

**GOVERNMENT GAZETTE  
OF THE HELLENIC REPUBLIC**

SERIES A

Issue No 80

1 April 2014

LAW No 4251

Immigration and Social Integration Code and other provisions

**THE PRESIDENT  
OF THE HELLENIC REPUBLIC**

We hereby promulgate the following law adopted by the Parliament:

**PART ONE  
BORDER-CROSSING AND RESIDING OF THIRD-  
COUNTRY NATIONALS WITHIN GREEK  
TERRITORY**

**CHAPTER A**

**GENERAL PROVISIONS**

**Article 1  
Definitions**

1. For the implementation of the provisions of this code, the following definitions apply:

(i) Foreign national means any natural person who does not have Greek nationality or is stateless.

(ii) Third-country national means any natural person who is not a Greek national or the national of any other EU Member State within the meaning of Article 20(1) of the Treaty on the Functioning of the European Union.

(iii) Stateless means any natural person who meets the conditions set out in the 1954 New York Conventions relating to the status of stateless persons, which has been ratified by Law 139/1975 (Government Gazette, Series A, No 176).

(iv) EU national: Any person who is a national of an EU Member State.

(v) Person *de facto* deprived of passport: third-country national deprived of passport or travelling documents due to special circumstances or situations.

(vi) Refugee: Third-country national or stateless person who meets the conditions for the implementation of Article 1A of the Geneva Convention.

(vii) Beneficiary of international protection: Foreign national or stateless person to whom the competent Greek authority granted refugee or beneficiary of subsidiary protection status.

(viii) Beneficiary of subsidiary protection status: Without prejudice to Article 17 of Presidential Decree 141/2013, a foreign national or stateless person who does not meet the conditions for being recognised as a refugee but for whom there are signification indications that, if he/she returns to his/her country of origin or, in the case of stateless persons, the country of previous residence, is in danger of serious harm, within the meaning of Article 15 of Presidential Decree 141/2013, and cannot, or, because of the danger, does not wish to place himself/herself under that country's protection.

(ix) for applicant for international protection: The

special card issued to the applicant during the examination of his/her request by the Greek receiving authorities, allowing him/her to remain in Greek territory until a final decision is made with regard to the request.

(x) Unaccompanied minor means any person below the age of eighteen, who arrives in Greece unaccompanied by a responsible adult, under Greek legislation and practice, and for as long as they are not effectively taken into the care of an adult, or minors who are left unaccompanied after they enter Greece.

(xi) Victim of trafficking means both the natural person for whom there are substantial reasons to be considered victim of any of the crimes provided for in Articles 323, 323A, 323B, 339(1) and (4), 342(1) and (2), 348A, 348B, 349, 351 and 351A of the Presidential Decree, before criminal prosecution, and the person against whom any of the above crimes were committed and for which proceedings were opened, whether the person has entered into the country legally or illegally. Under the previous indent, when the victim of the crime set out in Article 336 of the Penal Code is a minor, he/she is a victim of trafficking.

The 'victim of trafficking' status is granted in a legal instrument by the competent Prosecutor of First Instance, both after the opening of proceedings against a crime provided for in Articles 323, 323A, 323B, 339(1) and (4), 342(1) and (2), 348A, 348B, 349, 351 and 351A of the Penal Code and before criminal prosecution for any of these offences. In the latter case, the issuing of the instrument requires the written opinion of two specialists, either psychiatrists, psychologists or social workers, employed in a protection or assistance service or unit referred to in Articles 2, 3 and 4 of Presidential Decree 233/2003, as in force, or the Initial Reception Service, NGOs, the IOM, International Organisations or other specialised and state-recognised protection and assistance bodies, pursuant to the provisions of Articles 2, 3 and 4 of Presidential Decree 233/2003. The status-granting instrument is issued regardless of whether the victim is cooperating with the criminal investigation authorities, in those of the above cases where the prosecutor deems appropriate, following the prosecutor-general's assent that the conditions set out in Article 1 (2) of Presidential Decree 233/2003 are met or that the victim is not cooperating because of threats against members of his/her family who are in Greece, in his/her country of origin or elsewhere and that, if the victim is not protected or removed from the country, these persons face an imminent danger.

This process also applies for granting a person the 'illegal immigrant smuggling victim' status, as defined in paragraph () hereof.

(xii) Immigrant smuggling victim means both a natural person who, based on valid reasons, may be considered a victim of any crime referred to in Articles 29(5) and (6) and 30 hereof, when committed by criminal organisations, according to Article 187 (1) of the Penal Code, before criminal prosecution, and the person against whom any of the above crimes were committed and for which criminal proceedings have been opened if that person has entered into the

country illegally.

(xiii) **Illegal residence:** Presence within Greek territory of a third-country national who does not meet or no longer meets the entry conditions, as set out in Article 5(1) of Regulation (EC) No 562/2006 (Schengen Borders Code) or the other entry or residence conditions laid down in the legislation in force.

(xiv) **Uniform Visa (C Visa):** Type C uniform visa means the visa valid in the entire territory of the EU Member States which implement the provisions of the EU Visa Code and it is granted for crossing the territory of these Member States or for intended residence therein, which does not exceed 90 days within a 180-day period in the territory of the Member States of the enhanced Schengen cooperation.

(iv) **Long-stay Visa (National visa - D Visa):** D visa means the authorisation granted by the competent Greek authorities to third-country nationals, allowing them to enter into and reside within Greek territory for more than 180 days and up to 365 days, pursuant to the corresponding national regulations or Union law on the residence status for third-country nationals.

(xvi) **Residence permit** any authorisation issued by the Greek authorities in accordance with 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 (OJ L 157, 15.6.2002), as in force, allowing a third-country national to reside legally in Greek territory.

(xvii) **Application-lodging certificate:** Document certifying temporary, one-year legal residence and granted by the competent authorities after third-country nationals have lodged applications for the granting or renewal of residence permits, provided that all the requested supporting documents are complete. This certificate does not grant the right to move within the Schengen area. In exceptional cases, it may grant the holder the right of departure to a third country, i.e. other than the Schengen Member States, by decision of the Minister for Public Order and Citizen Protection. In this case, a return deadline is set and after the corresponding period expires, the certificate holder can no longer be admitted to Greek territory.

(xviii) **Special certificate of legal residence:** Provisional residence permit granted to third-country nationals under judicial protection and allowing the holders thereof free movement within the European Union.

(xix) **Evidence of tax liabilities:** Certified copy of the salary statement of the income tax statement, if the latter had been submitted in the previous year, or certified copy of the submitted income tax statement if that was submitted for the first time in the year of submission of the application for the renewal of the residence permit.

(xx) **Recalling:** Procedure which enables a third-country national to enter into and reside in Greece in order to provide paid work to a specific employer, in a specific field of employment.

(xxi) **Employment:** The performance of activities which cover any form of employment regulated pursuant to national laws or established practice, on behalf or under the direction and/or supervision of the employer.

