third-country nationals as fishermen under a fixed-term dependent employment relation, must, in order for the relevant visa to be issued, have the prior approval of the General Secretary of the Region, if corresponding positions are provided for in the decision referred to in article 14 hereof. To this end, they must submit an application to the municipality or community of their place of establishment of their undertaking or the seat of the shipping register of their vessel at least three months before the commencement of the fishing period. Along with the application, employers must submit a letter of guarantee by a bank or the Loans and Deposits Fund,

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<sup>15</sup> Added by article 6, para.1, of Law 3536/2007.

<sup>16</sup> Added by article 37 of Law 3731/2008.

<sup>17</sup> Added by article 6, para.2, of Law 3536/2007.

<sup>18</sup> Replaced by article 6, para.3, of Law 3536/2007.

<sup>19</sup> Added by article 6, para.4, of Law 3536/2007.

equivalent to unskilled workers' one-month's salary, which shall be returned to employers on expiry of the residence permit. The relevant Agency for Aliens and Migration of the Region shall be competent to examine such applications.

2. The period of validity of the residence permit shall be equal to the period of validity of the employment contract; it cannot exceed ten months or be renewed. No change of employer shall be allowed during the period of validity of the residence permit. In the event of termination or discontinuation of the employment contract, the residence permit shall be withdrawn and the third-country nationals must depart from the country.

3. Specifically for those who come under the arrangements of the bilateral agreement between the Hellenic Republic and the Arab Republic of Egypt, ratified by Law 1453/1984 (GG 88 A), in the event of termination of the employment contract or discontinuation of the employment relation in any way, during the period of validity of their residence permit, they shall be allowed to conclude a new employment contract with another employer for the period remaining until the expiry of the residence permit. If no new employment contract is made, the residence permit shall remain valid for three months and, in any event, until its expiry.<sup>20</sup>

### Article 17

#### Issuance and renewal of residence permits to corporate members of boards of directors, managers and staff

1. The following persons shall be allowed to enter the country, having previously obtained a visa:

a. Third-country nationals who are members of boards of directors, managers, legal representatives and senior executives (general managers, managers and deputy managers) of subsidiaries and branches of foreign companies lawfully practicing commercial activities in Greece;<sup>21</sup>

b. Foreign employees and legal representatives employed solely by companies that have come under the provisions of Law 3427/2005 (GG 312 A), Law 378/1968 (GG 82 A) and article 25 of Law 27/1975 (GG 77 A), as replaced by article 4 of Law 2234/1994 (GG 142 A), as well as by undertakings under legislative decree 2687/1953 (GG 317 A);<sup>22</sup>

c. Third-country nationals who are technicians employed in industries or mines under the terms provided for in Law 448/1968 (GG 130 A);

d. Foreign personnel exclusively employed by companies established in Greece in implementation of article 26 hereof;

e. Foreign specialised scientific personnel employed by foreign companies with branches or subsidiaries in Greece that lawfully practice commercial activities, as well as by companies associated with corresponding ones in Greece within the meaning of article 42e of Law 2190/1920 (GG 37 A), may travel to be employed in the branches or affiliates of the said company or in associate companies in Greece under the following conditions:

aa. The undertaking established in Greece must employ at least one hundred (100) foreign employees;

bb. Third-country nationals who will travel for employment in the said undertakings must have scientific knowledge in their field that is not possessed by Greek or Community employees or third-country nationals lawfully residing in Greece.

The number of employees cannot exceed 5% of national employees. The residence permit shall be initially issued for a period of one year and may be renewed for two more years.<sup>23</sup>

2. The third countries' citizens referred to in paragraph 1 of this article are granted a residence permit for a period no longer than one (1) year provided that the same:

(a) shall have entered into a labour contract with the company stating that the remuneration thereof is at least equal to the monthly wages of the non-specialized worker or, if they are members of Boards of Directors or Directors or legal representatives provided that they shall produce a copy of the Government Gazette in which their appointment or election has been published and, in case of non-publication, a copy of the company's Articles of Incorporation or a copy of the resolution of the company's competent body with regard to their capacity as members of Boards of Directors or Directors or legal representatives and a statement issued by the company and certifying the amount of their wages;

(b) shall be insured in order to cover hospital expenses, medical and pharmaceutical care and work accidents.

Applicability of paragraph 11 of article 9 of law 2166/1993 shall not be affected thereby.

Subject to the relevant special regulations, the residence permit shall be renewed every two years provided that the third countries' citizens shall provide supportive documents evidencing that:

i. The conditions stated above are met;

ii. All tax liabilities shall have been paid-up. In order to allow verification whether tax liabilities have been paid-up or not, the party concerned shall produce a copy of the tax liquidation sheet delivered by the tax office or a copy of the revenue tax return evidencing revenues equivalent to its declared wages.<sup>24</sup>

3. The aforementioned third countries' citizens may be accompanied by the members of their family referred to in paragraph 1 of article 54 of this law to whom is delivered an individual residence permit expiring at the same time with the residence permit of the person of whom they are dependent provided that such person proves that he/ she has

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<sup>20</sup> Added by article 7 of Law 3536/2007.

<sup>21</sup> Replaced by article 8, para.1, of Law 3536/2007.

<sup>22</sup> Replaced by article 8, para.2, of Law 3536/2007.

<sup>23</sup> Added by article 8, para.3, of Law 3536/2007.

<sup>24</sup> Replaced by article 44, para.2, of Law 3801/2009.

a stable and sufficient revenue which may be no less than eight thousand five hundred (8.500) euros per year increased by 15% for each member of his/ her family.<sup>25</sup>

4. The relevant application for the issuance and renewal of the residence permit, as well as for the family reunification of third-country nationals under para.1 of this law, shall be submitted to the Directorate for Aliens and Migration of the Ministry of Interior, Public Administration and Decentralisation. The examination into reasons relating to public policy shall not be a requirement for the issuance of such permits.

If the investigation conducted by competent police authorities reveals any relevant grounds, irrespective of the point of time they refer to, the residence permit shall be withdrawn.

#### **Article 18**

##### **Issuance and renewal of residence permits to third-country nationals traveling from an undertaking established in a Member State of the European Union or the European Economic Area with the purpose of providing services**

1. Third-country nationals lawfully employed in an undertaking established in a Member State of the European Union or the European Economic Area who must travel to Greece in order to provide a specific service, in the context of a relevant contractual commitment between the said undertaking and a party active in Greece shall be issued with a residence permit, provided that they meet the following special conditions, in addition to those referred to in article 10:

- a. They hold a visa if the period of residence exceeds three months;
- b. They prove their lawful residence in the Member State of the European Union where the undertaking is established;
- c. The undertaking from which third-country nationals are transferred can prove that it lawfully employs them on the territory of the Member State in which it is established;
- d. The undertaking from which third-country nationals are transferred has concluded a contract for the provision of the specific service with a party in Greece, which mentions the purpose and the anticipated period of transfer, as well as the payment of the employee's travel expenses, medical and pharmaceutical care and return costs.

2. The application for the issuance of the residence permit shall be submitted to the municipality or community of the place where the party in Greece is established. The relevant Agency for Aliens and Migration of the Region shall be competent to examine the application.

3. The residence permit shall be issued by decision of the General Secretary of the Region for the period required to fulfil the contractual commitment by the undertaking, which cannot exceed one year overall. The said residence permit may be renewed for six more months in exceptional cases, if justified by the need to fulfil the contractual commitment of the undertaking.

4. The above third-country nationals may be accompanied by their family members under article 54.1, to whom an individual residence permit shall be issued, which shall expire together with the resident permit of the persons who support them.

#### **Article 19**

##### **Issuance and renewal of residence permits to third-country nationals traveling from an undertaking established in a third country with the purpose of providing services**

1. Third-country nationals lawfully employed as specialised personnel in an undertaking established in a third country who must provide specific services, in the context of a services contract between the said undertaking and a corresponding undertaking active in Greece shall be issued with a residence permit, provided that they meet the following conditions:

- a. They hold a current passport and visa; and
- b. The undertaking from which third-country nationals are transferred has signed a contract for the provision of specific services exclusively relating to the installation, test operation and maintenance of the supplied items, the period of provision of services, the number and speciality of the persons to be employed, as well as the payment of the employees' travel expenses, medical and pharmaceutical care and return costs.

2. The application for the issuance of the residence permit shall be submitted to the municipality or community of the place where the domestic undertaking is established. The relevant Agency for Aliens and Migration of the Region shall be competent to examine the application.

3. The residence permit shall be issued by decision of the General Secretary of the Region for the period required to fulfil the contractual commitment by the undertaking, which cannot exceed one year overall. The said residence permit may be renewed for six more months in exceptional cases, if justified by the need to fulfil the contractual commitment of the undertaking.

#### **Article 20**

##### **Issuance and renewal of residence permits to athletes and coaches**

1. The entry and residence in the country of third-country nationals who are athletes and coaches of sports recognised by the Greek sports authorities for their registration, transfer or engagement in a recognised sports union,

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<sup>25</sup> Replaced by article 44, para.3, of Law 3801/2009.

Athletic Societe Anonyme (AAE) or Remunerated Athletes Section (TAA) shall be allowed, with the prior approval of the Greek sports federation for the relevant sport and after the issuance of a visa.

2. A third-country national athlete or coach wishing to come to Greece in view of a registration, transfer or engagement shall submit an application to the municipality or community of his place of domicile or residence, provided that he has been registered in, transferred to or engaged by a Greek sports union, AAE or TAA and meets the other lawful requirements. The relevant Agency for Aliens and Migration of the Region shall be competent to examine the application.

3. The residence permit shall be issued by decision of the General Secretary of the Region for a period of up to one year and may be renewed for the period of validity of the written agreement of cooperation or employment of the third-country national.

4. The above third-country nationals may be accompanied by their family members under article 54.1, to whom an individual residence permit shall be issued, which shall expire together with the resident permit of the persons who support them.

5. Third-country nationals being athletes, coaches and other specialised accompanying personnel may enter the country for preparation in view of participation in international sports events, with the prior approval of the Greek federation of the corresponding sport, which is recognised by Greek sports authorities. They shall be allowed to enter only if they have obtained a visa and can prove that they have sufficient funds to support them and full health insurance.

The residence permit is issued for the period of validity of the approval by the Greek federation of the corresponding sport, which cannot exceed one year. No renewal shall be allowed.

#### **Article 21**

##### **Issuance and renewal of residence permits to members of artistic groups**

1. Third-country nationals being members of artistic groups and those employed therein shall be allowed to enter the country, provided they can prove their capacity and employment relation and hold a special visa.

2. Third-country nationals referred to in the preceding paragraph shall be issued with a residence permit for employment, also taking into consideration the uniform structure of the artistic group.

3. The residence permit for employment shall be issued for a period of up to one year and may be renewed, pursuant to the provisions hereof, for the duration of the performances or events in which they participate.

#### **Article 22**

##### **Issuance and renewal of residence permits to intellectual creators**

1. Third-country nationals being intellectual creators, mainly authors, literature figures, stage directors, painters, sculptors, actors, musicians, singers, choreographers and stage designers, shall be allowed to enter the country, provided they have signed a relevant contract with a term longer than three months with an undertaking or organisation, the scope of which is to exploit or create intellectual property products, and that they hold a special visa.

2. The residence permit for employment shall be issued for a period of up to one year and may be renewed, pursuant to the provisions hereof, for as long as their contract is renewed.

#### **Article 23**

##### **Issuance and renewal of residence permits to members of foreign schools of archaeology**

1. Third-country nationals being members of a foreign schools of archaeology, the scientific activity of which is subject to the supervision of the Ministry of Culture, may be issued with a residence permit for employment in the context of the school's activity by decision of the Ministers of Interior, Public Administration and Decentralisation and of Culture, provided that they have received a special visa by the competent Greek consular authority of their place of residence.

2. The relevant application shall be submitted to the competent Directorate for Aliens and Migration of the Ministry of Interior, Public Administration and Decentralisation, provided that the third-country national has been admitted as member of the relevant school of archaeology and meets the other requirements provided for herein.

2. The third-country nationals referred to in paragraph 1 shall be issued with a residence permit for employment for a period of up to one year which may be renewed, pursuant to the provisions hereof, for the duration of their scientific activity.

3. The above third-country nationals may be accompanied by their family members under article 54.1, to whom an individual residence permit shall be issued, which shall expire together with the resident permit of the persons who support them.

### **CHAPTER F**

#### **RESIDENCE PERMITS FOR PRACTICING INDEPENDENT ECONOMIC ACTIVITY AND FOR INVESTMENT PURPOSES**

#### **Article 24**

##### **Practice of independent economic activity**

1. Third-country nationals shall be allowed to enter the country in order to practice independent economic activity, provided that they meet all the following conditions:

- a. They have sufficient funds to practice the activity, amounting to at least sixty thousand euro (€60,000), which shall be deposited in an account in the name of the applicants with a recognised bank. After the issuance of the special visa, this sum shall be deposited in a corresponding domestic institution;
  - b. The activity contributes to the growth of the national economy; and
  - c. They hold a special visa.
2. The application for the issuance of a visa to practice an independent economy activity shall be submitted to the Greek consular authority of the third-country national's place of residence, along with the pertinent logistical study.
  3. The application, along with the said logistical study and prescribed documentation, shall be forwarded to the relevant Agency for Aliens and Migration of the Region, which is competent for the municipality or community where the interested party intends to be established and practice the activity.
  4. The relevant Agency for Aliens and Migration of the Region, with the prior opinion of the Committee referred to in the next paragraph, shall approve the practice of the specific economic activity and shall forward the relevant act to the competent Greek consular authority, which shall forward it to the interested party and shall issued the visa. If the request is rejected, the third-country national cannot submit a new application for one year.
  5. A seven-member Committee shall be constituted at the seat of each Region by decision of the General Secretary of the Region, consisting of:
    - a) The head of the relevant Agency for Aliens and Migration of the Region as chairman;
    - b) A head of department of the same agency;
    - c) The head of the Directorate of Planning and Development of the Region;
    - d) An officer of the tax office (DOY) of the Region's seat;
    - e) A representative of the prefectural authorities (NA) of the Region's seat;
    - f) A representative of the local association of municipalities and communities (TEDK) of the prefecture where the Region is seated; and
    - g) A representative of a Chamber of the Region's seat, as regular members, along with their indicated alternates.
 This Committee shall express an opinion, within one month of the submission of the relevant request, on the expedience of the activity. Specifically, it shall examine the completeness and possibility of implementation of the logistics study, the effects on the environment, the business experience of the third-party national, the level of available funds and the effects on employment, as well as any special restrictions imposed by applicable legislation. The same decision shall appoint the rapporteur and the secretary of the Committee, who shall be officers of the Directorate for Aliens and Migration of the Region. Specifically for the Region of Attica, the rapporteur shall be appointed by the relevant Directorate for Aliens and Migration depending on the agenda.<sup>26</sup>

## **Article 25**

### **Issuance and renewal of residence permits**

1. Third-country nationals, after their entry in the country and in the context of validity of the visa for the activity referred to in the preceding article, shall submit an application for the issuance of a residence permit to the municipality or community of their place of domicile or residence, accompanied by a certified photocopy of their passport. The relevant Agency for Aliens and Migration of the Region shall be competent to examine the application. The relevant residence permit shall be issued by the General Secretary of the Region and shall be valid for two years.
2. This decision shall be forwarded to the General Secretariat for Trade of the Ministry of Development.
3. The residence permit may be renewed, for two years each time, provided that:<sup>27</sup>
  - a. The approved activity continues to be practiced and on condition that the sum referred to in paragraph 1(a) of the preceding article has been made available for this purpose;<sup>28</sup>
  - b. The same activity is practiced;
  - c. Tax and insurance obligations have been fulfilled; and
  - d. The activity continues to be practiced within the borders of the same prefecture.
4. The purpose may only be changed two years after the entry into force of the initial residence permit. The purpose may be changed at any time after its renewal, provided that it is proved that the specific activity was discontinued.<sup>29</sup>
5. If the residence permit is withdrawn or not renewed, the third-country national may be afforded, by decision of the General Secretary of Region, a period of up to six months in order to depart from Greece, if this is necessary for the liquidation of the undertaking.

## **Article 26**

### **Residence permits for development of investment activity**

1. Third-country nationals may enter Greece in order to make an investment of at least three hundred thousand euro (€300,000), which shall have positive effects on national economy.
2. The application for the issuance of the residence permit shall be submitted to the Greek consular authority of the third-country national's place of residence.

<sup>26</sup> Added by article 9, para.1, of Law 3536/2007.

<sup>27</sup> Replaced by article 28, para.2, of Law 3613/2007.

<sup>28</sup> Replaced by article 9, para.2, of Law 3536/2007.