(xxii) **Employment contract:** Written agreement under which the employee assumes the obligation to provide work for a definite or indefinite period under the employer's instructions and control and the employer must pay the salary agreed upon and provide any kind

of protection provided for by law. The employment contract is mainly governed by the specific labour laws in force and the provisions of Article 648 of the Civil Code.

(xxiii) **Provision of services or works:** Activities for the execution of services or works, which are not subject to any legal or personal dependence on or control by the employer and to which the provisions of labour laws do not apply.

(xxiv) **Seasonal work:** Activity performed in Greece every twelve months for up to six months in total, in a field related to provisional and seasonal employment.

(xxv) **Seasonal worker:** Third-country national who has his/her principal place of residence in a third country and resides within Greek territory illegally and temporarily for employment purposes and is employed in an industry which, according to one or more fixed-term employment contracts directly concluded between the third-country national and the employer permanently residing in Greece, depends on the change of seasons.

(xxvi) **Special purpose employees:** Third-country nationals who enter into and reside in Greece under special laws and special interstate agreements or in order to serve the interests of the national economy.

(xxvii) **Temporary residence permit:** Any kind of certification provided by Greek authorities, which allows a third-country national to reside legally within Greek territory for a specific purpose and a specific period related to the fulfillment of this purpose.

(xxviii) **Independent economic activity:** Activity that aims to establish an income from a commercial, industrial, handicraft or agricultural business, as well as any other business related to the provision of services or the practice of self-employment.

(xxix) **Investment activity:** Making investments which, according to expert opinion, have a positive impact on development and national economy.

(xxx) **Financially independent persons:** Third-country nationals with sufficient resources in terms of stable annual income in order to cover their living costs.

(xxxi) **Family reunification:** The entry into and residence in Greece by family members of a third-country national residing lawfully in Greece in order to preserve his family's unity, whether the family relationship arose before or after his entry into the country.

(xxxi) **Sponsor:** Third-country national residing lawfully in Greece and applying for family reunification, so that the members of his family, as defined in this Code, be allowed to enter into and reside in Greece.

(xxxiii) **Family members of third-country national:**

a. The spouse, provided that he/she is at least eighteen years of age, and their unmarried children below eighteen, including those legally adopted in Greece by Court judgment or a foreign Court judgment which is automatically enforceable or has been declared enforceable or the precedent of which has been recognised in Greece.

b. The sponsor's or other spouse's other unmarried children below eighteen, including those adopted under the above decisions, provided that the right of custody has been legally granted to the sponsor for his/her children and to the other spouse for the children thereof.

(xxxiv) **Independent right of residence:** The exclusively personal right of residence of the family members of a third-country national who have been admitted into Greek territory for the purposes of family

reunification. (xxxv) Family member of Greek national:

- a. the spouse, regardless of nationality,
- b. regardless of nationality: the spouses' blood relatives in the direct descending line, below years of age or regardless of age if they are sponsored individuals, the spouse's relatives according to the above age distinction, as well as the adopted children, according to the above age distinction,
- c. regardless of nationality: the relatives of the EU national and the spouse in the direct ascending line, provided that they are sponsored individuals.

(xxxvi) *Ad personam* right of residence: The exclusively personal right of residence of family members of a Greek national.

(xxxvii) Long-term resident means a third-country national who acquires this status under Articles 89 and 90 of this Code.

(xxxviii) Long-term resident's residence permit: Any certification provided by the Greek authorities during the process of awarding a third-country national long-term resident status, allowing this person to reside lawfully within Greek territory, according 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 (OJ L 157, 15.6.2002).

(xxxix) First Member State: The EU Member State which awarded a third-country national long-term resident status for the first time.

(xl) Second Member State: Any EU Member State other than the one which awarded a third-country national long-term resident status for the first time and in which the long-term resident in question exercises the right of long-term residence.

(xli) Student: Third-country national admitted to a higher education institution recognised by the national laws, who was allowed to enter into and reside within Greek territory, in order to attend a full-time course of study as primary activity, with the purpose of obtaining a degree, a master's degree or a doctoral degree granted by the institution in question. The term 'student' also includes the preparation cycle, provided that the applicable national laws include it in the studies in question.

(xlii) Education institution: Higher education institution, legally established, the curriculum of which is recognised pursuant to the Greek laws in force.

(xliii) Voluntary service programme: Programme of solidarity activities which is based on a national or Community programme and has general interest purposes.

(xliv) Vocational training: For the implementation hereof, 'training' means studying in institutes of vocational education, colleges, post-secondary education centres and independent study centres.

(xlv) Research: The original work undertaken systematically in order to enhance total knowledge, including the knowledge of man, civilisation and society, and the new applications of this knowledge.

(xlvi) Research organisation: Any private or public organisation which carries out research and has been approved, pursuant to the national laws, for the purposes hereof.

(xlvii) Researcher: Third-country national, holder of a suitable, higher education degree which offers access to doctoral programmes, who is selected by a research organisation to carry out a research plan which requires the aforementioned degree.

(xlviii) Highly qualified employment: The employment

of a person who:

(i) is protected, under Greek labour laws, as an employee who provides genuine and effective work for, or under the direction of, someone else, regardless of the legal status of the employment relation,

(ii) is paid, and

(iii) has the required adequate and specific competence, as proven by higher professional qualifications, as defined in this chapter.

(xlix) EU Blue Card: The authorisation bearing the term 'EU Blue Card' entitling its holder to reside and work legally in the Greek territory under the terms of Article 111 of this Code.

(l) Higher education qualification: Any diploma, certificate or other evidence of formal qualifications issued by a competent authority attesting the successful completion of a post-secondary higher education programme, namely a set of courses provided by an educational establishment recognised as a higher education institution by the state in which it is situated. For the purposes hereof, a higher education qualification will be taken into account, on condition that the studies needed to acquire it lasted at least three years.

(li) Professional experience: The time of actual and lawful pursuit of the profession in question.

(lii) Regulated profession: The regulated profession as defined in Article 3(1)(a) of Presidential Decree 38/2010 'Aligning Greek legislation with Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications' (Government Gazette, Series A, No 78).

(liii) Return of third-country national: The process of a third-country national going back whether in voluntary compliance with an obligation to return, or enforced to:

(a) his or her country of origin, or (b) a country of transit in accordance with Community or bilateral readmission agreements or other arrangements, or (c) another third country, to which the third-country national concerned voluntarily decides to return and in which he or she will be accepted.

(liv) Return decision: Administrative act stating or declaring the stay of a third-country national within Greek territory to be illegal and imposing an obligation to return.

(lv) Removal: Enforcement of the return decision, namely the physical transportation of the third-country national out of Greek territory.

(lvi) Voluntary departure: Compliance with the obligation to return within the time-limit fixed for that purpose in the return decision.