<sup>29</sup> Added by article 9, para.3, of Law 3536/2007. Paragraph 4 was renumbered to 5 under the same provision.

3. The application, along with the prescribed documentation, shall be forwarded to the Directorate of Foreign Capital (Department of Foreign Direct Investment Monitoring) of the Ministry of Economy and Finance. The documentation referred to in the preceding sentence shall be specified by joint decision of the Ministers of Interior, Public Administration and Decentralisation and of Economy and Finance.

4. Within twenty days, at the latest, from the date of delivery of the file to the Ministry of Economy and Finance, the Minister of Economy and Finance shall forward to the Minister of Interior, Public Administration and Decentralisation a proposal, with a justified recommendation of the Ministry's Department of Foreign Direct Investment Monitoring, concerning the expedience of issuing the residence permit to the third-country national in relation to the investment. The Minister of Interior, Public Administration and Decentralisation shall decide on the approval of the residence permit.

5. The approval of the Minister of Interior, Public Administration and Decentralisation shall be forwarded to the relevant Greek consular authority, which shall issue the relevant visa subject to article 8 hereof. If the approval referred to in the preceding paragraph is not given, the third-country national cannot submit a new application for one year.

6. Investors shall inform the Department of Foreign Direct Investment Monitoring both of the making of the investment and of the progress thereof annually. If, one year later, it is discovered that the investment was not made or that there was no corresponding progress, the Minister of Economy and Finance shall, with the procedure referred to in paragraph 4 hereof, forward a proposal to the Minister of Interior, Public Administration and Decentralisation, in order for him to decide to withdraw or not the residence permit pursuant to the terms of this article.

7. Decisions of the Ministers of Interior, Public Administration and Decentralisation and of Economy and Finance shall regulate specific technical matters or details relating either to the making of the investment or the residence permit pursuant to the terms of this article.

#### **Article 27**

##### **Issuance and renewal of residence permits**

1. Third-country nationals, after their entry in the country and in the context of validity of the visa for the activity referred to in paragraph 5 of the preceding article, shall submit an application for the issuance of a residence permit to the Directorate for Aliens and Migration of the Ministry of Interior, Public Administration and Decentralisation, accompanied by a certified photocopy of their passport.

2. The relevant residence permit shall be issued by the Minister of Interior, Public Administration and Decentralisation and shall be valid for two years. The relevant decision shall be forwarded to the Ministry of Economy and Finance.

2. The residence permit may be renewed for three years, provided that:

- a. The approved activity continues to be practiced;
- b. The same activity is practiced or the initial activity is expanded; and
- c. Tax and insurance obligations have been fulfilled.

4. If the residence permit is withdrawn or not renewed, the third-country national may be afforded, by decision of the Minister of Interior, Public Administration and Decentralisation, a period of up to six months in order to depart from Greece, if this is necessary for the liquidation of the undertaking.

5. The above third-country nationals may be accompanied by their family members under article 54.1, to whom an individual residence permit shall be issued, which shall expire together with the resident permit of the persons who support them.

### **CHAPTER G**

#### **ISSUANCE AND RENEWAL OF RESIDENCE PERMITS FOR SPECIAL REASONS**

##### **Article 28**

##### **Issuance and renewal of residence permits for studies**

1. Third-country nationals shall be allowed to enter Greece for studies at Universities, Technological Educational Institutes (TEIs), Higher Ecclesiastical Schools and Ecclesiastical School Units, Higher School of Teachers of Engineering Sciences of the School of Pedagogical and Technological Education (ASETEM/ASPETE), Higher School of Tourism Professions of the NGTO and Technical Vocational Schools (TEE), provided that have obtained a visa. Studies include postgraduate studies. The concept of studies also includes the preparation cycle, if provided for by applicable legislation, as a part of such studies.

2. Third-country nationals who have obtained a visa for studies in Greece may apply for a residence permit for this purpose, provided that they meet all the following requirements:

- a. They have enrolled at the relevant educational establishment or have been admitted for enrolment;
- b. They have sufficient funds to cover their living expenses and cost of study during the validity of the residence permit; and
- c. They have paid the required enrolment fee to the educational establishment.

The relevant Agency for Aliens and Migration of the Region shall be competent to examine the application.

3. No residence permit for studies shall be issued to third-country nationals residing in the country as workers or practicing an independent economic activity, except those who have been accepted for the purpose of family reunification.<sup>30</sup>

### **Article 29**

#### **Term and renewal of residence permits**

1. The residence permit for studies shall be valid for one year and may be renewed for equal periods, provided that its holder continues to meet the requirements referred to in the preceding article. If the length of the course is less than one year, the residence permit shall be valid for the duration of the course. The total period of residence cannot exceed the prescribed total length of studies, increased by half. One more year shall be added to this period of learning Greek, if so requested by the relevant educational establishment. Third-country nationals who, on completion of their studies, were admitted by higher educational establishments or universities of the country for postgraduate studies may renew their residence permit for the period required to complete their studies, without being obliged to produce a visa.<sup>31</sup>
2. To renew their residence permits, third-country nationals must, at least two months before the expiry thereof, submit an application to the municipality or community of their place of domicile or residence, accompanied by a certificate of the relevant educational establishment showing their enrolment and their participation in the examinations, and by a transcript showing the overall progress of their studies.

### **Article 30**

#### **Vocational training**

1. For the purposes hereof, vocational training shall mean the attendance of an Vocational Training Institute (IEK), pursuant to Law 2009/1992 (GG 18 A), as in force from time to time. A preparatory year for learning Greek may precede such training, where required, on the basis of the curriculum.
2. The entry of third-country nationals in Greece for training at public or private IEKs shall be allowed if the third-country nationals have been admitted thereby and have received a relevant approval of studies by the Vocational Education and Training Organisation (OEEK). A decision of the Minister of National Education and Religious Affairs shall, with the opinion of the board of directors of the OEEK, determine the terms, conditions and certificates evidencing the knowledge of the language, where required for such approval.
3. For the purposes hereof, the entry of third-country nationals shall also be allowed for attending courses of non-graded educational level at liberal studies workshops, if the third-country nationals have been admitted thereby and such courses require regular and not distance learning. The relevant certificate of the workshop that the third-country national is admitted, as well as the length of the relevant courses, shall be attested by the relevant Agency of the Prefectural Authorities.
4. The relevant visa and the corresponding residence permit, as well as the renewal thereof, shall be issued pursuant to the provisions of articles 28 and 28 hereof, which shall apply accordingly.

### **Article 31**

#### **Change of studies orientation**

Third-country nationals who have obtained a visa or residence permit for studies or vocational training in Greece may change the educational establishment, public or private vocational training institute (TEI) or liberal studies workshop, as well as the orientation of studies or vocational training only once during the first year of studies, pursuant to the applicable legislation and provided that the length of stay provided for by the initial studies shall not be exceeded.

### **Article 32**

#### **Studies at military academies**

Third-country nationals who have obtained a visa and have been admitted for studies at the Academies and Special Schools of Armed Forces, Security Forces or Merchant Marine Academies shall receive, by way of exception, a residence permit for the duration of their studies thereat. Those who have been admitted for studies as scholars in the said Academies and Special Schools shall not be obliged to pay the deposit fee.

### **Article 33**

#### **Acquisition of medical speciality**

1. A visa shall be required for acquisition of medical speciality and the General Secretary of the relevant Region shall issue a residence permit for one year, which may be renewed every two years until the acquisition of the speciality. A necessary condition for the issuance of the residence permit is also the production of a certificate by a hospital providing the speciality pursuant to the applicable legislation, to the effect that they have been admitted for acquisition thereof.
2. The above third-country nationals may be accompanied by their family members under article 54.1, to whom an individual residence permit shall be issued, which shall expire together with the resident permit of the persons who support them.

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<sup>30</sup> Replaced by article 10, para.1, of Law 3536/2007.

<sup>31</sup> Added by article 10, para.2, of Law 3536/2007.

## **Article 34**

### **Participation in special programmes**

1. Third-country nationals participating in exchange programmes in the context of interstate agreements, cooperation programmes funded by the European Union and scholars of ministries, organisations, nonprofit organisations and the National Scholarship Foundation (IKY) shall be admitted for residence in the country, provided they have obtained a visa. The visa shall be issued on production to the relevant Greek consular authority of a certificate of the body that implements the programme or grants the scholarship.
2. The residence permit shall be issued for a period equal to the length of the programme or the scholarship. The scholars referred to in the preceding paragraph shall not be obliged to pay the deposit fee.
3. Subject to the applicable labour law, third-country nationals who are tertiary education students and participate in programmes with the purpose of remunerated practical training in their field of study shall be issued with a residence permit by decision of the General Secretary of the relevant Region, which shall grant access to the labour market for a period of up to six months, eligible for renewal for an equal period, provided that they have obtained a visa for this purpose and that they hold a certificate of the competent exchange body to the effect that the third-country national is admitted to the programme for practice in his field of study at a specific undertaking and for a specific period of time.<sup>32</sup>

## **Article 35**

### **Professional activity of students third-country nationals**

Third-country nationals who have received a residence permit for studies, pursuant to articles 29, 30, 32 and 34 hereof, subject to paragraph 3 of the preceding article, may undertake only part-time work, pursuant to the terms of the applicable legislation. For this purpose, a relevant approval shall be issued to the interested party by the Region on production of the residence permit. The length of the said approval shall be equal to the residence permit and may be renewed along with the permit.

## **Article 36**

### **Issuance of residence permits to financially independent persons**

1. By decision of the General Secretariat of a Region, a residence permit shall be issued for one year to third-country nationals who have obtained a visa and have sufficient resources, at the level of stable annual income, to cover living expenses, which may be renewed every year provided that the other legal requirements are met. The level of sufficient funds shall be determined by joint ministerial decision, pursuant to article 90, para.2, hereof.
2. The above third-country nationals may be accompanied by their family members under article 54.1, to whom an individual residence permit shall be issued, which shall expire together with the resident permit of the persons who support them. The requirement of sufficient funds must be met either by each family member or by all family members.

## **Article 37**

### **Issuance of residence permits to adult children of diplomatic officers and to third-country nationals being diplomatic delegations' service staff**

1. Adult children of diplomatic officers serving in Greece shall be issued, by decision of the General Secretary of the Region, with a residence permit for a period equal to the period of service of their parents. Such permit shall not entitle the holder to access to the labour market.
2. By decision of the General Secretary of the Region, a residence permit shall be issued to third-country nationals who are abroad and are invited to Greece to work as private servants of members of diplomatic delegations, pursuant to article 1(h) of the Vienna Convention of 1961 on Diplomatic Relations, ratified by legislative decree 503/1970 (GG 108 A).
3. The residence permit of third-country nationals pursuant to the preceding paragraph shall be issued for a period equal to their relation to the diplomatic delegation member.

## **Article 38**

### **Issuance and renewal of residence permits to foreign press correspondents**

1. By decision of the General Secretary of a Region, a residence permit shall be issued to foreign press correspondents, provided that they hold a visa and have been accredited to the General Secretariat of Information. The above third-country nationals may be accompanied by their family members under article 54.1, to whom an individual residence permit shall be issued, which shall expire together with the resident permit of the persons who support them.
2. The residence permit shall be issued for a period of up to one year and may be renewed for an equal period. The application for the issuance of the residence permit under this paragraph shall be submitted to the municipality or community of their place of domicile or residence, accompanied by a copy of the passport or other travel document of third-country nationals, along with the visa and a certificate of the General Secretariat of Information concerning the said capacity of third-country nationals and the length of their accreditation. The relevant Agency for Aliens and Migration of the Region shall be competent to examine the application.

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<sup>32</sup> Replaced by article 10, para.3, of Law 3536/2007.

### **Article 39**

#### **Issuance and renewal of residence permits to ministers of known religions**

1. By decision of the General Secretary of a Region, a residence permit shall be issued to ministers of all known religions who are third-country nationals for one year, eligible for renewal every two years, provided that they have obtained a visa. The visa may be issued on production to the relevant Greek consular authority of a certificate of the relevant metropolite (for ministers of the prevailing religion) or the representative of the known religion in the country to the effect that the ministers will perform solely hieratic functions.

The application for the issuance of the residence permit must be accompanied by a certificate on the payment of the living expenses and full medical and pharmaceutical care.

2. The above third-country nationals may be accompanied by their family members under article 54.1, to whom an individual residence permit shall be issued, which shall expire together with the resident permit of the persons who support them.

### **Article 40**

#### **Issuance and renewal of residence permits for attending the Athonias Ecclesiastical Academy of Mount Athos**

1. An Orthodox third-country national may enter Greece for attendance of the Athonias Ecclesiastical Academy of Mount Athos provided that he has obtained a visa.

2. Third-country nationals must, at least two months before the expiry of the visa, submit to the Holy Supervision of Mount Athos an application for the issuance of a residence permit. The application shall be accompanied by:

- a. A copy of the passport or other travel document bearing the visa;
- b. A certificate of enrolment to the Athonias Ecclesiastical Academy;
- c. A certificate of a Holy Monastery or institute or individual that they undertake his custody, living expenses and cost of studies at Mount Athos;
- d. A certificate of the Holy Supervision or Holy Monastery or institute or individual that have undertaken his custody to the effect that they are obliged to fully cover his medical and pharmaceutical care and hospitalisation fees; and
- e. A health certificate issued by domestic state hospitals or health centres or IKA hospitals and clinics to the effect that the third-country national does not suffer from any condition which, pursuant to the World Health Organisation, can pose a threat to public health.

3. The residence permit shall be issued to the third-country national by decision of the General Secretary of the Region, on recommendation of the Holy Supervision.

4. The residence permit shall be issued for the duration of the years of studies and may be renewed for one more year.

### **Article 41**

#### **Issuance and renewal of residence permits for study of, acquaintance with and practice of monastic life**

1.a. Third-country nationals who have obtained a visa may be issued with a residence permit at the region of Mount Athos for studies or acquaintance with monastic life at Mount Athos, following an application to one of the twenty Holy Monasteries of Mount Athos and recommendation by the Holy Community. The permit shall be issued by decision of the General Secretary of the Region, provided that the host Holy Monastery certifies that it will offer them accommodation, food and other living expenses and will insure them for hospitalisation fees and full medical and pharmaceutical care.

b. The host Holy Monastery of Mount Athos shall forward to the relevant Directorate of the Region the recommendation of the Holy Community and the application.

c. The permit shall be valid for one year and may be renewed for an equal period each time.

2. By decision of the General Secretary of the Region, a residence permit for one year, eligible for renewal for an equal period, may be issued to third-country nationals who wish to get acquainted with or practice monastic life, provided that they have obtained a visa. The visa shall be issued on production to the relevant Greek consular authority of a certificate of the relevant Holy Monastery to the effect that they have been admitted for acquaintance with or practice of monastic life. The application for residence permit must be accompanied by a certificate on the payment of medical and pharmaceutical care.

### **Article 42**

#### **Issuance and renewal of residence permits to organized tourist group leaders**

1. A visa shall be issued to organised tourist group leaders, with the consent of the relevant agency of the Ministry of Tourism, provided that interested parties submit an application to the relevant Greek consular authority of their place of residence.

2. Third-country nationals must, before the expiry of the visa, submit to the municipality or community of their place of domicile or residence an application for residence permit, accompanied by the relevant documentation.<sup>33</sup>

The relevant Agency for Aliens and Migration of the Region shall be competent to examine the application.

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<sup>33</sup> Replaced by article 45, para.1a, of Law 3731/2008.

3. This residence permit, which enables its holder to practice the profession for which he entered the country, shall be issued by decision of the General Secretary of the Region for a period of up to eight months and cannot be renewed within the same year.

#### **Article 43**

##### **Issuance and renewal of residence permits for implementing research projects**

1. Third-country nationals wishing to stay in Greece with the purpose of participating in research projects at a public research organisation or other corresponding research agencies of the public sector or legal entities in public law (NPDD) supervised by a public authority shall be issued with a residence permit for the implementation of the research project, provided that they meet the requirements of article 10 hereof and have signed a cooperation contract with the research organisation, which mentions the terms of cooperation, the period of completion, and the fact that the cost of residence and return shall be covered thereby.

2. Interested third-country nationals shall, having obtained a visa, submit an application to the municipality or community of their place of domicile or residence. The relevant Agency for Aliens and Migration of the Region shall be competent to examine the application.

The residence permit shall be issued by decision of the General Secretary of the relevant Region for one year and may be renewed for one year for the same reason until the completion of the research project.

3. The above third-country nationals may be accompanied by their family members under article 54.1, to whom an individual residence permit shall be issued, which shall expire together with the resident permit of the persons who support them.