## **Article 2** **Scope**

1. Unless otherwise set out in separate provisions of this Code, the provisions hereof are not applicable to the following categories of individuals:

a. EU nationals, within the meaning of Article 20 (1) of the Treaty establishing the European Community, as amended and in force.

b. Officials of diplomatic missions and consular posts who enjoy a legal status under the Vienna Convention on Diplomatic Relations of 1961, ratified under Legislative Decree 503/1970 (Government Gazette, Series A, No 108), or the Vienna Convention on Consular Relations of 1963, ratified under Legislative Decree 90/1975 (Government Gazette, Series A, No

150), and officials of international organisations of whom the competent Greek authorities have been notified, to the extent that their status is governed by the relevant international conventions.

c. Beneficiaries of international protection and the applicants for international protection, within the meaning of the Geneva Convention of 1951 and according to national laws.

d. Persons who are authorised to reside in Greece on the basis of temporary protection or have applied for authorisation to reside on that basis and are awaiting a decision on their status.

e. Persons granted subsidiary protection status.

2. Persons with more than one nationality, one of which is Greek or of another EU Member State or a non-EU Member State which, however, implements the *acquis communautaire* in visa-related issues, are treated as Greek citizens or citizens of EU Member States, respectively, and are exempted from the scope of this Code.

3. Persons with more than one nationality, not including Greek, must choose a nationality by submitting a statement to the competent Aliens and Immigration Service, provided that they have a passport or other travelling documents from the country in question.

4. This law applies without prejudice to more favourable provisions of:

a. bilateral or multilateral agreements concluded between EU Member States or the European Union and its Member States with third countries.

b. bilateral and multilateral agreements between the Hellenic Republic and third countries.

c. the European Social Charter of 18 October 1961, ratified under Law 1426/1984 (Government Gazette, Series A, No 32).

5. The provisions of this Code are also applicable to stateless persons.

## CHAPTER B PROCEDURE OF ENTRY AND EXIT

### Article 3 Points of entry-exit – Entry-exit checks

1. A person may enter and exit the territory of Greece only through controlled border crossings. The airports, ports and inland points at the country's borders through which persons may enter and exit the Greek territory, as well as the content of all kinds of checks, the inspection bodies and the procedure for the implementation of court and administrative acts relating to the entry and exit of persons, are determined by decision of the Ministers for Foreign Affairs, Finance, Interior, National Defence, Public Order & Citizen Protection and Shipping & the Aegean. The surveillance of land and maritime borders is carried out by the competent police and port authorities. Entry and exit through points other than border crossings may be exceptionally allowed by decision of the Minister for Public Order & Citizen Protection, which shall also specify the method of checks.

2. Checks on persons entering or exiting the Greek territory fall within the competence of the Ministry for Public Order & Citizen Protection and are carried out by the locally competent police authorities.

3. For purposes of implementation of this Code, the stay of a third-country national who is in transit in the

transit zone of a Greek airport or port with the purpose of continuing his/her trip abroad on the same or another aircraft or ship, shall not constitute entry into the Greek territory.

Staying in the transit zone requires an airport transit visa (A-VISA) in those cases and on the conditions anticipated by the *acquis* (EU Visa Code). A third-country national who remains in the transit zone must continue his/her trip. If she/he fails to depart within a reasonable period of time, he/she shall board on an aircraft or ship, with care of the police authority. The airport or port authorities must provide their assistance if so requested.

4. The competent police, customs, port and health authorities may check the persons staying in the transit zone if deemed necessary.

5. The Greek control authorities may force a third-country national in transit to depart immediately if such national has no visa, if required, or a ticket to continue the trip both to the country of destination and the transit countries whose territory will be necessarily transited.

6. A decision of the Ministers for Finance, Public Order & Citizen Protection and Shipping & the Aegean may determine, for reasons of public interest, temporary transit points for persons at the country's borders, provided that the necessary requirements in relation to checks on the movement of persons in transit are met.

The opening hours and total duration of operation of these points are determined based on the particular circumstances that impose their operation which may in no case exceed eight months, unless exceptional reasons of public interest exist which impose their operation for a longer period.

### Article 4 Refusal to enter

1. The decisions on rejecting applications for the granting of a visa which are made by the diplomatic and consular authorities must be reasoned. The cases relating to the categories of third-country nationals below *also* require specific reasoning, provided that there are reasons of public policy and security:

a. Third-country nationals who are family members of a Greek national, as stipulated in Article 1(1)(xxxv).

b. Third-country nationals, family members of a national of another EU Member State.

c. Third-country nationals whose entry, residence, settlement and employment in Greece are required under EU law.

d. Beneficiaries of international protection and their family members.

e. Third-country nationals who are employed in companies established in another EU Member State and move to Greece to carry out work activities under a relevant contractual obligation.

2. The Greek control authorities may reasonably prohibit the entry of a third-country national into Greece if they determine that at least one of the following cases applies to that national:

a) Has no valid travel document or documents recognised by the Greek State which authorise border crossing;

b) Has no valid visa, if so required in accordance with Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external

borders of EU Member States and those whose nationals are exempt from that requirement, unless in possession of a valid certificate of residence;

c) Fails to justify the purpose and conditions of the intended stay, has no sufficient means of subsistence, both for the period of the intended stay and for the return to the country of origin or transit to a third State into which he/she is certain to be admitted, or is in no position to acquire such means lawfully;

d) Has been registered in the SCHENGEN Information System (SIS) as undesirable;

e) Is considered a threat to public policy, national security, public health or the international relations of one of the EU Member States, particularly if registered in the national databases of undesirable aliens to whom entry is prohibited in accordance with Article 82 of Law 3386/2005, as in force;

f) The passport or other travel document held does not ensure his/her return to the country of origin or nationality or to a third country;

g) Travels to Greece with the purpose of staying on grounds which require the issue of a residence permit, and is in no possession of the required national visa;

h) Is involved in any way in the smuggling of immigrants by an organised criminal group, in which case any visa granted is withdrawn and the list of undesirable aliens referred to in Article 82 of Law 3386/2005, as in force, is updated;

i) Has submitted a forged/falsified travel document;

j) as submitted forged or falsified documentation, or there is reasonable doubt as to the accuracy of the documentation submitted or the reliability of the applicant's statements.

3. If one of the above cases applies, the third-country national shall receive a reasoned decision in a standard form (standard entry refusal form), in accordance with the SCHENGEN Borders Code (Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community code on the rules governing the movement of persons across borders, Article 13(2) and Annex V, as amended by virtue of Regulation (EC) No 610/2013).

4. The Minister for Public Order & Citizen Protection may by decision allow the entry of a third-country national at the controlled border crossings and the temporary transit points, despite the existence of a prohibitive reason referred to above, if so imposed on serious grounds of public interest or force majeure, or to facilitate the movement of a Greek ship which cannot be served otherwise.

5. A third-country national who has entered Greece through the transit zone and is refused entry to the country of destination shall not be readmitted unless the requirements hereof are met again, where the return followed his/her entry to a third, transit country.

6. Entry to Greece shall not be refused to persons who are proven to be Greek nationals or nationals of an EU Member State, even if in no possession of a passport or other travel documents.

7. If the Greek control authorities determine, on entry to Greece of a third-country national who holds a residence permit, that there are reasons which justify the withdrawal of the permit or the rejection of a pending application, they shall immediately notify the competent aliens and immigration service to act accordingly. In these cases, such third-country national shall be refused entry to Greece until a decision is issued on withdrawal of his/her residence permit or the rejection of a pending application; the Greek

authorities shall not withhold the residence permit or the document certifying that a fully documented application has been lodged.

## **Article 5**

### **Visa**

1. A third-country national who enters the Greek territory must hold a valid travel document, recognised by the competent Greek authorities, meeting the following requirements: a) is valid for at least three months after the intended date of departure from the territory of EU Member States or, in case of more multiple transits, after the last intended date of departure from the territory of Member States, however subject to exemption from this requirement in a reasoned emergency; b) contains at least two blank pages; c) was issued within the past ten years.

2. If so required by the applicable international conventions, EU law and national provisions, these documents shall bear a visa.

3. Visas shall be granted by the consular authority of the place of legal residence of the third-country applicant, having regard to reasons mainly relating to the country's public policy and security and public health, and shall be distinguished into uniform 'C' Visa, Limited Territorial Validity (LTV) Visa and long-stay 'D' visa.

4. Third-country nationals not subject to visa requirements may enter and remain in the Greek territory for a period of no more than 90 days within any period of 180 days from the date of first entry. A third-country national entering the country for tourism, conferences, cultural and sports events or a short stay in general may temporarily stay without a permit for the period of validity of the consular visa, or for a period of no more than 90 days within any period of 180 days in the case of a third-country national who is allowed entry without a consular visa.

The period of validity and/or the permitted duration of stay of an issued visa may be extended pursuant to Article 33 of Regulation (EC) No 810/2009 if the visa holder has sufficient means of subsistence and provides proof of force majeure or humanitarian reasons preventing him from leaving the territory of the Member States before the expiry of the period of validity of or the duration of stay authorised by the visa. This extension shall be granted by the competent authorities to the Ministry for Public Order & Citizen Protection. Extension of visas shall take the form of a visa sticker.

5. The amount of foreign exchange required for each day of stay of a third-country national in Greece shall be determined by decision of the Ministers for Finance, Foreign Affairs and Public Order & Citizen Protection. This amount may be adjusted by a similar decision.

6. Exceptionally, a visa may be granted by the passport control agencies upon arrival of a third-country national at the point of entry, pursuant to the Visa Code.

7. A national visa shall be issued in accordance with the relevant legislative provisions hereof on stay permits and its duration shall be in line with the duration of the intended stay, as the case may be.

## **CHAPTER C**

### **RIGHT OF RESIDENCE AND ADMINISTRATIVE FORMALITIES**

### Article 6

#### General requirements for right of residence

The right of residence of third-country nationals legally entering Greece for one of the reasons referred to in this Code shall be subject to the following requirements:

a) They shall hold valid travel documents recognised by Greece, the validity of which extends at least three months after the last intended date of departure, contains at least two blank pages and was issued within the past ten years.

Specifically, in the cases where a third-country national fails to present a valid passport or other travel document, the right of residence may be recognised to him as a person deprived of passport, where this third-country national claims and reasons his objective inability due to particular conditions or circumstances, on opinion of the Committee referred to in Article 134(2);

b) They shall hold a valid national visa for one of the reasons referred to the law, subject to any specific regulations of this Code;

c) They shall pose no threat to public policy, national security or international relations, and not be registered in the national databases of undesirable aliens.

The competent agency issuing residence permits shall have regard to the following criteria relating to the reasons of public policy and security: i) delivery of a final judgment sentencing a person to at least one (1) year of imprisonment for felony or misdemeanour; ii) registration in the list of undesirable aliens, which is automatically lifted as soon as a residence permit is issued or renewed; iii) other reasons of public policy which shall be specifically reasoned in the relevant decision; iv) extremely serious and specifically reasoned grounds relating to national security.

The investigation of reasons relating to public policy and security shall be a necessary requirement at the initial issuance of the residence permit to a third-country national for his inclusion in the long-term resident status. In the case of third-country nationals who are minors, the investigation of reasons relating to public policy and security shall only be carried out once they have completed the 15<sup>th</sup> year of age. If there are reasons relating to public policy and security, the competent agency may refuse to issue or renew the residence permit. Occurrence of any reasons relating to public policy and security after a residence permit has been issued shall form grounds for its withdrawal.

The competent agencies to the Ministry for Public Order & Citizen Protection shall give their opinion within two months. Omission of the agencies to timely forward their opinion shall not impede the issue of a decision on granting the residence permit if so requested specifically by the above agencies;

d) They shall pose no threat to public health. The conditions that may justify refusal to entry are those provided for by the World Health Organisation and the acquis, as well as other infectious, contagious or parasitical diseases that dictate measures to protect public health. The ascertainment, after the issuance of the initial residence permit, that the holder suffers from a disease contracted after his entry to the country shall not constitute grounds for non-renewal of his residence permit or his removal from the territory of the country.

If there are serious indications which so require, the Minister for the Interior or the secretary general of the decentralised administration, as the case may be, may

request that such third-country national undergoes medical tests within three months from the date of arrival in order to ascertain that he does not suffer from any of the diseases referred to in the previous paragraph. These medical tests shall not be made as a matter of routine;

e) They shall have full health insurance for all risks covered for Greek nationals. Without prejudice to any special arrangements of the insurance legislation, third-country nationals who reside in the country for work purposes and their family members, if dependent, shall be insured with the relevant insurance agency that covers their profession, as is the case for Greek nationals. Third-country nationals who reside in the country for other reasons may be insured with private insurance agencies.

### Article 7

#### Categories of residence permits

1. A third-country national who has been granted a visa in Greece for one of the reasons set out herein must request a residence permit for the same reason on entry to the country, without prejudice to the more specific Articles of this Code, provided that he meets the requirements set out in the Code.

2. The categories of residence permits and the types of permissions that these include are:

A) Residence permit for employment and business purposes

A1. Paid employment – provision of services or work

A2. Special purpose employees

A3. Investment activity

A4. Highly qualified employment EU Blue Card

B) Temporary residence

B1. Seasonal employment

B2. Fishermen

B3. Members of artistic groups

B4. Third-country nationals who move from undertakings established in EU or EEA Member States with the purpose of providing services

B5. Third-country nationals who move from undertakings established in third countries with the purpose of providing services

B6. Tour leaders

B7. Third-country nationals who are tertiary education students participating in traineeship programmes

C) Residence permit for humanitarian, exceptional and other reasons

C1. Humanitarian reasons

C2. Exceptional reasons

C3. Public interest

C4. Other reasons

D) Residence permit for studies, voluntary work, research and vocational training

D1. Studies

D2. Voluntary work

D3. Research

D4. Vocational training

E) Residence permit for victims of human trafficking and smuggling of immigrants

F) Residence permit for family reunification

F1. Family members of third-country nationals

F2. Family members of Greek nationals or expatriates

F3. Individual residence permit for family members of

third-country nationals or expatriates

F4. *Ad personam* right of residence for family members of Greek nationals

G) Indefinite-term residence permit

G1. Long-term resident permit

G2. Second generation residence permit

G3. Ten-year residence permit

3. Each residence permit shall indicate whether access to the labour market is allowed, subject to the special arrangements of this Code.