### **CHAPTER H**

#### **ISSUANCE AND RENEWAL OF RESIDENCE PERMITS FOR EXCEPTIONAL REASONS**

#### **Article 44**

##### **Issuance and renewal of residence permits for humanitarian reasons**

1. By decision of the Ministers of Interior, Public Administration and Decentralisation and of Employment and Social Protection, residence permits may be issued for humanitarian reasons to third-country nationals:

- a. Victims of labour and other accidents, for the duration of the treatment or in case they retire for the same reason;
- b. Victims of crimes provided for in articles 1 to 3 of Law 927/1979 (GG 139 A), if criminal proceedings were initiated for such crimes and until the delivery of the court judgment. If the said persons undergo treatment, the residence permit shall be issued for the duration of their treatment;<sup>34</sup>
- c. Persons accommodated in charitable institutions and legal entities;
- d. Minors, the custody of whom is held by Greek nationals or families of third-country nationals who legally reside in the country or the adoption of whom is pending;
- e. Persons suffering from serious health problems.

Serious health problems and the length of treatment shall be verified by a recent certificate by a public hospital or IKA clinic. In the event that the health problem relates to an infectious disease, the consent of the Minister of Health and Social Solidarity that they pose no threat to public health shall be required for the issuance of the said decision. For the issuance of the permit in cases (a), (b) and (e) above, the applicant must hold a prior residence permit. The length of the permit shall be up to one year and may be renewed for an equal period each time.

2. If there are grounds not included in the arrangements of the preceding paragraph which necessitate the residence of a third-country national, the residence permit may be issued by decision of the Minister of Interior, Public Administration and Decentralisation, having heard the opinion of the Committee referred to in article 89, para.1, hereof.

The length of the said permit cannot exceed six months and shall not be renewed for the same reason, but only for one of the other reasons mentioned in the provisions hereof.

A necessary condition for the issuance of the said permit is the possession of a passport with a visa for entry in the country, irrespective of the validity thereof, or an expired residence permit, as well as the proven invocation of the specific reason that makes necessary the residence of the third-country national on Greek territory.<sup>35</sup> Only applications that meet this requirement shall be referred to the Committee for its opinion.<sup>36</sup>

3. These applications shall be submitted to the Directorate for Aliens and Migration of the Ministry of Interior, Public Administration and Decentralisation.

4. In case of persons referred to in paragraph 1 whose family members are holders of a residence permit for humanitarian reasons, their residence permit may be renewed for period equal to the validity of the permit for humanitarian reasons. The relevant decision shall be issued by the General Secretary of the Region. If the requirement referred to in article 53, case (c), is not met, the permit may be issued notwithstanding such provision.

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<sup>34</sup> Replaced by article 45, para.1b, of Law 3731/2008.

<sup>35</sup> Replaced by article 45, para.1c, of Law 3731/2008.

<sup>36</sup> Added by article 11, para.1, of Law 3536/2007.

5. The residence permit for humanitarian reasons may be renewed for one of the other reasons referred to in this law, if the reasons for which it was issued are no longer valid or if such a provision is made in the decision for the issuance thereof.
6. The residence permits referred to in this article shall entitle third-country nationals to have access to salaried employment and to the provision of services or work. Holders of such permit may practice independent economic activity only when they previously held a residence permit that allowed them to practice an independent economic activity and such activity continues. The fulfilment of the conditions for the renewal of residence permits for independent economic activity shall be examined for the renewal of the residence permits referred to in the preceding sentence.<sup>37</sup>
7. The residence permits referred to in paragraph 1 shall not be subject to the payment of deposit fees.

#### **Article 45**

##### **Issuance of residence permits for public interest**

1. By decision of the Ministers of Interior, Public Administration and Decentralisation and of Foreign Affairs, residence permits shall be issued to third-country nationals for reasons of justified public interest. This residence permit shall entitle third-country nationals to have access to the labour market. The residence permit shall be issued for one year and may be renewed for an equal period. Applications for the issuance of residence permits referred to in this paragraph shall be submitted to the Directorate for Aliens and Migration of the Ministry of Interior, Public Administration and Decentralisation.
2. The above third-country nationals may be accompanied by their family members under article 54.1, to whom an individual residence permit shall be issued, which shall expire together with the resident permit of the persons who support them.

### **CHAPTER I**

#### **ISSUANCE AND RENEWAL OF RESIDENCE PERMITS TO TRAFFICKING VICTIMS**

#### **Article 46**

##### **Issuance and renewal of residence permits to trafficking victims**

1. Third-country nationals, characterized as victims of human trafficking by act of the relevant Public Prosecutor for the First Instance Court, within the meaning of case (c) of article 1 hereof, and at the request of the victim, submitted either in person or through the relevant public prosecutor, shall be issued with a relevant residence permit for which no deposit fee shall be required.
2. This permit shall be issued according to the procedure and under the conditions of the ensuing articles and pursuant to the provisions of Directive 2004/81/EC of the European Council (EE L 261 of 6.8.2004).<sup>38</sup>

#### **Article 47**

##### **Information to victims and special care for minors**

1. When the competent police or prosecuting authorities take the view that a third-country national may fall into the scope of victims, as defined in case (c) of article 1 hereof, they shall inform the person concerned of the possibility to receive a limited-validity residence card, provided they cooperate in combating trafficking in human beings. Such information may also be provided by competent social support bodies, as provided for in the annex to presidential decree 233/2003 (GG 248 A), as in force from time to time.
2. In the case of third-country nationals who are unaccompanied minors, the competent police or prosecuting authorities shall take the necessary steps to establish their identity, nationality and the fact that they are unaccompanied. They shall make every effort to locate their families as quickly as possible and take the necessary steps immediately to ensure legal representation, including representation in criminal proceedings, if necessary, in accordance with national law.

#### **Article 48**

##### **Reflection period**

1. The persons referred to in the preceding provisions shall be granted a reflection period allowing them to recover and escape the influence of the perpetrators of the offences so that they can take an informed decision as to whether to cooperate with the prosecuting authorities.
2. The duration of such period cannot exceed one month. Especially for minors, this period may be extended for one more month by decision of the competent public prosecutor, on the basis of the minor's best interests.
3. The reflection period shall not create any entitlement to residence in the country. During this period, the said persons shall not be expelled and it shall not be possible to enforce any expulsion order against them, pursuant to article 12, para.2, of Law 3064/2002 (GG 248 A).<sup>39</sup>
4. The public prosecutor may at any time terminate the reflection period if:

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<sup>37</sup> Replaced by article 45, para.1d, of Law 3731/2008.

<sup>38</sup> Replaced by article 45, para.1d, of Law 3731/2008.

<sup>39</sup> Replaced by article 11, para.3, of Law 3536/2007.

- a. the competent prosecuting or police authorities have established that the person concerned has actively, voluntarily and on his/her own initiative renewed contact with the perpetrators of the offences referred to in article 1(j) hereof, or
- b. for reasons relating to public policy and to the protection of national security.

#### **Article 49**

##### **Care and provisions during the reflection period**

1. During the reflection period, the aforesaid persons shall have access to care, pursuant to the provisions of article 7 of presidential decree 233/2003, as in force from time to time.
2. Such persons who do not have sufficient resources shall be granted adequate standards of living.
3. Competent prosecuting and police authorities shall take due account, by priority, of the safety and protection needs of such persons, in accordance with the relevant law. They shall also be provided, where appropriate, with translation and interpreting services and all required legal aid.

#### **Article 50**

##### **Conditions for issuance and renewal of the residence permit**

1. After the expiry of the reflection period, or earlier if the criteria set out in subparagraph (b) of this paragraph are met, the competent public prosecutor shall consider if one of the following conditions are met and shall prepare a relevant report:
  - a. the opportunity presented by prolonging his/her stay on Greek territory for the investigations or the judicial proceedings,
  - b. whether he/she has shown a clear intention to cooperate, and
  - c. whether he/she has severed all relations with those suspected of acts that might be included among the offences referred to in article 1(j) hereof.
2. The application for a residence permit shall be examined by priority and the permit shall be issued by decision of the Minister of Interior, Public Administration and Decentralisation. Without prejudice to the reasons relating to public policy and to the protection of national security, a twelve-month residence permit shall be issued if one of the conditions referred to in the preceding paragraph are met. Such permit shall be renewed for an equal period each time, if the aforesaid conditions continue to be satisfied.
3. This residence permit entitles the holder to have access to the labour market (such access being limited to the duration of the residence permit), to provisions and care referred to in article 49 hereof, as well as to vocational training and education, pursuant to the special provisions of article 6 of presidential decree 233/2003.

#### **Article 51**

##### **Special reasons for the non-renewal and withdrawing of the residence permit**

The residence permit shall not be renewed or shall be withdrawn in the following cases:

- a. If the holder has actively, voluntarily and in his/her own initiative renewed contacts with those suspected of committing the reported offences;
- b. If the competent authority believes that the victim's cooperation is fraudulent or that his/her complaint is fraudulent or wrongful;
- c. When the victim ceases to cooperate;
- d. When the competent prosecuting or police authorities decide to discontinue the proceedings;
- e. When an irrevocable court judgment has been delivered, which concludes the relevant procedure.

#### **Article 52**

##### **Change of purpose of residence**

Within one month of the conclusion of the relevant procedure with the delivery of an irrevocable court judgment, the holder of a residence permit in the capacity of victim of human trafficking may be issued with a residence permit for one of the grounds and under the relevant conditions prescribed herein, by decision of the General Secretariat of the relevant Region.

### **CHAPTER J**

#### **ISSUANCE AND RENEWAL OF RESIDENCE PERMITS FOR FAMILY REUNIFICATION**

#### **Article 53**

##### **Conditions for family reunification**

Third-country nationals lawfully residing in Greece for at least two years shall be entitled to apply for the entry and residence in the country of their family members, provided that all the ensuing conditions are satisfied:

- a. They have documentary evidence of the family relationship;
- b. Their family members will reside with them;
- c. They can prove that they have a steady and regular annual personal income, sufficient to cover the needs of their family, which is not paid by the social assistance system of the country. Such income cannot be less than the annual wages of unskilled workers, increased by 20% for the spouse and by 15% for each child. If both spouses lawfully

reside in the country and want to reunite with their children, the above 15% increase for each child shall not be required;

d. They have full health insurance for all risks covered for Greek nationals, which can also cover their family members.

#### **Article 54**

##### **Family members**

1. The family members of a third-country national entering the country in the context of family reunification shall include:

(a) the sponsor's spouse, provided that he/she is 18 years or older, the minor children of the sponsor and of his/her spouse, including adopted children;

(d) Other minor children including adopted children of the sponsor or his/her spouse where the sponsor or the spouse has custody and the children are dependent on him or her.

2. In the event of a polygamous marriage, where the sponsor already has a spouse living with him in the territory of Greece, the family reunification of a further spouse shall not be authorised.

By way of derogation from paragraph 1(b), the family reunification of minor children of a further spouse and the sponsor shall not be authorised.

#### **Article 55**

##### **Submission and examination of requests for family reunification**

1. Sponsors shall submit an application to the municipality or community of their place of domicile or residence for the approval of family reunification. The relevant Agency for Aliens and Migration of the Region shall be competent to examine the application.

2. The application shall be accepted if the conditions of articles 53 and 54 hereof are satisfied. The General Secretary of the Region shall seek the prior opinion of the competent police authority for matters relating to public policy and to the protection of national security, as well as the opinion of the competent Greek consular authority to establish the existence of family relationship. The above opinions shall be given within two months.

3. The decision of the General Secretary that approves the application for family reunification shall be forwarded to the competent Greek consular authority, which shall issue the family members of the third-country nationals with the required visas, without prejudice to the provisions of article 8 hereof.

#### **Article 56**

##### **Issuance of residence permits**

1. The family members of the sponsor, after their entry in the country and before the expiry of the visa, shall submit an application to the municipality or community of their place of domicile or residence for a residence permit for family reunification. The relevant Agency for Aliens and Migration of the Region shall be competent to examine the application. When applications are examined under this and the next article, the best interests of children shall be taken into consideration.

2. For children, the application for individual residence permits shall be submitted by the persons exercising parental care, without the payment of the deposit fee.<sup>40</sup>

3. Residence permits shall be issued by decision of the General Secretary of the relevant Region within nine months, at the latest, of the submission of the relevant applications with the required documentation.

#### **Article 57**

##### **Duration and renewal of residence permits**

1. Family members shall be issued with individual residence permits for one year, renewed every two years.

2. Family members wishing to renew their residence permits on grounds of family reunification shall, at least two months before its expiry, submit an application to the municipality or community of their place of domicile or residence for a residence permit for family reunification. The relevant Agency for Aliens and Migration of the Region shall be competent to examine the application. The provisions of article 11 hereof shall apply accordingly to any other matters.

3. During the renewal of the residence permit, if sponsors do not have sufficient resources without resorting to the country's social assistance system, as referred to in article 53, para.1(c), hereof, the contribution made by family members to the family's total income shall be taken into account.

#### **Article 58**

##### **Withdrawal of residence permits**

1. Residence permits for family reunification shall not be issued or shall be withdrawn or shall not be renewed in the following cases, in addition to those referred to in article 75 hereof:

a. When the sponsor and his/her family members have ceased to have a real spousal or family life;

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<sup>40</sup> Replaced by article 13 of Law 3536/2007.

- b. If it is discovered that the family relationship, especially the marriage, adoption or recognition of children, has been created with the purpose of infringing the provisions hereof, in order to obtain a residence permit. The family relationship shall be considered to have been created for this purpose especially when the family members do not live together or there is no possibility of communication between them or when one spouse is unaware of matters relating to the personal status of the other spouse;
- c. When the residence of the sponsor is terminated and the family member does not have an independent right of residence pursuant to article 60 hereof.
2. The competent Agencies for Aliens and Migration of the relevant Region, operating in the prefecture of their place of domicile or residence, shall conduct appropriate investigations, especially through personal interviews with the sponsor and his/her family members, both at the initial issuance and on renewal of residence permits. Investigations may also be conducted when such agencies are informed of any fact that may justify the withdrawal of the residence permit.
3. Before the rejection of an application, the withdrawal or the refusal to renew a residence permit or in case of measures of removal against the sponsor or his/her family members, account shall be taken of the character and the stability of the family ties of the person, the length of his/her residence in the country, as well as the presence of family, cultural and social ties with his/her country of origin.

#### **Article 59**

##### **Rights of third-country nationals' family members**

The family members of the sponsor shall be entitled to, in proportion thereto:

- a. access to education;
- b. access to employment and self-employed activity;

Such access, during the twelve-month period of residence from the issuance of the initial permit under article 57, para.1, hereof, shall be subject to the terms and conditions to be determined by the joint ministerial decision referred to in article 90, para.1, hereof.

- c. access to vocational guidance, initial and further training and retraining.

#### **Article 60**

##### **Autonomous residence permits for family members**

1. Persons that have been accepted for reasons of family reunification shall be entitled to obtain an autonomous residence permit in Greece in the following cases:
  - a. Five years after the issuance of the residence permit for family reunification, if a residence permit for one of the other grounds referred to in this article has not been issued;
  - b. On coming of age;
  - c. In case of death of the sponsor, if the family members have resided in the country for at least one year before such death;
  - d. In case of divorce or annulment of marriage or proved discontinuation of marital life, provided that:
    - i. The marriage had lasted, until the commencement of the hearing of divorce or annulment of marriage or proved discontinuation of marital life, for at least three years, one of which in the country;
    - ii. There are particularly difficult circumstances, e.g. if a family member was victim of interfamily violence during the marriage.
2. The duration of the autonomous residence permit cannot exceed one year. Further renewal shall be allowed pursuant to the provisions hereof.
3. In the above cases, the right of residence of minors shall follow the right of residence of the parent who has custody.
4. For children, the duration of the autonomous residence permit cannot exceed one year and may be renewed every year and, in any event, until children become 21 years. Further renewal shall be allowed pursuant to the provisions hereof. If the permit is not renewed within one year, the third-country national shall be obliged to depart from Greek territory. If the said autonomous residence permit is renewed for studies, the third-country national may, on completion of his/her studies, renew the permit pursuant to the provisions and conditions hereof.
5. Spouses of repatriated or returning persons or persons living abroad who are third-country nationals shall be issued with a residence permit for five (5) years, which shall entitle them to have access to the labour market.<sup>41</sup> Widows and minor children, if the deceased spouse was a repatriated or returning person or person living abroad, shall receive an autonomous residence permit for five years. Such residence permits shall be issued by decision of the General Secretary of the Region, shall be renewable for an equal period each time and shall not be subject to the payment of deposit fees.
6.
  - a. Spouses of repatriated or returning persons or persons living abroad who are third-country nationals shall be entitled to obtain an autonomous residence permit, provided that:
    - i. An irrevocable judgment has been issued for divorce or annulment of marriage, if the duration of the marriage, until the date of submission of the petition for divorce or annulment, was at least three years, one of which in Greece;

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<sup>41</sup> Replaced by article 38 of Law 3731/2008.

ii. There are particularly difficult circumstances, e.g. if a family member was victim of interfamily violence during the marriage.

The duration of the autonomous residence permit cannot exceed one year. Further renewal shall be allowed pursuant to the provisions hereof.

b. In the above cases, the right of residence of minors shall follow the right of residence of the parent who has custody.

c. The arrangements hereof shall include foreign spouses of persons of Greek descent from Albania, the residence status of whom is regulated by the provisions of joint decision 4000/3/10-d/9 May 2005 of the Ministers of Interior, of Economy and Finance, of Foreign Affairs, of National Defence, of Employment and Social Protection and of Public Order, as currently in force;

d. The provisions hereof shall also apply to third-country nationals continuing to reside in the country, irrespective of whether the events referred to in case (a) hereof occurred before the entry hereof into force, provided that the relevant applications were submitted within one year of the entry hereof into force.<sup>42</sup>

## **CHAPTER K**

### **RIGHT OF RESIDENCE OF THIRD-COUNTRY NATIONALS WHO ARE FAMILY MEMBERS OF A GREEK OR AN EU CITIZEN**

#### **Article 61**

##### **Residence card for third-country nationals, who are family members of a Greek or another EU Member State citizen**

1. Family members of Greeks or other EU Member State citizens, who are third-country nationals and accompany them or wish to meet them, provided that they lawfully reside in the country and their length of residence exceeds three months, shall be issued with a "Residence Card for family member of a Greek or another EU Member State citizen". This Card, which shall be individual for the family members referred to in the next paragraph, shall be issued by decision of the General Secretary of the Relevant Region, subject to the investigation of reasons relating to public policy and to the protection of national security and to the satisfaction of the conditions of paragraph 4 hereof. The Card shall be valid for five years or for the duration of the prescribed period of residence of the EU Member State citizen, if less than five years. The holders of the Residence Card shall be entitled to work.

2. Family members of a Greek or other EU Member State citizen shall be:

a. Their spouses and their children below 21 years of age, including adopted children, or irrespective of age, where they are dependent on them;

b. The other children of the Greek or other EU Member State citizen or of one of the spouses, who are less than 21 years of age, including adopted children, if they have been granted parental care, or irrespective of age, where they are dependent on them;

c. First-degree relatives in the direct ascending line of the sponsor or his or her spouse, where they are dependent on them.

3. In case of other EU Member State citizen residing in the country for studies, family members shall include only spouses and dependent children.

4. The family member of a Greek or other EU Member State citizen wishing to obtain a Residence Card under paragraph 1 shall submit an application to the municipality or community of their place of domicile or residence within three months of the date of arrival in the country, provided that:

a. They hold a valid passport;

b. They can prove their family relationship with a Greek or other EU Member State citizen in writing;

c. They can prove the legal residence of the other EU Member State citizen in the country;

d. In cases (b) and (c) of paragraph 2, they can prove that they are dependent members.

If there are relevant serious indications, the competent authorities shall request that the party concerned undergoes free medical tests, in order to certify that they do not suffer from any diseases provided for by the World Health Organisation (WHO), as well as any other infectious, contagious or parasitical diseases that dictate the taking of measures for the protection of public health. The relevant Agency for Aliens and Migration of the Region shall be competent to examine the application and shall issue the Residence Card within six months of the application, at the latest.

5. The Residence Card shall not be issued, shall be withdrawn or shall not be renewed in the following cases, in addition to those referred to in article 75 hereof:

a. If the Greek or other EU Member State citizen and his/her family members have ceased to have a real spousal or family life;

b. If it is discovered that the family relationship, especially the marriage, adoption or recognition of children, has been created with the purpose of infringing the provisions hereof, in order to obtain the Residence or Permanent Residence Card. The family relationship shall be considered to have been created for this purpose especially when the family members do not live together or there is no possibility of communication between them or when one spouse is

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<sup>42</sup> Added by article 45, para.1e, of Law 3731/2008.

unaware of matters relating to the personal status of the other spouse. Such information shall also be forwarded to the Directorate of Civil and Municipal Status of the Ministry of Interior, Public Administration and Decentralisation.

#### **Article 62**

##### **Conditions for third-country nationals, who are family members of a Greek or another EU Member State citizen, to maintain the right of residence**

1. The family members of a Greek or other EU Member State citizen shall maintain a personal right of residence when:
  - a. The Greek or other EU Member State citizen dies and his/her family members have resided in Greece for at least one year before such death;
  - b. A divorce judgment has been delivered and the marriage had lasted for at least three years, one of which in Greece, or the custody of the children has been lawfully granted to one of the spouses who is a third-country national;
  - c. There are particularly difficult circumstances, e.g. if a family member was victim of interfamily violence during the marriage;
  - d. One of the spouses lawfully enjoys visitation rights with a child, provided that the relevant court judgment or written spousal agreement shows that visitation must be effected in Greece, and for the required period.
2. Before obtaining the right of permanent residence pursuant to the following article, the right of residence continues on condition that other EU Member State citizens can prove that they have income from an activity practiced in the country or have sufficient resources for themselves and their family members, so that they do not burden the social welfare system during their residence, as well as full health insurance coverage.
3. In the event that the Greek or other EU Member State citizen departs from the country or dies, the children and one of the spouses who has their custody shall maintain the right of residence, if the children are enrolled in an educational establishment and for the remaining period until the completion of the courses they attend.

#### **Article 63**

##### **Permanent residence cards for third-country nationals who are family members of a Greek or other EU Member State citizen**

1. The family members of a Greek or other EU Member State citizen, who legally reside in the country with the Greek or other EU Member State citizen for a continuous period of five years shall be entitled to permanent residence in the country. In such case, they shall be issued, by decision of the General Secretary of the relevant Region and subject to reasons relating to public policy and to the protection of national security, with a "Permanent Residence Card", which shall be ipso jure renewed every ten years and shall entitle the holder to access to the labour market.
2. Notwithstanding the preceding paragraph, if the right of permanent residence is recognised to other EU Member State citizens before the expiry of a continuous period of five years, his/her family members living with him/her shall obtain a right of permanent residence.
3. Family members of a Greek or other EU Member State citizen wishing to obtain a Permanent Residence Card pursuant to paragraphs 1 and 2 hereof, shall submit an application two months before the expiry of their current Residence Card.
4. Discontinuation of residence for a period no longer than two consecutive years shall not affect the validity of the Permanent Residence Card.
5. In the event of death of the other EU Member State citizen while being employed but before obtaining permanent resident status in Greece by virtue of paragraph 2, his/her family member who resided with him/her in the country shall be entitled to permanent residence in Greece on condition that:
  - a. The other EU Member State citizen had resided in the country for two consecutive years before his/her death, or
  - b. His/her death was due to an occupational accident or occupational disease.
6. Without prejudice to paragraphs 2 and 5 of this article, the family members of a Greek or other EU Member State citizen included in cases (a) and (b) of paragraph 1 of the preceding article and meeting the corresponding requirements shall obtain the right of permanent residence if they have legally resided in the country for five consecutive years.

#### **Article 64**

##### **General provisions on Residence Cards issued to third-country nationals who are family members of a Greek or other EU Member State citizen**

1. The validity of the Residence Card and the continuous residence shall not be affected by temporary absences that do not exceed six months per year, nor by longer absences for mandatory military service or by absence of up to twelve consecutive months for serious reasons, mainly pregnancy and motherhood, serious illness, studies or vocational training or transfer to another EU Member State or third country.
2. The issuance of the Residence Card and the Permanent Residence Card shall not be subject to the payment of any deposit fee.

## **CHAPTER L SOCIAL INTEGRATION**

### **Article 65**

#### **Scope**

1. Social integration is intended to grant rights to third-country nationals, that ensure their proportionally equivalent participation in the economic, social and cultural life of the country on the one hand, and aim at respecting the fundamental rules and values of Greek society, on the other, so as to accomplish the targets of the integrated programme actions, pursuant to paragraph 4 of the next article, while preserving their national identity.
2. Social integration actions may apply to all third-country nationals whose legal status of entry and residence is regulated hereby, mainly those whose employment is not temporary, as well as to their family members who are accepted in the context of arrangements on family reunification. The successful completion of the actions depends on the granting of specific rights thereto, equivalent to those enjoyed by Greek nationals. Social integration actions may also benefit second and third generation third-country nationals born in Greece, as well as refugees and persons under international protection.
3. Social integration actions may comprise beneficial measures, capable of assisting in the development of the country of origin of third-country nationals, in the event of return thereto.

### **Article 66**

#### **Basic social integration principles – Integrated Action Plan**

1. For the smooth adaptation and integration of third-country nationals who legally reside in the country and on the basis of their diversity and cultural peculiarities, the Ministry of Interior, Public Administration and Decentralisation, in collaboration with other competent Ministries and bodies, implements an Integrated Action Plan.
2. The basic principles governing the said Plan, which are binding for all participants, are:
  - a. Avoidance of any form of discrimination against third-country nationals based on gender, race, colour, ethnic or social origin, sexual characteristics, language, religion or political or other beliefs, ethnic minority membership, property, disability, age or sexual orientation;
  - b. Pursuit of implementation of equal treatment in any aspect of the economic, social and cultural life, irrespective of racial or ethnic origin, aiming at promoting economic and social cohesion;
  - c. Respect of their fundamental rights, as safeguarded by domestic legal order, regarding the protection of cultural and religious peculiarities;
  - d. Support to and promotion of their personal contribution to broader social, economic and cultural activities, as well as their efforts to serve themselves and their personal contribution to improving their quality of life;
  - e. Assistance in the cohesion of their families and reinforcement of existing supporting social networks, in which they participate;
  - f. Reinforcement of their substantial participation, as partners, in the design, implementation and evaluation of social integration policies and development of relevant advisory structures.
3. The Integrated Action Plan consists of sub-plans by field of integration of third-country nationals into Greek society, such as provision of information and facilities, promotion to employment, Greek language learning, cultural support, provision of social services, public awareness etc.  
In the context of such sub-plans, the Ministry of Interior, Public Administration and Decentralisation takes appropriate measures and, in collaboration with other competent Ministries and bodies, undertakes policy actions and measures regarding institutional interventions and the development of necessary infrastructures and services. Decisions of the Ministers of Interior, Public Administration and Decentralisation and of other competent Ministers shall regulate any necessary detail for the implementation of the arrangements of this article.
4. Actions and measures taken in the context of the Integrated Action Plan aim at successfully integrating third-country nationals into Greek society and mainly concern the following areas:
  - a. certified knowledge of Greek
  - b. successful attendance of introductory courses on the history, culture and lifestyle of the Greek society;
  - c. integration into the Greek labour market, and
  - d. active social participation.

## **CHAPTER M**

### **LONG-TERM RESIDENT STATUS**

#### **Article 67**

##### **Conditions for acquiring long-term resident status**

1. Long-term resident status shall be granted to adult third-country nationals who have resided legally and continuously within Greece for five years immediately prior to the submission of the relevant application. This right shall be personal. The said period shall be continuous, subject to paragraph 4 of this article. To acquire such status, they must meet all the following requirements:
  - a. They shall have, for themselves and for dependent family members stable and regular resources, evaluated by reference to their nature;
  - b. They have sickness insurance for themselves and for dependent family members;

- c. They have a healthy accommodation;
- d. They meet the requirements of the following article.
- 2. The provisions of this chapter shall not apply to third-country nationals who:
  - a. reside in order to pursue studies, acquire medical speciality or vocational training;
  - b. hold temporary residence permits, such as in the cases referred to in articles 16, 18, 19 and 20(5);
  - c. enjoy a legal status governed by the Vienna Convention on Diplomatic Relations of 1961, ratified by legislative decree 503/1970 (GG 108 A), and the Vienna Convention on Consular Relations of 1963, ratified by Law 90/1975 (GG 150 A).
- 3. Periods of residence for the reasons referred to in the preceding paragraph shall not be taken into account for the purposes of calculating the five-year period.
- 4. Periods of absence shall be taken into account for the calculation of the five-year period where they are shorter than six consecutive months and do not exceed in total ten months within the five-year period.
- 5. The competent agency to issue the long-term residence permit shall be the agency that renewed the relevant residence permit before the conditions are met for the acquisition of the long-term residence permit.

#### **Article 68**

##### **Conditions for acquiring long-term resident status**

- 1. To acquire long-term resident status, concerned parties must meet all the following requirements:
  - a. Sufficient knowledge of Greek
  - b. Knowledge of elements of Greek history and Greek culture.
- 2. A joint decision of the Ministers of Interior, Public Administration and Decentralisation and of National Education and Religious Affairs shall determine the bodies and the procedure for certifying the sufficient knowledge of Greek and knowledge of elements of Greek history and culture, and shall regulate matters relating to the organization of the relevant courses, as well as any other relevant detail.<sup>43</sup>

#### **Article 69**

##### **Settlement of special matters of long-term residents**

A presidential decree, issued on recommendation of the Ministers of Interior, Public Administration and Decentralisation, of Economy and Finance, of Foreign Affairs, of National Education and Religious Affairs, of Employment and Social Protection and of Public Order, in the context of the provisions of Council Directive 2003/109/EC of 25 November 2003, shall regulate all special matters relating to required documentation, the procedure of ascertainment of the long-term resident status, as well as matters regarding withdrawals or loss of such status, ensuring the rights resulting therefrom, delimiting the right of mobility and the special conditions for protection from expulsion.

### **CHAPTER N**

#### **SHORT-TERM RESIDENCE**

#### **Article 70**

##### **Entry of third-country nationals for short-term residence**

- 1. Third-country nationals entering the country for tourism, conferences, cultural and sports events and, generally, for short-term residence may temporarily remain without a residence permit for the period of validity of the consular visa or for three months, in case of third-country nationals who were allowed to enter without a consular visa.
- 2. The period of residence of third-country nationals may be extended up to six months for exceptional reasons, mainly force majeure, humanitarian, professional or serious personal reasons, provided that they have sufficient living resources. The application shall be submitted, before the expiry of the visa or the free residence period, to the police authority of their domicile and shall be entered in the passport in the form of a stamp.
- 3. A decision of the Ministers of Economy and Finance, of Foreign Affairs and of Public Order shall determine the level of required foreign currency for each day of residence of third-country nationals in Greece. Such level may be adjusted by a similar decision.

### **CHAPTER O**

#### **RIGHTS AND OBLIGATIONS OF THIRD-COUNTRY NATIONALS**

#### **Article 71**

##### **Rights**

- 1. Third-country nationals legally residing in Greece shall be insured with the relevant insurance organizations and shall have the same insurance rights as Greek nationals.
- 2. The provisions of legislative decree 57/1973 on social protection, as in force from time to time, shall also apply to third-country nationals legally residing in Greece.

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<sup>43</sup> Replaced by article 12 of Law 3536/2007.

3. Third-country nationals being detained shall be informed, in a language they can understand, immediately after their admission to an establishment, of the rules of living therein, as well as of their rights and obligations. Their communication with diplomatic or consular officers of the country whose nationality they hold or their country of origin, as well as with their lawyers shall be facilitated.
4. Offences provided for in articles 1 to 3 of Law 927/1979 (GG 139 A) shall be prosecuted ex officio.
5. Third-country nationals legally residing in Greece who temporarily depart from Greek territory shall be entitled to reenter, provided that their residence permits are valid at the time of reentry.

## **Article 72**

### **Access of minor third-country nationals to education**

1. Minor third-country nationals residing on Greek territory shall be subject to mandatory schooling, just like Greek nationals.
2. Minor third-country nationals attending all levels of education shall have unrestricted access to the activities of the school or educational community.
3. Documentation similar to that required for Greek nationals shall be required for the enrolment of minor third-country nationals to public schools. By way of exception, children of third-country nationals may enroll in public schools with insufficient documentation when:
  - a. They are protected by the Greek State in the capacity of refugees or persons under the protection of the UN High Commission;
  - b. They come from countries in which disorderly situations prevail;
  - c. They have applied for asylum;
  - d. They are third-country nationals residing in Greece, even if their legal residence therein has not been regulated.
4. A decision of the Minister of National Education and Religious Affairs may regulate the terms and conditions for the recognition of primary and secondary educational qualifications obtained in the country of origin and the conditions for classification to the levels of the Greek educational system, as well as the enrolment of pupils who are third-country nationals to public schools. A similar decision may provide for matters of optional teaching of the mother-tongue and culture when there is a sufficient number of interested pupils, in the context of the supportive actions of the Ministry of National Education and Religious Affairs, and determine the employment relation and qualifications of teachers who teach the mother tongue and culture of their country of origin.
5. Third-country nationals who have graduated from secondary education in Greece shall have access to universities under the same terms and conditions as Greek nationals.