4. Holders of residence permits for the reasons set out in Articles 16,17,18, 20, 31 to 42, 44 to 48, 57 to 67 and 109 to 124 may not change the purpose of their permits, unless otherwise stipulated in more specific provisions. These categories of residence permits shall indicate the holder's professional or other capacity.

5. Without prejudice to the special arrangements of this Code, the initial residence permit shall be valid for two years and each renewal shall be for a three-year period.

#### Article 8 Granting of Residence Permit

1. A third-country national who applies for a residence permit in Greece for one of the reasons referred to in this Code shall lodge a relevant application on entry to the country and before expiry of his visa, unless otherwise stipulated in the provisions of this Code.

2. Applications for residence permits shall be lodged with the one-stop agency of the competent directorate for aliens and immigration of the decentralised administration in the applicant's area of residence, or with the competent Directorate for Immigration Policy to the Ministry for the Interior, pursuant to the provisions of Article 2 of Law 4018/2011 (Government Gazette, Series A, No 215). Submission of an application for initial residence permit, submission of additional supporting documents and collection of the residence permit or the rejection decision, or other documents from the relevant file, may be made by a third-country national in person or he may be represented by an authorised attorney, or his spouse, ascendants and adult descendants. Authorisation shall be proven in writing by having the authenticity of the authorising person's signature attested by any public authority. Service by bailiff of any document or supporting documents for the issue or renewal of a residence permit shall not be allowed.

3. A decision of the Minister for the Interior may determine the communications of third-country nationals with the competent agencies through mail, fax or email, for matters including the submission of an application for the issue or renewal of a residence permit, the submission of additional supporting documents, or follow-up of the progress of the file in relation to specific types of residence permits or hosting services or in whole, pursuant to the applicable provisions on e-government and the available technical means, as applicable. A similar decision may determine the time for procurement of original supporting documents, where required, and modify the procedure for the submission of documents, and regulate any other relevant matter.

4. Along with the application for a residence permit, the applicant shall pay a fee, as specified in Article 132, and attach the required supporting documents in each case, as these are specified in the ministerial decision referred to in Article 136(1).

5. Provided that the supporting documents referred to in the previous paragraph are complete, the

agencies that are competent to receive applications for residence permits from third-country nationals shall procure a document certifying that the application has been lodged, which shall remain valid for one year. A holder of an application-lodging certificate shall legally remain in the country for its period of validity. If a rejection decision is issued, the certificate shall automatically cease to be valid. The duration of validity of the certificates may be changed by reasoned decision of the Minister for the Interior, issued following an assessment of resources of the competent agencies. If an application-lodging certificate expires while the application is pending, the agency with which the application was lodged shall issue a new certificate, as set out in the previous paragraphs, and reasonably inform the interested party about the reasons for the delay.

6. The same application-lodging certificate shall be granted in case of application for an initial residence permit, in the absence of a certificate that an application has been filed with the relevant insurance agency for the coverage of hospital expenses, medical care and work accidents, or of a health certificate from a Greek hospital, where these supporting documents are required under the applicable legislation. In this case, interested parties shall procure the missing supporting documents within six months from submission of the relevant application.

7. A third-country national who has lodged an application for a residence permit and has received the certificate referred to in the previous paragraph may legally remain in the country for the period of validity of that certificate. Holders of application-lodging certificates shall enjoy the rights granted by the residence permit requested.

8. The competent directorate of the decentralised administration shall review if the requirements referred to in Article 6 hereof are satisfied, and may ask the third-country national to come to an interview at a specific time and place before the Immigration Committee. A third-country national shall be asked to come to an interview before the Immigration Committee by written notice. If the notice to the interview is not served and returned, unjustifiable absence of the third-country national shall be assumed, and the application for a residence permit shall be rejected by decision of the secretary general of the decentralised administration.

9. Residence permits shall be issued by decision of

the secretary general of the decentralised administration or of the Minister for the Interior. The competent agencies to the decentralised administrations in Greece shall electronically inform, through the immigration information system of the Ministry for the Interior, the competent agencies to the Ministries for Foreign Affairs and Public Order & Citizen Protection about all decisions issued in relation to residence permit applications.

**Article 9**  
**Renewal of Residence Permits**

1. To renew a residence permit, a third-country national shall lodge a relevant application within two months before expiry of the residence permit, together with the required supporting documents, as applicable, specified in the ministerial decision referred to in Article 136(1). An overdue application for renewal of a residence permit may be lodged up to one month after expiry. In this case, the third-country national shall be charged with a fine of fifty (50) EUR payable in favour of the State. The agency that is competent to impose and attribute the fine shall be determined by the joint ministerial decision referred to in Article 136(11). The relevant application may not be lodged past one month from expiry of the residence permit. Any overdue applications after that one-month period shall not be received, unless there are proven reasons of force majeure.

2. Applications for the renewal of residence permits shall be lodged with the one-stop agency of the competent directorate of the decentralised administration in the applicant's area of residence, or with the competent Directorate to the Ministry for the Interior, pursuant to the provisions of Article 2 of Law 4018/2011. Submission of applications, submission of additional supporting documents and collection of the residence permit or the rejection decision, or other documents from the relevant file, may be made by the interested party's authorised attorney, or his spouse, ascendants and adult descendants. Authorisation shall be proven in writing by having the authenticity of the authorising person's signature attested by any public authority. Service by bailiff of any document or supporting documents for the issue or renewal of a residence permit shall not be allowed.

3. Along with the application for renewal of a residence permit, the applicant shall pay a fee, as specified in Article 132, and attach the required supporting documents in each case, as these are specified in the ministerial decision referred to in Article 136(1).

4. Provided that the required supporting documents are complete, the agencies that are competent to receive applications for renewal of residence permits from third-country nationals shall procure a document certifying that the application has been lodged, which shall remain valid for one year. The same certificate shall be granted in case of passport expiry, provided that a certificate has been procured from the competent consular authority that an application for the issue of a new passport has been lodged. In this case, interested parties shall procure the missing supporting documents within six months from submission of the relevant application.

5. A holder of an application-lodging certificate shall legally remain in the country for its period of validity and shall enjoy the rights granted by the previous residence permit the renewal of which is requested. If

a rejection decision is issued, the certificate shall automatically cease to be valid.