## **Article 73**

### **Obligations**

1. Without prejudice to the establishment of the autonomous document, applications for initial residence permit or for renewals thereof may be submitted either personally by third-country nationals or by their authorized attorneys, or by their spouses, ascending and adult descending relatives. The power of attorney shall be in writing and the signature shall be authenticated solely by police authorities.<sup>44</sup> In any other case, the relevant power of attorney shall be in writing and the signature shall be authenticated by police authorities and on condition of observance of article 84, para.1, hereof. No service of any document or documentation for the residence permit or renewal thereof by process service or fax shall be authorized.
2. Third-country nationals, during their residence in Greece, shall declare to the competent Agencies for Aliens and Migration:
  - a. Any change of home address;
  - b. Any change in person status, mainly change of nationality, marriage, divorce or annulment or birth of a child;
  - c. The loss or renewal or change of passport or other travel document;<sup>45</sup>
  - d. The loss of residence or permanent residence card;<sup>46</sup>
  - e. Any change of employer and type of employment;
  - f. The termination of the employment contract.Any change of home address shall also be notified to the relevant police station.  
The above declarations shall be made within two months of the event, except for the renewal of passport, which may be made up to the date of submission of application for the renewal of the residence permit, and the declaration of birth of a child, which shall be subject to the provisions of paragraph 4(b) of this article.<sup>47</sup>
3. Third-country nationals who hold residence permits shall depart without any further notice by the last day of expiry of the validity thereof, unless he/she has submitted an application for renewal and has been issued with the certificate referred to in paragraphs 3 and 4 of article 11 hereof.

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<sup>44</sup> Replaced by article 14, para.1, of Law 3536/2007.

<sup>45</sup> Replaced by article 40, para.2a, of Law 3731/2008.

<sup>46</sup> Replaced by article 40, para.2b, of Law 3731/2008.

<sup>47</sup> Replaced by article 40, para.2c, of Law 3731/2008.

4. Third-country nationals whose application for issuance or renewal of residence permit has been rejected or whose residence permit has been withdrawn shall depart from Greek territory without any further formalities within thirty days of the service of the relevant decision.<sup>48</sup>

5. Third-country nationals who remain in the country for a period over thirty days after the expiry of their residence permit or who infringes for a period of up to thirty days the duration of the period of residence mentioned in the visa or the entitled period of free residence, as well as the duration of residence provided for in the uniform Schengen visa or the entitled period of free residence in the Single Area shall, on departure, pay four times the deposit fee prescribed for one-year residence permits.<sup>49</sup> If the period of illegal residence exceeds thirty days, they shall pay eight times the deposit fee prescribed for one-year residence permits.

The process of assessment and payment of the said fine shall be determined by decision of the Ministers of Interior, Public Administration and Decentralisation, of Economy and Finance and of Public Order. Minors and persons of Greek descent shall be exempt from the payment of fines.

## **CHAPTER P RESTRICTIONS-WITHDRAWAL OF RESIDENCE PERMIT-EXPULSION**

### **Article 74**

#### **Restrictions to the movement and establishment of third-country nationals**

Third-country nationals legally residing in the country shall enjoy freedom of movement and establishment throughout the Greek territory. A presidential decree, issued on recommendation of the Ministers of Interior, Public Administration and Decentralisation, of Foreign Affairs, of National Defence and of Public Order, may prohibit, for reasons of public interest, their residence or establishment in certain geographic areas of the country.

### **Article 75**

#### **Special arrangements**

1. The residence permit shall not be issued or shall be withdrawn or shall not be renewed when:

- a. The provisions hereof are not fulfilled or are no longer fulfilled;
- b. A court judgment or irrevocable decree of the competent judicial council proves that false or misleading information, counterfeit or altered documents have been used or that fraud was committed in any way or that other illegal means have been used.<sup>50</sup>

2. The provision of article 1, para.2, of Law 2503/1997 concerning the lodging of appeals against the acts of the General Secretary of the Region (GG 107 A), in proportionate implementation of article 8 of Law 3200/1955 (GG 97 A), shall not apply to the decisions of the General Secretary of the Region that are issued in implementation hereof.

3. Residence permits issued in compliance to final court judgments, following appeals lodged by third-country nationals against the rejection of their application for renewal of work or residence permits, and against the withdrawal thereof may be renewed by application of the concerned party. Such application shall be submitted within one month of the delivery of the relevant residence permit, pursuant to the provisions hereof, and the period from the expiry of their validity until the submission of the said application shall be considered as period of legal residence in the country.<sup>51</sup>

### **Article 76**

#### **Conditions and procedure of administrative expulsion**

1. The administrative expulsion of an alien shall be allowed when:

- a. He/she has been irrevocably sentenced to a freedom-depriving sentence of at least one year or, irrespective of sentence, for crimes against the regime or treason, drug-related crimes, money laundering, international financial crimes, crimes with the use of high technology, currency-related crimes, resistance, child abduction, crimes against sexual freedom and economic exploitation of sexual life, theft, fraud, misappropriation, extortion, usury, violation of the law on intermediaries, forgery, false statement, slander, smuggling, crimes relating to weapons, antiquities, forwarding of illegal immigrants in the country or facilitation of their transport or forwarding or provision of accommodation thereto for hiding, and provided that his/her expulsion was not ordered by the court;

b. He/she has infringed the provisions hereof;

c. the alien's presence in the Hellenic territory is dangerous for the country's public order or security. The alien is considered dangerous for the public order or security if he has been prosecuted for a crime punished by a minimum imprisonment of three (3) months.<sup>52</sup>

d. His/her presence on Greek territory is dangerous to public health and he/she refuses to comply with measures determined by medical authorities for the protection thereof, unless he/she has received the necessary information.

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<sup>48</sup> Replaced by article 14, para.2, of Law 3536/2007.

<sup>49</sup> Replaced by article 14, para.3, of Law 3536/2007.

<sup>50</sup> Case (c) of paragraph 1 of article 75 of Law 3386/2005, which was added by para.4 of article 17 of Law 3536/2007, was abrogated by article 28, para.3, of Law 3613/2007.

<sup>51</sup> Added by article 28, paragraph 4, of Law 3613/2007.

<sup>52</sup> Replaced by article 48, paragraph 1 of Law 3772/2009

2. Expulsion shall be ordered by decision of the competent Police Director and, in case of the General Police Directorates of Athens and Thessaloniki, by the Police Director in charge of aliens or a higher officer, appointed by the competent General Police Director, having given the alien a period of at least forty-eight hours to express his/her objections.

3. If the alien is considered, on the basis of the general circumstances, suspect for escape or dangerous for the public order or avoids or obstructs the preparation of his departure or the procedure of his expulsion, his temporary detention is ordered, upon decision of the bodies referred to in the previous paragraph, until the issue, within three (3) days, of the decision regarding his deportation. Once the above decision is issued, detention still continues until deportation, but cannot last more than six (6) months in any case. If deportation is delayed because the alien refuses to cooperate or the documents necessary for his deportation are not sent timely from the home country or the country of origin of the alien, his detention may be extended for a limited time which cannot exceed twelve (12) months. The alien should be informed in a language he understands about the reasons for his detention and his communication with his attorney-at-law should be facilitated. The alien in detention, along with his rights according to the Code of Administrative Procedure, may also express objections against the decision for his detention before the president or the judge of the first instance court defined by the latter, in the region of his detention.<sup>53</sup>

4. If the alien to be expelled is not considered suspect of flight or dangerous to public policy or if the president of the administrative first-instance court agrees with the detention, the same decision shall provide them with a period within which to depart, which cannot exceed thirty days.

5. The decision referred to in paragraphs 3 and 4 of this article may be revoked at the request of the parties, if such request is based on new evidence, in proportionate application of article 205, para.6, of the Code of Administrative Procedure (Law 2717/1999).

#### **Article 77**

##### **Appeal against administrative expulsion**

Aliens shall be entitled to appeal against the expulsion decision within five days of the service thereof to the Minister of Public Order or the body authorized thereby. The relevant decision shall be issued within three business days of the lodging of the appeal. The lodging of appeal shall result in the suspension of enforcement of the decision. If the expulsion decision also ordered detention, the suspension concerns only the expulsion.

#### **Article 78**

##### **Suspension of expulsion**

If the immediate expulsion of an alien from the country is not feasible due to force majeure, the Minister of Public Order or his authorized bodies may suspend by decision the enforcement of the expulsion decision. A similar decision may impose restrictions to the alien.

#### **Article 79**

##### **Protection from expulsion**

1. Expulsion shall be prohibited when the alien:

- a. Is a minor and his/her parents or guardians legally reside in Greece;
- b. Is the parent of a Greek minor and has the custody or support obligation, which he/she fulfils;
- c. Is over 80 years of age;
- d. Has been recognized as refugee or has applied for asylum, without prejudice to articles 32 and 33 of the Geneva Convention of 1951;
- e. Is a minor to whom rehabilitation measures have been imposed by decision of the Juvenile Court.

The prohibition of expulsion also includes pregnant women during pregnancy and six months after delivery.

2. Expulsion shall not be prohibited in cases (b) and (c) of the preceding paragraph if the alien is dangerous to public policy or national security or public health.

#### **Article 80**

##### **Expulsion costs**

1. The cost of expulsion and the board expenses shall be charged to the alien. If the alien does not have the necessary funds, the part of such costs not covered by the alien shall be paid by the State. The sum paid by the State shall be assessed as public revenue and shall be collected pursuant to the provisions of the Code of Collection of Public Revenue.

2. If the entry or residence of the alien has been allowed by deposit of a letter of guarantee by a third party, the expulsion costs, including the board expenses, shall be fully charged to the alien and the person who deposited the letter of guarantee. If they refuse to pay, the letter of guarantee shall be forfeited by order in writing of the authority competent for the expulsion.

3. Any employer who employs an alien without the required residence permit shall incur the expulsion costs and board expenses of such alien.

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<sup>53</sup> Replaced by article 48, paragraph 2 of Law 3772/2009

4. If an alien refuses to board the means of transport in order to depart from the country, he/she may be escorted by police offices to the country of destination, by decision of the General Secretary of the Ministry of Public Order, provided that the safe travel, stay and return of the escorting police officers are ensured. This arrangement shall also apply in case of refusal to board when entry is prohibited pursuant to the provisions of article 8 hereof.

#### **Article 81** **Special facilities for aliens**

1. Aliens who fulfill the requirements of paragraph 3 of article 76 hereof shall be detained at the relevant police authority. Until the completion of expulsion procedures, they shall be detained in special premises, established by decision of the Ministers of Interior, Public Administration and Decentralisation, of Economy and Finance, of Health and Social Solidarity and of Public Order. The same decision shall determine the standards and terms of operation of such premises.
2. The Hellenic Police shall be responsible for guarding such special premises.

#### **Article 82** **Unwanted aliens**

1. The Ministry of Public Order shall keep a list of unwanted aliens. The criteria and the procedure for entering and removing aliens from such list shall be determined by decision of the Ministers of Interior, Public Administration and Decentralisation, of Foreign Affairs, of National Defence, of Justice and of Public Order.
2. Aliens on Greek territory shall be obliged to leave the country when entered in the list of unwanted persons, within a period determined on a case-by-case basis by the Minister of Public Order. If they do not comply, they shall be expelled.
3. Aliens whose entry into the country has not been allowed because they are entered in the list of unwanted aliens shall depart immediately; otherwise, they shall be returned to the country of origin or to a third country, where entry may be allowed under the responsibility and costs of the aliens or those who transported them, who shall also be obliged to pay any other necessary costs required for departure. Carriers who refuse to fulfill their obligations shall incur, by decision of the General Secretary of the Region, a fine of EUR three thousand (€3,000) to EUR fifteen thousand (€15,000) for each person carried. By virtue of the same decision, the employed means of transport shall be detained and return to them after the fulfillment of such obligations and the payment of the fine or the deposit of a letter of guarantee by a recognized bank, covering the sum of their obligations and the fine imposed.
4. Aliens illegally returning to the country having been entered in the list of unwanted persons shall be punished by imprisonment of at least one year and a fine of EUR three thousand (€3,000) to EUR ten thousand (€10,000). The lodging of remedies shall not have any suspending effects.
5. A decision of the Ministers of Justice and of Public Order shall determine the specific procedure for the enforcement of expulsion decisions issued pursuant to the provisions hereof, as well as those ordered by judgments of criminal courts, pursuant to articles 74 and 99 of the Penal Code.

### **CHAPTER Q** **GENERAL OBLIGATIONS – PENALTIES**

#### **Article 83** **Illegal entry in and exit from the country**

1. Third-country nationals who exit or attempt to exit Greece or enter or attempt to enter Greece without legal formalities shall be punished by imprisonment of at least three months and a fine of at least EUR one thousand five hundred (€1,500). If the person attempting to depart illegally is wanted by judicial or police authorities or has tax or other obligations to the State or is a recidivist, this shall be considered as aggravating circumstances and he/she shall be punished by imprisonment of at least three months and a fine of at least EUR three thousand (€3,000). The penalties referred to herein shall also be imposed to EU Member State nationals.<sup>54</sup>
2. If a third-country national enters on Greek territory or departs therefrom without the legal formalities, the public prosecutor for the magistrate court, with the approval of the public prosecutor for the court of appeal, to whom he shall immediately report, may refrain from initiating criminal proceedings for such act, in which case he shall immediately notify his decision to the commander of the police or port authority who discovered the illegal entry or departure, in order for the latter to forward the third-country national immediately to the country of origin or descent. The approval of the public prosecutor for the court of appeal may be given by any suitable means. If the third-country national cannot be forwarded immediately, the commander of the police or port authority shall prepare a report and shall refer the third-country national to the competent administrative authority for expulsion, pursuant to article 76 hereof. If the expulsion is not effected within three months, the latter authority shall notify the competent public prosecutor for the magistrate court. In such case, the public prosecutor for the magistrate court may revoke his decision on refraining from criminal proceedings, with the approval of the public prosecutor for the court of appeal, provided that no more than a year has lapsed from the date of illegal entry of the third-country national in the country.

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<sup>54</sup> Added by article 45, para.1f, of Law 3731/2008.

## **Article 84**

### **Obligations of agencies and officers – Penalties**

1. Public agencies, legal entities in public law, local authorities, public utility organizations and corporations and social security organizations shall not provide their services to third-country nationals who do not hold any passport or other travel document recognized by international conventions, or visa or residence permit and, generally, cannot prove that they have legally entered and reside in Greece, with the exception of hospitals and clinics, in case of third-country nationals urgently admitted for treatment and minors.

Especially when, in the context of renewal of residence permits, third-country nationals are unable to produce a valid passport or other travel document, the permit may be renewed by decision of the General Secretary of the Region if third-country nationals specifically and demonstrably claim objective inability due to special circumstances or situations, on recommendation of the Ministry of Foreign Affairs and having heard the opinion of the Committee referred to in paragraph 1 of article 89 hereof, unless there are reasons of public policy and national security.

For this purpose, the Committee referred to in article 89 shall comprise two more members, one of whom shall be the head of the competent Department of the Directorate for Aliens and Migration of the Ministry of Interior, Public Administration and Decentralisation and the other the head of the competent department of the Ministry of Public Order.<sup>55</sup>

Third-country nationals who renew their residence permits on the basis of the provisions of the third sentence of paragraph 1 hereof shall be entitled to transact with the agencies referred to in the first sentence of paragraph 1 only with the production of their residence permits.<sup>56</sup>

2. The arrangements of the first sentence of the preceding paragraph shall not include the certification of genuine signature of detained aliens for the provision of authorization to attorneys in order to represent them before judicial authorities, provided that their identity can be proved by a public document.

3. Wardens of prisons and detention facilities shall take over and safe-keep passports or other documents that prove legitimate residence, as well as the identity of third-country nationals who are detainees. Such documents shall be returned on release of third-country nationals. If third-country nationals do not hold the said documents, the said officers shall immediately notify the nearest police authority or the nearest Agency for Aliens and Migration.

4. Any officers of the above agencies and bodies who violate the provisions of paragraphs 1 and 2 of this article shall be subject to disciplinary proceedings and shall be punished, according to the provisions of the Penal Code, for breach of duty.

## **Article 85**

### **Obligations of notaries public – Penalties**

1. When preparing notarial deeds to which attending third-country nationals are parties or in which they take part in any manner, or by which they declare residence or domicile in Greece, notaries public shall ensure that they hold a visa or a residence permit or the certificate referred to in para.3 of article 11 hereof (to the effect that they have submitted the necessary documentation for the issuance thereof) and shall mention such fact in their deed.<sup>57</sup>

The above provisions shall not include the preparation of powers of attorney to lawyers in order to represent third-country nationals before courts, and the preparation of notarial deeds relating to the recognition of a child born out of wedlock, when one parent is Greek or other EU Member State national or third-country national legally residing in Greece.<sup>58</sup>

2. Any notaries public who violate the provisions of the preceding paragraph shall be subject to disciplinary proceedings and shall be punished, according to the provisions of the Penal Code, for breach of duty.

## **Article 86**

### **Obligations of employers and employees who are third-country nationals – Penalties**

1. It is not allowed to hire and to employ third countries' citizens unless the latter hold a residence permit for the purpose of work and an authorization to access the work market or a residence permit granting access to the work market or a certificate according to article 11 paragraph 3 of this law stating that they have filed the supportive documents required for the issuance of such a permit.<sup>59</sup> If the conclusion of the contract of employment, provision of services or work is a necessary condition for the issuance of the residence permit, the validity of the contract shall depend on the issuance of the permit.

2. Employers who employ third-country nationals shall immediately notify the competent Agency for Aliens and Migration of the Region for the hiring of any third-country national and for any change to the status of employment, such as extension or termination of the contract.

3. Any employers who violate the provisions of paragraphs 1 and 2 of this article shall be punished, in addition to other penalties provided for by law, by decision of the General Secretary of the Region by a monetary fine ranging from EUR three thousand (€3,000) to EUR fifteen thousand (€15,000) for each illegal third-country national.

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<sup>55</sup> Replaced by article 15, para.1, of Law 3536/2007.

<sup>56</sup> Added by article 40, para.1, of Law 3731/2008.

<sup>57</sup> Replaced by article 15, para.2, of Law 3536/2007.

<sup>58</sup> Replaced by article 28, para.5, of Law 3613/2007.

<sup>59</sup> Replaced by article 44, para.4 of Law 3801/2009

4. Any person who employs a third-country national without a residence permit shall be punished by imprisonment of at least three months. In case of recurrence, the duration of imprisonment shall be at least six months. If the employer is a legal entity, the above penalties shall be imposed to its legal representative. The General Secretary of the Region, taking into account of the overall circumstances, shall also order the closing of the shop or undertaking for one to six months and, in case of relapse, up to twelve months. Nightclubs shall be closed from two to twelve months and, in case of relapse, up to twenty-four months. In case of a third sentencing decision, the operation of all the above undertakings shall cease conclusively by decision of the General Secretary of the Region. The same person cannot be issued with an operating permit for five years.

5. When the provisions of this article are violated with a view to forcing third-country nationals to prostitution, the perpetrator shall be punished by imprisonment of at least two years and a monetary fine of at least EUR six thousand (€6,000). If the victim is a minor, the perpetrator shall be punished by imprisonment of up to ten years and a monetary fine of EUR ten thousand (€10,000) to EUR fifty thousand (€50,000). The perpetrator shall be punished by imprisonment and a monetary fine of EUR fifty thousand (€50,000) to EUR one hundred thousand (€100,000) when the crime was committed: (i) against a person aged less than fifteen years, (ii) using deception, (iii) by an ascending relative in blood or affinity or by an adoptive parent, spouse, guardian or other person to whom the minor was entrusted for upbringing, teaching, supervision or guarding, even temporary, (iv) by officers who commit or take part in the crime in any manner during the performance of their duties or by taking advantage of their capacity. These crimes shall be considered flagrant crimes. The irrevocable sentencing judgment shall be notified by the competent public prosecutor to the General Secretary of the Region within one month of its delivery. The latter shall, within one month of the notification of the judgment, remove the operating permit of the shop or undertaking where the crime was committed for at least twelve months; he may also withdraw the operating permit taking into account the overall circumstances.

6. Third-country nationals who provide dependent work or services or practice independent economic activity without a residence permit shall also be punished by imprisonment. Third countries' citizens who hold a residence permit but provide a salaried work or services or project or exercise an economic activity without the required in each case residence permit or authorization to access the work market shall be punished by the fines referred to in article 87 paragraph 4 sub-paragraph 2 of law 3386/2005 as amended. In case of subsequent offence, the residence permits shall be cancelled or not renewed any further.<sup>60</sup>

7. The approval of the military authority shall also be required for the employment of third-country nationals by individuals or legal entities entering into contracts with the Ministry of National Defence.

#### **Article 87**

##### **Obligations of other individuals and officers – Penalties**

1. Properties cannot be leased by third-country nationals who do not hold a passport or other travel document recognized by international conventions or a visa or residence permit.

2. Hotel and resort managers shall inform the police and the competent Agency for Aliens and Migration of the arrival and departure of guests who are third-country nationals.

3. Any persons who violate the provisions of paragraphs 1 and 2 shall, in addition to other penalties provided for by law, be punished, by decision of the General Secretary of the Region, by a monetary fine of EUR one thousand five hundred (€1,500) to EUR three thousand (€3,000).

4. The monetary fines referred to in the preceding paragraph shall also be imposed to persons submitting inaccurate statements or certificates provided for by this law and by regulatory acts implementing this law. Any third-country nationals who do not fulfill their obligations, as provided for in article 73, para.2, hereof, shall be punished by a monetary fine of EUR two hundred (€200) and, in case of relapse, EUR four hundred (€400).<sup>61</sup>

5. Whoever facilitates the entry to or the exit from the Hellenic territory of a third country national, without the required control provided by Article 5, is sentenced to imprisonment of up to ten (10) years and a minimum fine of twenty thousand (20.000) euros. If this person acted with a view to making a profit, by profession or habit or if the crime is committed by two (2) or more persons, an imprisonment of at least ten (10) years and a fine of at least fifty thousand (50.000) euros are imposed.<sup>62</sup>

6. Any person who facilitates the illegal residence of a third-country national or obstructs the police investigations aiming at locating, arresting and expelling such national shall be punished by imprisonment of at least one year and a monetary fine of at least EUR five thousand. If the said person acted for profit, he shall be punished by imprisonment of at least two years and a monetary fine of at least EUR ten thousand.<sup>63</sup>

7. Any person who illegally possesses or uses a genuine passport or other travel document belonging to a third party shall be punished by imprisonment of at least six months and a monetary fine of at least EUR three thousand (€3,000).

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<sup>60</sup> Added by article 44, para.5 of Law 3801/2009

<sup>61</sup> Replaced by article 40, para.3, of Law 3731/2008.

<sup>62</sup> Replaced by article 48, para.3, of Law 3772/2009

<sup>63</sup> Replaced by article 15, para.5, of Law 3536/2007.

The same penalty shall be imposed to any person who withholds the passport or other travel document belonging to a third party or refuses to deliver it to the competent agency. The same penalty shall be imposed to any person who possesses or uses a counterfeit passport or other travel document.

8. Managers of travel or migration agencies or other persons who submit on behalf of third parties to the competent authority documentation for the issuance of a travel document using information that does not correspond to the identity of such persons shall be punished by imprisonment of at least one year and a monetary fine of at least EUR ten thousand. The same penalty shall be imposed to the person on behalf of whom the documents are submitted. By decision of the relevant Prefect, a three-month suspension of the agency's permit shall also be imposed and, in case of relapse, the permit shall be withdrawn.<sup>64</sup>

## **Article 88**

### **Obligations of carriers – Penalties**

1. Captains of ships or other vessels or airplanes and drivers of any means of transportation transferring into Greece third country nationals from abroad who do not have the right to enter the Hellenic territory or whose entry has been prohibited for any reason, as well as those who pick them up from the entry points, the outer or inner borders so as to promote them in the Country or in the territory of a EU member state or a third country or facilitate their transportation or provide them with accommodation for concealment are sentenced to:

a. imprisonment of up to ten (10) years and a fine amounting from ten thousand (10.000) euros to thirty thousand (30.000) euros for each transferred person;

b. imprisonment for at least ten (10) years and a fine amounting from thirty thousand (30.000) euros to sixty thousand (60.000) euros for each transferred person if the offender acts with a view to making a profit, or by profession or habit, or is a recidivist or is a public servant or tourist, marine or travel agent, or if two or more persons act jointly;

c. imprisonment for at least fifteen (15) years and a fine of at least two hundred thousand (200.000) euros for each transferred person, if this activity can be dangerous for human lives;

d. life imprisonment and a fine of at least seven hundred thousand (700.000) euros, if death has been involved in case (c).<sup>65</sup>

2. Captains or pilots of ships, vessels or aircrafts and drivers of any means of transport shall not accept to carry persons who do not hold the required travel documents or have not undergone regular police control. Violators shall be punished pursuant to the provisions of paragraph 1 of this article. This offence shall be considered committed, in case of sea and air means of transport, if the person who boarded illegally is found in such means of transport on commencement of the control by competent state bodies before the departure or takeoff or after the arrival of the ship or the landing of the aircraft, and in case of other means of transport, if the person who boarded illegally is found in such means of transport during the last exit control or near the borders. The penalties of paragraph 3 hereof shall also apply to the persons referred to in this paragraph.

3. Airlines or shipping companies, as well as any other individual or legal entity performing any type of public carriage of persons shall not accept for carriage and shall take all measures precluding the carriage from abroad to Greece of third-country nationals who do not possess the required passports or other travel documents and visas, where required. Airlines that violate the above obligations shall incur, by decision of the airport master, a monetary fine of EUR five thousand (€5,000) to EUR thirty thousand (€30,000) for each carried person. Shipping companies, as well as any other individual or legal entity shall incur the same monetary fine by decision of the General Secretary of the Region. In case of relapse in the same calendar year, the said monetary fines may be doubled but cannot exceed EUR thirty thousand (€30,000), by decision of the competent body.<sup>66</sup>

4. The persons referred to in paragraphs 1, 2 and 3, as well as travel agencies and the owners of the means of transport shall be fully liable for the cost of living and refoulement of the said persons abroad. Persons who guaranteed the repatriation of a third-country national shall also be liable, if the terms of entry or residence were violated. The assessment and payment of the said monetary fine shall be effected pursuant to the provisions of the Code of Collection of Public Revenue.

5. The persons referred to in the first sentence of paragraph 1 or the owners of the means of transport or their agents in Greece shall, immediately after the arrival of the means of transport in Greece, deliver to police passport control agencies arrival cards or lists of passengers who are third-country nationals, whom they carry to Greece and vice versa.

They shall have the same obligation on arrival of charter flights from third countries. A decision of the Minister of Public Order shall determine the particulars of the said cards or lists.

6. The above penalties shall not be imposed in case of rescue of people at sea and in case of carriage of people in need of international protection, as dictated by the international law of the sea.

7. The provisions of Article 253A of the Code of Criminal Procedure are also applicable in offences provided for in Article 87 and the present Article regardless of whether the prerequisites of Articles 187 and 187A of the Penal Code are met.

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<sup>64</sup> Replaced by article 15, para.6, of Law 3536/2007.

<sup>65</sup> Replaced by article 48, para.4, of Law 3772/2009

<sup>66</sup> Replaced by article 28, para.7, of Law 3613/2007.

8. The deadline for lodging an appeal and the lodging of such appeal against the conviction for violations of the present Article, as well as violations of paragraphs 5, 6 and 7 of the previous Article, do not suspend the execution of the decision.
9. The three-member Court of Appeal has jurisdiction for crimes provided for in the present Article as well as in Article 87 and the procedure applied is the one provided for in Article 20 of law 663/1977 (Official Gazette 215 A'), as in force.
10. The property which is a product of criminal activity or is acquired in any way from a product of such a criminal activity or the property which was used, partly or in total, for criminal activity is seized and if there is no case of returning it to its owner, according to Articles 310 par. 2 and 373 of the Code of Criminal Procedure, it is obligatorily confiscated with the passing of sentence of the competent court. The confiscation is imposed even if the property belongs to a third person, provided that he knew about the criminal activity when acquiring the property. If the property or the product mentioned in the previous subparagraph exceeds the amount of four thousand (4.000) euros and cannot be confiscated, assets of a value equal to the value of the abovementioned property or product are seized and confiscated under the conditions laid down in the previous subparagraph.
11. The provisions of the present Article and paragraphs 5, 6 and 8 of Article 87 also apply to punishable acts committed abroad, either by a national or an alien, even if such acts are not considered punishable under the law of the country in which they were committed.<sup>67</sup>

## **CHAPTER R OPERATING MATTERS**

### **Article 89**

#### **Operating restructure and supervision of implementation**

1. A three-member Migration Committee shall be established in the Ministry of Interior, Public Administration and Decentralisation, which shall give its opinion in cases referred thereto when the residence permit is issued or renewed by decision of the Minister of Interior, Public Administration and Decentralisation or by joint ministerial decision, as well as in case referred to thereto pursuant to the provisions of article 84, para.1, hereof.<sup>68</sup> The Committee shall be constituted by decision of the Minister of Interior, Public Administration and Decentralisation and shall consist of:
- a. The legal advisor of the State Legal Council to the Ministry of Interior, Public Administration and Decentralisation, as chairman of the Committee, with his alternate;
  - b. The head of the relevant General Directorate of the Ministry of Interior, Public Administration and Decentralisation;
  - c. The head of the Directorate for Aliens and Migration of the Ministry of Interior, Public Administration and Decentralisation, along with his alternate. The Migration Committee shall be attended by the head of the competent Department of Residence Permits of the Directorate for Aliens and Migration of the said Ministry as rapporteur, without the right to vote, and by an officer of the same Directorate as secretary, along with their alternates.
2. On first implementation of this law and for five years, any vacant permanent positions established by article 76, para.13, of Law 2910/2001 (GG 91 A) shall be filled solely by transfers or reassignments of officers from public agencies, legal entities in public law (NPDD) and prefectures, at the request of the concerned parties. Reassignments under this paragraph shall be valid for three years and may be renewed for three more years. The relevant reassignments or transfers shall be made by decision of the Minister of Interior, Public Administration and Decentralisation, following the opinion of the relevant or supervising Minister and without the opinion of the service board. The permanent positions held by transferred officers shall be abrogated. Permanent officers under unfixed-term employment contracts in private law employed in public agencies, legal entities in public law and prefectures, transferred to the Directorate for Aliens and Migration of the Ministry of Interior, Public Administration and Decentralisation, as well as the Directorates of Civil Status and of Aliens and Migration of the Regions may, notwithstanding the relevant provisions, be reassigned to such agencies with simultaneous transfer of their permanent positions, by decision of the Minister of Interior, Public Administration and Decentralisation and with the opinion of the relevant or supervising Minister. Permanent officers under unfixed-term employment contracts in private law employed in public agencies, legal entities in public law and prefectures may be transferred or reassigned under the same employment relation to the Directorate for Aliens and Migration of the Ministry of Interior, Public Administration and Decentralisation, as well as the Directorates of Civil Status and of Aliens and Migration of the Regions with simultaneous transfer of their permanent positions, by joint decision of the Ministers of Interior, Public Administration and Decentralisation, of Economy and Finance and of the relevant or supervising Minister and with the opinion of the relevant Prefect, in case of officers of prefectures, at the request of the concerned parties.<sup>69</sup>
3. Up to four Directorates for Migration and Aliens may be established in the Region of Attica by presidential decree, issued on recommendation of the Ministers of Interior, Public Administration and Decentralisation and of Economy and Finance. An additional Directorate for Migration and Aliens may be established in the Region of

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<sup>67</sup> Added by article 48, paragraph 5 of Law 3772/2009

<sup>68</sup> Replaced by article 16, para.1, of Law 3536/2007.

<sup>69</sup> Replaced by article 16, para.2, of Law 3536/2007.

Thessaloniki by the same decree. Such decrees shall determine their seat, the structure of the organic units, the allocation of duties among them and the branches from which the heads of organic units shall be selected and shall regulate any relevant matter.

4. The Ministry of Interior, Public Administration and Decentralisation shall be competent for monitoring and evaluating the implementation of the provisions hereof, and for coordinating jointly competent bodies, as well as for representing the country abroad, at European and international level, in any matter relating to the entry, residence and integration of third-country nationals on Greek territory.

5. The Agencies for Aliens and Migration of the Ministry of Interior, Public Administration and Decentralisation and of the Regions, police, port or airport authorities and control agencies of the Ministry of Employment and Social Protection shall be competent for monitoring the implementation hereof, conducting controls and assessing violations. A decision of the Minister of Interior, Public Administration and Decentralisation and the jointly competent Minister may regulate matters relating to the method of conducting controls and assessing violations.

## **Article 90**

### **Authorizing provisions**

1. A joint decision of the Ministers of Interior, Public Administration and Decentralisation, of Economy and Finance and of Employment and Social Protection shall determine the minimum number of wages or the minimum period of insurance by insurance carrier in order to meet the relevant requirement in the context of renewal of residence permits hereunder, the required documentation and any other relevant matter. The same decision shall also determine the terms and conditions for access to employment, as referred to in article 59, case (b), hereof.<sup>70</sup>

2. Where the provisions hereof and the relevant regulatory arrangements stipulate the availability of sufficient resources as a condition, their level, adjustment and means of evidence shall be determined by joint decision of the Ministers of Interior, Public Administration and Decentralisation, of Economy and Finance and of Employment and Social Protection. A joint decision of the Ministers of Interior, Public Administration and Decentralisation, of Economy and Finance and of Public Order shall determine the level of cost of refoulement and any other return costs, as well as the procedure of reimbursement of the sum of the letter of guarantee in case of forfeiture thereof in favour of the State by the relevant credit institution or the Loans and Deposits Fund to the State Budget.<sup>71</sup>

3. A decision of the Ministers of Interior, Public Administration and Decentralisation, of Employment and Social Protection and other jointly competent Ministers may define other categories of permits for third-country nationals, as well as the specific conditions, procedure and form of residence permit for inclusion in the provisions hereof.