**Article 10**  
**Delivery Procedure**

1. A residence permit shall be delivered to the applicant by the competent agency of the decentralised administration or by the competent Directorate to the Ministry for the Interior, accompanied by a delivery receipt and a copy of the relevant decision. When receiving the permit, either in person or by proxy, the interested third-country national shall carry his passport or other travel document, save in the case of persons who have been found to be objectively unable to procure a passport. Return of the lodging certificate shall be a necessary prerequisite before the decision accepting the issue of a residence permit can be delivered.

2. If the interested person cannot be reached or fails to appear in order to receive the issued residence permit, the relevant permit shall be retained for up to one month from expiry and may be delivered to the applicant if he appears in person or via proxy to receive it within the above period of time. A true copy of the relevant decision of the competent secretary general of the decentralised administration or of the Minister for the Interior may be granted past the expiry of the above deadline and within a reasonable period of time only in case where the interested person claims a legitimate interest. Delivery of a true copy of the decision referred to above shall not entail the ability to renew the residence permit, unless it can be proven that untimely delivery of the residence permit was due to force majeure.

3. Delivery of rejection decisions or decisions to withdraw residence permits, incorporating decisions on return, shall be made by the issuing agency of the decentralised administration or the competent Directorate to the Ministry for the Interior, accompanied by a delivery receipt and a true copy of the relevant decision.

The relevant decision shall be issued within sixty days from the date that a written notice was sent to the interested person. On receipt of a rejection decision or a decision on withdrawal of the residence permit, whether in person or by proxy, the recipient shall present the relevant third-country national's passport or other travel document, save in the case of persons who are objectively unable to present a passport, and hand in the certificate.

4. Notification about the receipt, rejection or withdrawal of a permit shall be made by written notice.

5. Past expiry of the deadline for delivery referred to in paragraph 3 hereof, interested persons shall receive a copy of the relevant decision on the rejection or withdrawal of the residence permit.

**CHAPTER D**  
**RESIDENCE FOR EMPLOYMENT AND**  
**PROFESSIONAL ACTIVITY**

**Article 11**  
**Procedure to determine the volume of admission**  
**for the purposes of employment**

1. A decision of the Ministers for the Interior, Foreign Affairs, Development & Competitiveness, Shipping &

the Aegean, Labour, Social Security & Welfare, issued within the last quarter of every other year, shall determine the maximum number of paid employment posts offered to third-country nationals per region and speciality. The same decision may make provisions for increase in the maximum number of posts up to 10% in order to meet any contingencies, and any other relevant details.

2. The issue of the above joint ministerial decision must be subject to the opinion of: (a) the Economic and Social Committee, (b) the Manpower Employment Organisation (OAED), and (c) the country's Regions, at the request of the Ministers for the Interior and Labour, Social Security & Welfare, relating to existing labour needs in Greece. These needs shall be specified mainly on the following criteria: consultation between a region and employers, the interests of national economy, the feasibility of employment, the supply of workforce from Greek nationals, EU citizens or third-country nationals who legally reside in Greece by speciality, and the unemployment rates per field of employment. Based on the above opinions which shall be expressed within thirty (30) days from submission of the request, the Ministry for Labour, Social Security & Welfare shall ensure that the joint ministerial decision referred to in paragraph 1 is issued, having regard to these opinions and the interest of national economy.

3. The arrangements referred to in paragraphs 1 and 2 shall apply proportionately also in determining the volume of admission for purposes of seasonal employment, hiring of fishermen and highly qualified employment, pursuant to Articles 109 to 127. Especially as regards the hiring of seasonal workers in the rural economy, the ministerial decision referred to in paragraph 1 hereof may determine the ratio of arable land or livestock of the applicant employer to the number of seasonal workers whose hiring may be requested.

4. The above shall apply subject to the issue of a joint decision of the competent Ministers for Foreign Affairs, the Interior and Labour, Social Security & Welfare with regard to the suspension of hires from third countries for reasons of national interest, national economy or bilateral relations, especially in case when a given third country will not collaborate in the return of its nationals.

#### **Article 12**

##### **Request for the hiring of third-country nationals nationals for purposes of paid employment**

1. An employer who wishes to hire personnel for purposes of paid employment, based on the posts included in the joint ministerial decision referred to in Article 11 hereof, shall lodge an application with the competent agency of the decentralised administration in his area of residence, stating the number of posts, the details and nationality of the third-country nationals to be employed, the speciality, and the duration of employment. The application shall be accompanied by: (a) an effective labour contract for at least one year in Greece, demonstrating that the remuneration is at least equal to the monthly remunerations payable to unskilled workers, and (b) a tax clearance note or a copy of tax statement demonstrating the employer's ability to pay the monthly remuneration as set out in the labour contract.

2. The secretary general of the competent decentralised administration shall issue an instrument authorising the paid employment of a third-country

national by a specific employer only if the relevant speciality and the number of posts provided for in the joint decision referred to in Article 11 hereof have not been filled. The relevant authorisation shall be forwarded to the competent Greek consular authority, together with the labour contract, signed by the employer.

3. The competent Greek consular authority shall notify interested third-country nationals who have been granted an authorisation for entry to Greece for the purpose of paid employment. Interested persons shall appear in person at the above authority to sign the relevant labour contract and receive a national visa, subject to the general and special provisions on visas.

4. The authorisations for employment in Greece shall be forwarded by the decentralised administrations to the relevant consulates either by mail or at the request of the interested employer, provided that the latter shall pay the delivery costs, by courier of the Hellenic Post or a private company at the request of the interested employer, provided that the latter shall pay the delivery costs. In all cases, the relevant consulates shall also receive by mail lists with the authorisations for all cases of hires, pursuant to this Code.

#### **Article 13**

##### **Request for the hiring of third-country nationals nationals for purposes of seasonal employment**

1. An employer who wishes to hire personnel for purposes of seasonal employment, based on the posts included in the joint ministerial decision referred to in Article 11 hereof, shall lodge an application with the competent agency of the decentralised administration in his area of residence, stating the number of posts, the details and nationality of the third-country nationals to be employed, the speciality, and the duration of employment.

Together with the application, the employer shall file:

a) Receipt of payment of one hundred and fifty (150) euros as fees for each third-country national intended to be employed, which shall be collected in favour of the State and may not be refunded;

b) Solemn statement that he shall employ the workers and assume the relevant costs in case where the requirements referred to in Article 80(3) of Law 3386/2005 apply;

c) The labour contract (duplicate) signed by the employer for each worker and certified by the competent labour inspection authority. The contract shall state the type of employment, the duration and remuneration of the worker, which may in no case be less than the remuneration paid to unskilled workers;

d) Copy a statement to the Tax Office indicating the arable area or livestock held by the interested employer;

e) Solemn statement that he shall provide the worker with appropriate accommodation, as stipulated in a decision of the Minister for Health pursuant to Article 43 of Law 4025/2011 (Government Gazette, Series I, No 228), as in force.