4. A joint decision of the Ministers of Interior, Public Administration and Decentralisation and of Economy and Finance shall determine the remuneration of the members of the Committees referred to in articles 3(3), 13, 14(2), 24 and 89(1) hereof.<sup>72</sup>

5. A decision of the Minister of Interior, Public Administration and other jointly competent Ministers may, where required, regulate any special matter referring to the implementation of the provisions hereof.

6. A joint decision of the Ministers of Interior, Public Administration and Decentralisation, of Foreign Affairs and of Public Order shall regulate specific matters of reentry of third-country nationals on Greek territory.<sup>73</sup>

7. A decision of the Ministers of Interior and of Economy and Finance may redefine the agencies to which third-country nationals submit their applications for the issuance and renewal of residence permits and regulate matters relating to the procedure and the percentage of revenue from deposit fees withheld under article 92(6a) of Law 3386/2005, as replaced by article 20(2) of Law 3536/2007 and article 26(4) of Law 3613/2007, as well as any other necessary detail.<sup>74</sup> A decision of the Minister of Interior, Public Administration and of Economy and Finance shall determine the municipalities and communities to which third-country nationals shall submit applications for the issuance and renewal of residence permits and regulate any other necessary detail.<sup>75</sup>

8. A joint decision of the Minister of Interior, Public Administration, of Economy and Finance and of other jointly competent Ministers shall determine the competent body and the procedure of assessment of monetary fines referred to herein.<sup>76</sup>

## **CHAPTER S**

### **TRANSITIONAL PROVISIONS**

## **Article 91**

### **Transitional arrangements**

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<sup>70</sup> Replaced by article 17, para.1, of Law 3536/2007.

<sup>71</sup> Replaced by article 17, para.2, of Law 3536/2007.

<sup>72</sup> Replaced by article 17, para.3, of Law 3536/2007.

<sup>73</sup> Replaced by article 17, para.4, of Law 3536/2007. By the same provision, paragraph 6 was renumbered to 7.

<sup>74</sup> Replaced by article 45, para.2, of Law 3731/2008.

<sup>75</sup> Added by article 17, para.5, of Law 3536/2007.

<sup>76</sup> Added by article 17, para.6, of Law 3536/2007.

1. A five-year legal residence in the country as from the acquisition of the residence permit under Law 2910/2001 shall be required for the fulfillment of the requirements to obtain the status of long-term resident, pursuant to the arrangements hereof.
2. Third-country nationals who hold a residence permit, provided that they have completed a ten-year continuous legal residence in the country, on entry hereof into force shall be entitled to obtain a ten-year residence permit, without prejudice to the provisions of article 10 hereof, which shall entitle them to have access to the labour market. Such residence permit shall also be issued to adult (over 21 years of age) family members of third-country nationals, provided that they autonomously meet the above requirements. The permit shall be issued at the request of the third-country national and by decision of the agency that issued the last residence permit, and may be renewed for an equal period on request, provided that concerned parties can prove their continuous residence in Greece, which must not be interrupted for more than two (2) consecutive years, and that they have full medical, pharmaceutical and hospital care coverage. Third-country nationals shall not be subject to deposit fees for the renewal of the residence permit hereunder.<sup>77</sup>
3. For residence permits expiring from 1 January 2006 on, the conditions and the procedure for their renewal shall be subject to the arrangements hereof. Applications for the issuance or renewal of residence permits expiring after 1 January 2006 shall be processed pursuant to the provisions of Law 2910/2001 by the competent agencies pursuant to such law. Their processing cannot exceed three months from the expiry thereof.
4. Collective bodies provided for by Law 2910/2001 shall continue to function until they are reconstituted. On the initial implementation hereof, the Committee referred to in article 14, para.3, shall be constituted and shall prepare the relevant report in the last quarter of this year.
5. Residence permits for humanitarian reasons that have been issued pursuant to article 37, para.4, of Law 2910/2001 and are still valid shall entitle the third-country national to have access to the labour market.
6. The certificates and temporary residence permits provided for by article 76, para.6, of Law 2910/2001 shall be replaced by six-month temporary residence permits, which shall entitle the holders to have access to the labour market, provided that the persons to whom such certificates were issued are considered third-country nationals of other descent and continue to reside in Greece. These residence permits shall be renewed under the conditions and with the procedure hereof.
7. Any pending applications submitted for any reason pursuant to the provisions of article 31, para.2, of Law 3202/2003 (GG 284 A), shall be examined according to the procedure referred to in the last sentence of para.1 of article 84 hereof. The same procedure shall be followed for applications submitted pursuant to the provisions of article 31, para.2, of Law 3202/2003 and were rejected by the competent agencies of the Regions because there was no objective inability to obtain a passport or other travel document.<sup>78</sup>
8. Third-country nationals who, while legally residing in the country, were hired as service staff of a diplomatic delegation or members thereof and obtained a residence permit under the provisions of article 37, para.6, of Law 2910/2001 shall renew such permit for one of the reasons referred to herein. Until the entry hereof into force and the submission of the relevant application, such third-country nationals shall be considered legally residing in the country.
9. Third-country nationals who had applied for a Special Ethnic Greek Identity Card by the entry into force of Law 2910/2001 and their request was denied because they did not prove that they were ethnic Greeks may be included in the provisions hereof, on condition that they submit a relevant application and the required documentation within the exclusive period of three months of the entry hereof into force.
10. a. Residence permits whose validity was extended until 30 June 2004 pursuant to article 25 of Law 3242/2004 (GG 102 A) and residence permits that expired after the said date and have not been renewed shall be ipso jure extended until 31 December 2005 without the issuance of a relevant declaratory act.  
b. Residence permits expiring after 1 January 2006 and until 30 April 2006 shall be ipso jure extended until 30 April 2006 and shall be renewed by application pursuant to the provisions of Law 3386/2005. Third-country nationals included in the above arrangement may apply for the issuance of a work permit from the publication hereof until 31 October 2005. The Directorates of Labour of the Prefectures shall issue such work permits within an exclusive period of two months from the application, but no later than 31 December 2005. Applications for the renewal of residence permits shall be submitted to the relevant municipalities or communities within one month from the date of receipt of the work permit. In cases where a work permit was issued but the application for residence permit was rejected as untimely or are pending, they will be reexamined ex officio by the relevant Region. Where a work permit was issued and no application for renewal of the residence permit was submitted to the competent Region or where no prior work permit is required, the application for the issuance of residence permit shall be submitted by 31 October 2005. Such permits shall be issued pursuant to the provisions of Law 2910/2001 and their duration shall be equal to that of the work permit.  
b. Applications for work and residence permits shall be accompanied by the documentation prescribed by Law 2910/2001, as currently in force. Specifically for the fulfillment of insurance obligations, regulated by the same law and for the period from 1 July 2003 until the date of application for work permit, the insurance coverage of one hundred and fifty days annually shall be sufficient.

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<sup>77</sup> Replaced by article 39, para.1, of Law 3731/2008.

<sup>78</sup> Replaced by article 18, para.2, of Law 3536/2007.

Any such persons that do not meet the said requirement may pay the contributions required for insuring one hundred and fifty days annually to the competent insurance carrier in lump sum and without any increases.

c. Article 32, para.12, of Law 3202/2003 (GG 284 A) regarding the submission of application for work and residence permit shall also apply to the present arrangement.

11. a. By decision of the General Secretary of the relevant Region, residence permits shall be issued to third-country nationals residing in Greece by 31 December 2004, provided that there are no reasons of public policy and national security. They can prove their residence by the date on the visa or the date they applied for residence permit for humanitarian reasons or the date of issuance of tax number or by an insurance carrier certificate regarding the payment of revenue stamps. Where the request for asylum was rejected, residence shall be proved by the date of issuance of the relevant rejecting decision. Such residence permit shall also be a work permit and shall be valid for one year. The relevant applications shall be submitted to municipalities from 1 October 2005 to 31 December 2005. Municipalities shall, within an exclusive period of two months from the submission of the application, forward the relevant files to the competent Region.

b. The arrangements of the preceding paragraph shall include, autonomously, the spouses of such nationals and their minor children, on the sole condition that they live with their parents. Spouses and children over 14 years shall receive an individual residence permit.

c. The following documentation shall required for the issuance of the residence permit:

i. A statutory statement under Law 1599/1986 to the effect that a specific professional employment is the reason for residing in Greece. The said statement shall comprise the family members living with the applicant and assurances that the applicant did not commit any crime. If the applicant does not have a specific professional employment, he/she shall state the special reason for which he/she resides in the country;

ii. Passport or other travel document, with the exception of asylum seekers whose request was denied;

iii. Payment of deposit fee in the form of Type B duplicate receipt;

iv. A health certificate to the effect that the third-country national does not suffer from any condition that is dangerous to public health. The only conditions that may justify the refusal of entry or of the right of residence are those provided for by the World Health Organisation, as well as other infectious, contagious or parasitical diseases that dictate the taking of measures for the protection of public health;

v. A certificate of redemption of contributions by the relevant insurance carrier, in the form of the statement under case (c)(i), for one hundred and fifty day insurance, with the exception of the family members who do not have such an obligation;

vi. Evidence of submission of application for the issuance of a healthcare booklet;

vii. A family status certificate, in case of minor children.

d. The procedure of revenue stamp redemption shall not require the prior issuance of a tax number.

e. The Minister of Interior, Public Administration and Decentralisation may determine by decision any additional documentation. The same decision may determine documentation for special categories of persons.

f. The entry in the lists of unwanted persons solely on the grounds of illegal entry, exit, work and residence in the country, as well as relevant pending expulsions shall not obstruct the issuance of the residence permit. Any entries in the list of unwanted persons for this reason shall be considered deleted.

g. Paragraph 12 of article 32 of Law 3202/2003 (GG 284 A) relating to the submission of application for residence permit shall also apply to the present arrangement.

h. The above residence permits may be renewed for one of the reasons referred to herein, without the visa requirement.<sup>79</sup>

12.a. Albanian nationals who applied for the issuance or renewal of the Special Ethnic Greek Identity Card and their request was denied because they did not prove that they were ethnic Greeks may be included in the provisions hereof, on condition that:

i. They have resided in the country for at least three (3) years;

ii. A final court judgment was delivered on their cassation appeal against the denying decision;

iii. No criminal proceedings were initiated against them for use of false information, counterfeit or forged documents or fraud;

iv. There are no reasons of public policy and national security, pursuant to the provisions of article 3 of Law 3536/2007 (GG 42 A).

b. The application for the issuance of residence permit shall be submitted to the municipality or community of the applicant's place of residence within three (3) months of the service of the denying decision or the final court judgment on the cassation appeal.

This residence permit shall entitle the third-country national to have access to remunerated employment and the provision of services or work and shall be valid for one year.

Independent economic activity may be practiced only when the holder of such residence permit practiced independent economic activity and such activity continues to exist. For the renewal of the residence permits referred to in the preceding sentence, the fulfillment of the conditions for renewal of residence permits for independent economic activity shall be examined.

Residence permits hereunder may be renewed pursuant to the conditions and procedure hereof.

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<sup>79</sup> The last sentence of case (h) was abrogated by article 18, para.3, of Law 3536/2007.

- c. The said residence permit shall also be issued to the family members of the applicant, if they can prove that they lived with him/her and continue to reside in the country.
- d. The arrangements hereof also include Albanian nationals, the requests of whom were denied before the entry hereof into force and continue to reside in the country, provided that the applications are submitted within one year of the entry hereof into force.
- e. Albanian nationals whose request for issuance or renewal of the Special Ethnic Greek Identity Card was denied due to the production of counterfeit or forged documents shall also be entitled to be included in the above procedure, on condition that they submit the application within three (3) months of the issuance of the final acquitting judgment relating to the commission of such crimes.<sup>80</sup>

## CHAPTER T FINAL PROVISIONS

### Article 92

#### Deposit fees – Adjustment of monetary fines – Authentications

1. Applications for issuance and renewal of residence permits shall be accompanied by a deposit fee which, if not determined otherwise for reasons of reciprocity, shall be as follows:
  - a. For permits up to one year: EUR one hundred and fifty (€150);
  - b. For permits up to two years: EUR three hundred (€300);
  - c. For permits up to three years: EUR four hundred and fifty (€450).Deposit fees hereunder shall be collected only by the issuance of a Type B duplicate receipt by the agency that is competent to receive the application.  
Persons included in the agreement between the Hellenic Republic and the Arab Republic of Egypt, ratified by the first article of Law 1245/1982 (GG 45 A), shall not be subject to deposit fees.<sup>81</sup>
2. The deposit fee, which shall be paid on submission of the application for acquisition of long-term resident status, shall amount to EUR nine hundred (€900). Holders of unfixed-term resident permits applying for long-term resident status shall not be subject to deposit fees. This deposit fee shall also be paid, where applicable, for the issuance of unfixed-term residence permits.
3. Monetary fines and deposit fees provided for hereby shall be collected in favour of the State and shall be adjusted by decision of the Ministers of Interior, Public Administration and Decentralisation, of Economy and Finance and of Public Order.
4. Foreign public documents required hereby shall bear the Apostille under the Hague Convention, where required. Where no apostille is required, the authenticity of the signature of foreign authorities on such documents shall be certified by the Greek consular authority or the Greek Ministry of Foreign Affairs.
5. Officers holding permanent positions or are posted to the Agencies for Aliens and Migration of the Regions, as well as the Directorate for Aliens and Migration of the Ministry of Interior, Public Administration and Decentralisation shall receive additional remuneration, notwithstanding the relevant provisions, the level and method of payment of which shall be determined annually by joint decision of the Ministers of Interior, Public Administration and Decentralisation and of Economy and Finance.<sup>82</sup>
6. a. 30% of the revenue stemming from the deposit fees referred to in paragraph 1 shall be withheld by the relevant local government on payment of the deposit fee.<sup>83</sup> Officers employed by the relevant local government agencies for serving third-country nationals shall receive a bonus, which shall not exceed 1/3 of the said percentage. The level of bonus by category of municipal and community officers and the method of payment shall be determined annually by joint decision of the Ministers of Interior, Public Administration and Decentralisation and of Economy and Finance, while the categories of beneficiaries shall be determined by decision of the Minister of Interior, Public Administration and Decentralisation. The balance shall be used solely to cover operating expenses of such agencies.<sup>84</sup>
- b. 25% of the revenue stemming from the deposit fees referred to in paragraph 1 shall be used to cover the expenditure of Ministries, Regions and NPDDs dealing with migration policy matters, as well as to subsidise the Migration Policy Institute. The remuneration of the members, the secretary and the rapporteur of the collective bodies provided for hereby shall also be paid out of such percentage. The relevant funds shall be included in the budget of the Ministry of Interior, Public Administration and Decentralisation and shall be allocated by joint decisions of the Ministers of Interior, Public Administration and Decentralisation and of Economy and Finance. A similar decision shall determine the details for the implementation of the provisions hereof.
7. Applications for issuance of residence permit for minors accommodated in any establishment or charity legal entities shall be submitted by the representative of the establishment or the legal entity.

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<sup>80</sup> Added by article 45, para.1.g, of Law 3731/2008.

<sup>81</sup> Added by article 20, para.3, of Law 3536/2007.

<sup>82</sup> Replaced by article 20, para.1, of Law 3536/2007.

<sup>83</sup> Replaced by article 26, para.4, of Law 3613/2007.

<sup>84</sup> Replaced by article 20, para.2, of Law 3536/2007.

### **Article 93**

#### **Uniform information system – Register**

1. By decision of the Ministers of Interior, Public Administration and Decentralisation, of Economy and Finance, of Foreign Affairs and of Public Order, a uniform information system shall be created and a uniform register number shall be provided for all third-country nationals legally entering the country.
2. Until the decision referred to in the preceding paragraph is issued, the competent Agencies for Aliens and Migration shall keep a register of third-country nationals. A decision of the Minister of Interior, Public Administration and Decentralisation, following the opinion of the Personal Data Protection Authority and in compliance with the provisions concerning such authority, shall determine the personal data of third-country nationals residing in Greece, which may be collected, stored and processed by competent Agencies for Aliens and Migration, as well as municipalities and communities of the country, in order to maintain a register of third-country nationals and address other requirements for the application of the relevant legislation, pursuant to paragraph 1 of article 41 of Law 2910/2001. The same decision shall also determine the procedures and bodies that will collect, maintain and process such data, the conditions for disclosure thereof to entitled individuals, as well as the procedure and conditions for file interfaces.