2. If the employer wishes to employ a third-country national in the rural economy or in an establishment referred to in Article 7(1) of Law 3232/2004 (Government Gazette, Series I, No 48), as replaced by Article 52(1)(a) of Law 3518/2006 (Government Gazette, Series I, No 272), he must also file a payment receipt of the insurance contributions laid down by the

applicable law corresponding to a two-month period of employment. The contributions corresponding to the remaining period until expiry of the labour contract shall be paid by the employer bimonthly.

If for any reason a third-country national is refused entry or is not granted a relevant visa or fails to enter the country on attestation of the competent body, the insurance contributions that have been prepaid shall be refunded to the employer at his request. The insurance contributions that correspond to the remaining period of intended employment of the hired person shall be refunded to the employer if the hired person is subject to mandatory removal or judicial deportation. In case of termination of the contract on the part of the hired person, the employer shall be refunded the insurance contributions corresponding to the remaining period of intended employment only when it is certified that the hired person has left the country.

3. The applicable insurance legislation shall apply if an employer wishes to hire a third-country national in a field of employment that is subject to insurance by the Social Insurance Institute (IKA) applicable.

4. The agency of the decentralised administration that has local competence pursuant to paragraph 1 shall be the competent authority to review the application and forward the relevant authorisations to the competent Greek consular authority. The authorisations of the competent directorates of the decentralised administrations must be communicated to the locally competent correspondent of the Agricultural Insurance Organisation (OGA), in the case of employment in the rural economy, or to the locally competent branches of IKA and the regional services of the Federation of Hellenic Information Technology & Communications Enterprises (SEPE) in all other cases.

#### Article 14

##### Request for the hiring of third-country nationals for purposes of employment in fishery

1. An employer who wishes to hire fishermen, based on the posts included in the joint ministerial decision referred to in Article 11 hereof, shall lodge an application with the competent agency of the decentralised administration in the prefecture where his undertaking is established, or in the area where the relevant ship registry is established, stating the number of posts, the details and nationality of the third-country nationals to be employed, the speciality, and the duration of employment.

Together with the application, the employer shall file:

a) Receipt of payment of one hundred and fifty (150) euros as fees for each third-country national intended to be employed, which shall be collected in favour of the State and may not be refunded;

b) Table showing the details of third-country nationals, which shall include nationality, full name, father's name, date of birth and passport number;

c) Solemn statement that he shall employ the workers and assume the relevant costs in case where the requirements referred to in Article 80(3) of Law 3386/2005 apply;

d) The labour contract (duplicate) signed by the employer for each worker, stating the terms of employment, the duration of employment and the worker's remuneration; and e) payment receipt of the insurance contributions laid down by the applicable law corresponding to a two-month period of employment of

the third-country national. The contributions corresponding to the remaining period until expiry of the labour contract shall be paid by the employer bimonthly.

If a third-country national is refused entry or is not granted a relevant visa or fails to enter the country on attestation of the competent body, or in case of force majeure particularly due to vessel standstill or inability of the worker for personal reasons, the insurance contributions that have been prepaid shall be refunded to the employer at his request. In case of termination of the contract on the part of the hired person, the employer shall be refunded the insurance contributions corresponding to the remaining period of intended employment only when it is certified that the hired person has left the country;

f) Certificate of the competent port authority demonstrating the area where the ship registry is established, the permitted limit of people on board, and that the vessel is not laid up.

2. The agency of the decentralised administration that has local competence shall be the competent authority to review the application and forward the relevant authorisation to the competent Greek consular authority.

#### Article 15

##### Issue and renewal of residence permit for purposes of paid employment

1. A third-country national who has been granted a visa for purposes of paid employment in Greece shall be issued a residence permit for purposes of paid employment provided that he procures a labour contract that demonstrates that his remuneration is at least equal to the monthly remuneration of an unskilled worker, together with the required supporting documents.

2. To renew a residence permit for purposes of paid employment, a third-country national shall lodge an application, pursuant to Article 9, and supporting documents which demonstrate that the following requirements are met:

a) He has fulfilled his tax obligations;

b) He holds a valid health booklet issued from the relevant insurance agency;

c) He has completed the minimum number of daily wages with the relevant insurance agency, as determined in the decision referred to in Article 136(6).

If a third-country national has completed a lower number of daily wages, he may redeem the number of insurance days up to 20% of the number required by the above decision. In case of renewal of a two-year or three-year residence permit, this requirement shall apply cumulatively for the entire two-year or three-year period.

3. The relevant agency of the decentralised administration shall be competent to review applications and issue decisions on the issue or renewal of residence permits for purposes of paid employment.

4. A third-country national may sign a labour contract with another employer during the period of validity of the initial residence permit, provided that the speciality for which the national visa was granted and the insurance agency remain unchanged.

5. A holder of a residence permit for purposes of employment may be employed in another regional unit and change his speciality after one year from the issue

of the initial residence permit.

6. A residence permit that is renewed pursuant to paragraph 2 hereof shall entitle the third-country national to access to paid employment and the provision of services or work.

7. Subject to the special provisions of this Code, a holder of a residence permit for purposes of paid employment may exercise independent economic activity only after he has obtained an indefinite-term residence permit referred to in Article 7(2)(G).

#### **Article 16**

##### **Issue and renewal of residence permit for purposes of investment activity**

A. 1. Third-country nationals may enter and reside in Greece for the purpose of making investments which will have a positive impact on national growth and the economy. , entry to and residence in the country shall be allowed to no more than ten third-country nationals to implement the investment, who shall be:

a) senior executives, financial and legal advisors, in order to take the necessary actions, as required by the Greek legislation, to start the implementation of the investment;

b) experts and middle executives, in order to provide services at the stage of implementation of the investment;

c) specialised employees or workers, in order to be employed during the stage of operation of the investment.

2. Entry and residence of the above third-country nationals in Greece shall require a motion from the Department of Intragroup Services and Direct Investments to the Ministry for Development & Competitiveness, relating to the feasibility of residence permits issued to third-country nationals in relation to the investment.

3. The application and the required supporting documents, as specified by the joint ministerial decision referred to in Article 136(12) shall be submitted to the Greek consular authority in the area of residence of the interested persons and shall be forwarded to the Ministry for Development & Competitiveness.

The Department of Intragroup Services and Direct Investments to the Ministry for Development & Competitiveness shall forward the motion relating to the investment to the competent consular authority in order for the required national visas to be issued.

4. A third-country national who has been granted a visa for investment purposes shall be granted a residence permit on the same grounds, on procurement of the required supporting documents. The duration of validity of the residence permit shall be five years subject to renewal for five years each time, provided that the investment activity continues.

5. By way of derogation from the provisions of Article 70(1), the above third-country nationals may be accompanied by their family members who shall be granted a residence permit for family reunification, expiring simultaneously with the residence permit of the sponsors.