### **Article 94**

#### **Parents of minor Greek nationals**

By decision of the General Secretary of the Region, the Residence Card referred to in article 61, paragraph 1, hereof may be issued to parents of minor Greek nationals and the conditions referred to in Chapter K shall apply accordingly. Upon the national child reaching majority, the third countries' citizens are granted an extension of the residence permit for five additional years by dispensation to the conditions described in Chapter A.<sup>85</sup>

### **Article 95**

#### **Stateless persons**

The provisions of this law shall also apply to stateless persons.

### **Article 96**

#### **Documentary evidence – conditions**

1. Where, in the provisions of the present law, the submission of an application for the issue or renewal of a residence permit is required, the documentary evidence are determined upon decision of the Minister of Interior, Public Administration and Decentralization, according to par. 2 of article 11 of the present law.
2. Where special conditions are clearly required for the issue and renewal of a residence permit, general conditions are also valid, as they are defined in article 10 of the present law.

### **Article 97**

#### **Abrogated provisions**

On entry hereof into force, any general or special provision that is contrary to the provisions hereof or regulates the matters hereof differently shall be abrogated.

### **Article 98**

#### **Entry into force**

This law shall enter into force on 1 January 2006, with the exception of paragraphs 2 and 3 of article 89, paragraphs 3, 4, 7, 10 and 11 of article 91 and paragraph 5 of article 92, which will enter into force on publication thereof in the Government Gazette.<sup>86</sup>

<b>AUTONOMOUS PROVISIONS</b>
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<b>LAW 3448/2006 (GG A 57)</b>
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### **Article 26**

4. a. Residence permits referred to in the first sentence of case (a) of paragraph 10 of article 91 of Law 3386/2005 (GG 212 A), as well as those that expired after the said publication of this law and by 31 December 2005 and have not been renewed shall be ipso jure extended until 30 April 2006 without the issuance of a relevant declaratory act. Applications for renewal thereof may be submitted by the same date, pursuant to cases (a) and (b) of paragraph 10 of article 91 of Law 3386/2005. The time limit of the third sentence of case (a) of paragraph 10 of the same article shall be extended from expiry to 31 May 2006. The time limit for the submission of applications referred to in the fifth sentence of case (a) of paragraph 10 of article 91 of Law 3386/2005 shall also be extended to 30 April 2006.

<sup>85</sup> Added by article 44, para.1, of Law 3801/2009

<sup>86</sup> Pursuant to article 36 of Law 3536/2007, the amendments to Law 3386/2005 made by articles 15 and 16 of Law 3536/2007 shall enter into force on 1 January 2008.

b. Residence permits expiring after 1 January 2006 and until 30 April 2006 shall be ipso jure extended until 30 April 2006 and shall be renewed by application pursuant to the provisions of Law 3386/2005.

**LAW 3536/2007 (GG A 42)**

**Article 1**

**National Committee for the social integration of immigrants**

1. A National Committee for the Social Integration of Immigrants shall be established to the Ministry of Interior, Public Administration and Decentralisation. The Committee shall be constituted by decision of the Minister of Interior, Public Administration and Decentralisation, which shall be published in the Government Gazette.
2. The Committee shall consist of (a) the Minister of Interior, Public Administration and Decentralisation as chairman and the General Secretary of the Ministry of Interior, Public Administration and Decentralisation as alternate, who, when the Minister attends the sessions, shall participate as member, (b) the General Secretary of Fiscal Policy of the Ministry of Economy and Finance, the General or Special Secretaries of the Ministries of Foreign Affairs, of Development, of National Education and Religious Affairs, of Employment and Social Protection, of Health and Social Solidarity, of Culture and of Public Order, who shall be nominated by the relevant Ministers, (c) the Chairman of the Migration Policy Institute, as liaison between the National Committee and the civic society (such as immigrants' associations, non-governmental organizations and other social partners involved in migration), (d) two representatives of the Central Association of Municipalities and Communities of Greece (KEDKE), (e) two representatives of the Association of Prefectures of Greece (ENAE), (f) one representative of the Church of Greece, nominated by decision of the Standing Holy Synod, (g) one representative of a University scientific teaching staff with pertinent specialization, (h) one representative from each parliamentary group recognized by the Parliament Regulations, (i) two representatives of the Supreme Administration of Civil Servants Association (ADEDY), (j) two representatives of the General Confederation of Workers of Greece (GSEE), (k) one representative of the General Confederation of Professional Artisans and Merchants of Greece (GSEBEE), (l) one representative of the National Greek Trade Confederation (ESEE), (m) one representative of the Athens Chamber of Commerce and Industry (EBEA), (n) one representative of the International Organisation for Migration (IOM), and (o) one representative of the Athens Bar Association.
3. The bodies that are represented in the Committee shall nominate their representatives within twenty (20) days of the relevant notification by the Minister of Interior, Public Administration and Decentralisation. If no representatives are nominated within such period, the Committee shall be constituted and shall hold valid meetings with the other members, until such bodies nominate and appoint their representatives.
4. The tasks of the Committee shall be: (i) to make recommendations and actions relating to the social integration of immigrants to the Interministerial Committee referred to in article 3 of Law 3396/2005 (GG 212 A), (ii) to conduct social dialogue and dialogue with the civil society for the establishment of policies that promote the integration of immigrants in all areas, pursuant to international law and the European acquis, (iii) to prepare and monitor operational programmes relating to the implementation of social integration policy for immigrants, especially in the context of the Integrated Programme for Social Integration, if so instructed by the Minister of Interior, Public Administration and Decentralisation.
5. In the context of its mission, the Committee shall prepare an annual report recording developments in the social integration of immigrants at national and international level, which shall be submitted to Parliament and the Interministerial Committee referred to in article 3 of Law 3396/2005, along with its recommendations for necessary measures.
6. The administrative, scientific and overall support to the Committee referred to in paragraph 1 shall be assigned to the agencies of the Directorate for Aliens and Migration of the Ministry of Interior, Public Administration and Decentralisation and the Migration Policy Institute (IMEPO). To assist its tasks, it may, by decision of the Minister of Interior, Public Administration and Decentralisation, establish special committees or workgroups or taskforces comprising persons nominated by public agencies or bodies of the public or private sector or scientists with specialized knowledge or experience.
7. A decision of the Minister of Interior, Public Administration and Decentralisation shall regulate matters relating to the operation of the Committee referred to in paragraph 1 and any other necessary detail. A joint decision of the Ministers of Interior, Public Administration and Decentralisation and of Economy and Finance shall determine the remuneration of the members of committees of workgroups or taskforces provided for in paragraph 6, pursuant to applicable provisions.

**Article 15**

**Obligations of agencies, notaries public and third parties – Administrative and criminal penalties**

9. In the list of felonies enumerated in the first paragraph of article 187 of the Penal Code, after the phrase "404 (usury)", there shall be added the words "violation of the last sentence of paragraph 5 of article 87 of Law 3386/2005

facilitation of the illegal entry of a third-country national, committed by three or more persons who organized or joined a group for continuous relevant action".

## **Article 18**

### **Transitional provisions**

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4. a. By decision of the General Secretary of the relevant Region, a residence permit shall be issued to third-country nationals who resided by 31 December 2004 and have been residing ever since in Greece and are no threat to public policy and national security.

They can prove that they reside in the country by:

- i) Certificate of enrolment or certificate of enrolment of a child to public primary or secondary educational establishments, if the child was enrolled before 31 December 2004 and continues to attend at the entry hereof into force;
- ii) Birth registration certificate or birth registration certificate of a child born in Greece by 31 December 2004, if one of the spouses legally resides in Greece; or
- iii) Registration certificate of marriage celebrated in Greece by 31 December 2004, if one of the spouses is Greek or other EU Member State national or a third-country national legally residing in Greece; or
- iv) Decision of the General Secretary of the Region denying an application for issuance or renewal of residence permit, except denying decisions for reasons of public policy and national security, if the application was submitted by 31 December 2004; or
- v) Denying decision for the issuance of a Special Ethnic Greek Identity Card, if the application was submitted by 31 December 2004, or a Special Ethnic Greek Identity Card that expired by the same date and was not renewed.

This residence permit shall also be a work permit and shall be valid for one year. For the issuance of such permit, in addition to the documentation to be determined by the decision referred to in case (c), a certificate shall be required regarding the redemption of any remaining contributions for 150-day insurance by any insurance carrier. The relevant applications shall be submitted to municipalities by 30 September 2007. Municipalities shall, within an exclusive period of two months from the submission of the application, forward the relevant files to the competent Region.

b. The arrangements of the preceding paragraph shall include, autonomously, the spouses of such nationals and their minor children, on the sole condition that they live with their parents or spouses, as the case may be.

c. A decision of the Minister of Interior, Public Administration and Decentralisation shall determine the documentation required for the issuance of the residence permit.

d. The entry in the lists of unwanted persons solely on the grounds of illegal entry, exit, work and residence in the country, as well as relevant pending expulsions shall not obstruct the issuance of the residence permit. Any entries in the list of unwanted persons for this reason shall be considered deleted.

e. The above residence permits may be renewed for one of the reasons referred to in Law 3386/2005, without the visa requirement.

5. Third-country nationals who submitted or submit an application for first renewal of their residence permit after the entry into force of Law 3386/2005 and have not completed the minimum number of insurance days or the minimum period of insurance, determined in the joint ministerial decision referred to in article 90, para.1, of Law 3386/2005, may redeem part of or all the insurance days required by the relevant insurance carrier or corresponding to the relevant period in lump sum and without any increases. If these applications for renewal of residence permits were rejected, they shall be reviewed.<sup>87</sup>

6. Applications for renewal of residence permits whose validity expired after 1 January 2006 and which have been rejected as untimely, shall be reviewed and the residence permits shall be issued if the other requirements of Law 3386/2005, as currently in force, are met. This arrangement also includes pending applications. A necessary condition for the renewal of the residence permits shall be the payment of a monetary fine equal to 1/3 of the deposit fee referred to in case (a) of paragraph 1 of article 92 of Law 3386/2005 for every month of delay in the submission of the application. The monetary fine shall be assessed by the body responsible for issuing the residence permit.

7. On first renewal, on the basis of Law 3386/2005, of residence permits of third-country nationals accepted in the country for family reunification, it shall not be necessary to prove sufficient resources, as determined by joint decision 4415/17 March 2006 of the Deputy Ministers of Interior, Public Administration and Decentralisation, of Economy and Finance, of Foreign Affairs, and the Ministers of National Education and Religious Affairs and of Employment and Social Protection.

8. Third-country nationals who hold residence permits, pursuant to the provisions of Law 2910/2001 (GG 91 A) for the provision of independent services or work and are employed under a dependent employment relation with more than one non-stable employers (builders, exclusive nurses and house staff), may, during the validity of such permits,

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<sup>87</sup> Replaced by article 28, para.1, of Law 3613/2007.

change their residence permit for the provision of dependent employment to a steady employer or more than one non-steady employers.

9. Third-country nationals who, on the date of entry into force of Law 2910/2001, resided with their parents in Greece and were issued with a six-month temporary residence permit pursuant to the provisions of article 66 of such law and who obtained a visa in order to renewed it for studies may, on completion of their studies, renew it for one of the reasons referred to in Law 3386/2005.

10. Applications by third-country nationals who, due to objective inability, are deprived of passport and who are subject either to the regulatory field of joint decision 11702/23 June 2006 (GG 892 B) of the Deputy Minister of Interior, Public Administration and Decentralisation and of the Minister of National Education and Religious Affairs or to the provisions of para.4A hereof, shall be accepted and examined pursuant to the procedure referred to in the last sentence of para.1 of article 84 of Law 3386/2005.

#### **Article 19**

##### **Certificate of insurance period**

The fulfillment of insurance obligations of the aliens, where pursuant to the provisions of Law 3386/2005 a certain insurance period is required with a social security organization for the renewal of the residence permit, shall be proved solely by a certificate of the relevant social security organization showing the days of work and the length of insurance, as well as the particulars of the employer who employs the aliens. The said certificate shall make explicit reference to the existence, if any, of pending insurance obligations of the aliens.

#### **LAW 3613/2007 (GG A 263)**

#### **Article 28**

##### **Arrangements for migration policy matters**

8. For third-country nationals wishing to apply for inclusion in the procedure of para.4 of article 18 of Law 3536/2007, prior issuance of a tax number shall not be required for revenue stamp redemption from any insurance carrier.

9. The additional remuneration referred to in para.5 of article 92 of Law 3386/2005, as replaced by para.1 of article 20 of Law 3526/2007, shall be paid to a maximum number of four (4) officers of the Directorate of Computers and Electronic Data Processing of the Ministry of Interior, who shall be involved in the management of the uniform information system that is referred to in article 93 of Law 3386/2005 and operates in the said Directorate. These officers shall be nominated by the relevant General Secretary of the Ministry of Interior.

#### **LAW 3731/2008 (GG A 263)**

#### **Article 39**

##### **Ten-year residence permits**

2. Where the provisions of Law 3386/2005 or the applicable legislation refer to an unfixed-term residence permit, it shall refer to the residence permit of the preceding paragraph.

#### **Article 40**

##### **Arrangement of specific migration policy matters**

4. a. In case of marriage between third-country nationals who reside in the country by residence permit, one of the spouses and their family members pursuant to article 4 of presidential decree 131/2006 (GG 143 A) who already reside legally in the country may be issued with a residence permit for family reunification, notwithstanding paragraph 2, case (b), of article 5 of the said presidential decree.

b. The residence of the minor children born in Greece by legally residing parents shall be covered by the residence permit of the sponsor, until they apply for a residence permit. If the application for issuance of residence permit to the minor child is submitted after the expiry of two years from the birth of the child, the monetary fine provided for by para.4 of article 87 of Law 3386/2005, as currently in force, shall be imposed. The arrangements of the above paragraph shall also apply to children born before the entry hereof into force, if the application for residence permit is submitted within two years of their birth.

5. By decision of the competent body, a residence permit for family reunification shall be issued to minor children of third-country nationals who held a residence permit issued either for family reunification or on the basis of the transitional provisions of article 91, para.11, of Law 3386/2005, which was not renewed concurrently with that of the sponsor. The relevant applications shall be submitted to the relevant agencies by 30 June 2009. Any pending applications shall be examined according to the provisions hereof.

6. Without prejudice to the provisions of case (c) of paragraph 2 of this article, any monetary fines assessed to the relevant tax offices (DOYs) due to untimely notification to the relevant agency of the Region of changes relating to the renewal of passport, shall be written off by individual discount sheets by the competent agency of the Region pursuant to article 98 of presidential decree 16/1989 (DOY Regulations).

7. Children of third-country nationals born and residing in Greece, whose parents continue to legally reside in the country, on attainment of 18 years of age and having completed the primary and secondary education, shall obtain, by

decision of the General Secretary of the relevant Region, long-term resident status, notwithstanding the procedure, conditions and criteria referred to in articles 67 and 68 of Law 3386/2005 (GG 212 A), as currently in force, and presidential decree 150/2006 (GG 160 A). A decision of the Minister of Interior shall determine the required documentation and any necessary detail.

#### **Article 45**

1. h. Third-country nationals legally residing in Greece for one of the reasons referred to in Law 3386/2005 who, after their marriage to another third-country or EU or Greek national, changed their residence status and obtained either a residence permit for family reunification or a residence card as family members of an EU or Greek national may return to the prior status of residence if:

- a. The third-country or EU or Greek national dies and have no autonomous or personal residence entitlement;
- b. An irrevocable judgment of divorce or annulment of marriage is delivered and they have no autonomous or personal residence entitlement.

This chance is also provided to any family members who legally resided in the country and changed their residence status accordingly.

<b>LAW 3801/2009 (GG A 163)</b>
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#### **Article 43**

##### **Facilitation of access to employment for residence permit holders**

1. The third countries' citizens to whom an autonomous residence permit has been or is delivered in accordance with the provisions of law 3386/2005 (Government Gazette number 212 A') as amended as well as with the provisions of presidential decree 131/2006 (Government Gazette number 143 A') with respect to the right to family reunification is granted an access to salaried employment and to the provision of services or projects without a special authorization being required.

2. The possibility to exercise an independent economic activity shall be granted only in the case the beneficiary of an autonomous residence permit previously held a residence permit allowing him/her the exercise of an independent economic activity or had been granted an authorization to exercise an independent economic activity and if such activity continues. The renewal of residence permits of the previous sub-paragraph in view of an independent economic activity shall not be considered as an initial granting of a residence permit.