6. The Directorate for Migration Policy to the Ministry for the Interior shall be the competent authority to review applications and decide on the issue or renewal of residence permits for purposes of investment activity.

7. The provisions of this Article shall apply

accordingly to the entry and residence of third-country nationals in the context of new investments made by operating Greek and EU undertakings, or by third-country nationals who already legally reside in Greece and hold residence permits for purposes of independent economic or investment activity.

8. The residence permit of a third-country national referred to in paragraph 1 hereof shall read 'Residence permit for investment activity' and state the holder's professional capacity under the heading 'Remarks'.

B.1. Subject to the issue of a D-visa, entry to the country shall be allowed to no more than ten (10) third-country nationals per investment, as considered appropriate to make investments that have been characterised as "strategic", pursuant to a decision of the Interministerial Committee of Strategic Investments on inclusion in Law 3894/2010 (Government Gazette, Series I, No 204).

The above visa shall be issued free of charge on procurement of the decision of the Interministerial Committee of Strategic Investments which characterised the investment as "strategic", and a motion of the Secretary General for Strategic and Private Investments with regard to the relation of such third-country nationals with the entity making the strategic investment.

2. By decision of the Minister for the Interior, the above persons shall be granted a ten-year residence permit subject to renewal for ten years, provided that the same requirements apply.

3. Issue of the residence permit shall be subject to the submission of an application with the required supporting documents to the Directorate for Migration Policy to the Ministry for the Interior, as these are stipulated in the joint ministerial decision referred to in Article 136(1). The residence permit shall be issued within five (5) days from the date that the application was lodged.

4. By way of derogation from the provisions of Article 70(1), the above third-country nationals may be accompanied by their family members who shall be granted a residence permit for family reunification, expiring simultaneously with the residence permit of the sponsors, and by aides in the case of disabled persons.

C. 1. Third-country nationals who are subject to Chapters A and B hereof and legally reside in the country shall not be required to leave the Greek territory in order to lodge an application for a residence permit.

2. The competent agencies to the Ministry for Development and competitiveness shall notify the Directorate for Migration Policy to the Ministry for the Interior in writing or by email about any change to the progress of the investment activity.

#### **Article 17**

##### **Issue and renewal of special purpose residence permits**

1. Without prejudice to the provisions of subparagraph (f) hereof, entry to the country shall be allowed on issue of a visa to third-country nationals who intend to work or reside in Greece, under special law, Interstate agreements or for purposes of public interest, culture, sports and national economy. The above category shall include third-country nationals who are: a. Board members, shareholders, managers, legal representatives and senior executives (general managers, directors) of domestic companies and of

subsidiaries and branches of foreign companies that legally pursue commercial activity in Greece, on procurement to the competent consular authority of a copy of the Government Gazette in which their appointment or election has been published or, otherwise, a copy of the company's articles of association, or a copy of the decision made by their company's competent body regarding their capacity as board members or managers or legal representatives or general managers or directors;

b. Employees of undertakings, under special Interstate agreements or motions from competent Greek authorities, on procurement to the competent consular authority of the relevant agreement or motion, and the labour contract with the undertaking;

c. Directors, business and technical executives of companies referred to in Law 27/1975 (Government Gazette, Series I, No 77) which engage in marine research and hydrocarbon mining activities;

d. Employees and legal representatives employed exclusively by companies included in the provisions of Law 3427/2005 (Government Gazette, Series I, No 312), Law 378/1968 (Government Gazette, Series I, No 82) and Article 25 of Law 27/1975 (Government Gazette, Series I, No 77), as replaced by virtue of Article 4 of Law 2234/1994 (Government Gazette, Series I, No 142), and by undertakings referred to in Legislative Decree 2687/1953 (Government Gazette, Series I, No 317), and domestic undertakings referred to subparagraph a) hereof, which market products and provide technical support to foreign undertakings and consumers, under an agreement for the provision of services or work made by a foreign company referred to in subparagraph a) with a third undertaking(s), provided that they procure their academic degrees or documents that demonstrate two years of working experience associated with their field of employment, as described in the labour contract.

Provided that a company employs at least fifty Greek nationals, employees who are exclusively employed by companies referred to in the previous sentence shall be exempt from the above obligation to procure an academic degree or document demonstrating two-year working experience;

e. Technical personnel employed by industries or mines under the conditions stipulated in Emergency Law 448/1968 (Government Gazette, Series I, No 130), except the condition on duration of residence;

f. Athletes and coaches of sports recognised by the Greek sports authorities for their registration, transfer or employment in a recognised sports union, athletic society or a remunerated athletes section under an agreement/labour contract, provided they have obtained a visa and procure to the competent consular authority an approval from the Greek sports federation for the relevant sport, if required, and a certified copy of the agreement/contract;

g. Intellectual creators who create intellectual work, mainly authors, writers, directors, painters, sculptors, actors, musicians, singers, choreographers and set designers, provided that they procure to the competent consular authority a contract for a duration over three months made with an undertaking or organisation whose object is to exploit or create products of intellectual property;

h. Ministers for the prevailing religion or any known religion in the country where they perform solely hieratic functions, provided that they procure to the competent Greek consular authority a certificate of the relevant bishop, in the case of ministers of the

prevailing religion, or a certificate of the Minister for Education and Religious Affairs or the relevant representative of the known religion in the country, that the above ministers shall perform solely hieratic functions;

i. Foreign press correspondents accredited to the Secretariat General for Information & Communication, or whose accreditation is underway, provided that they procure to the competent consular authority a certificate that they have been accredited to the Secretariat General for Information & Communication;

j. Members of foreign schools of archaeology the scientific activity of which is subject to the supervision of the Ministry for Culture and Sports for employment in the context of the school's activity;

k. Education professionals of foreign schools whose operation in Greece has been authorised by the Minister for Education and Religious Affairs.

2. The Directorate for Migration Policy to the Ministry for the Interior shall be the competent authority to review applications and decide on the issue or renewal of residence permits referred to in subparagraphs a, b, c, d and e of the previous paragraph. With regard to cases referred to in subparagraphs f, g, h, i, j and k of the same paragraph, the relevant agency of the decentralised administration in the area of residence of the interested persons shall be the competent authority to decide on the issue or renewal of residence permits.

3. Provided that they have procured the required supporting documents, the above third-country nationals shall be granted a residence permit for two years or for a period equal to their intended stay in the country, subject to renewal every three years if the interested persons continue providing their services.

By way of derogation from the provisions of Article 70(1), the above third-country nationals may be accompanied by their family members who shall be granted a residence permit for family reunification, expiring simultaneously with the residence permit of the sponsors.

4. The residence permit of a third-country national referred to in paragraph 1 hereof shall read 'Residence permit for special purpose employment' and state the holder's professional capacity under the heading 'Remarks'.

5. Undertakings, organisations, legal entities of public or private law which employ third-country nationals referred to in paragraph 1 hereof shall notify the competent Directorate to the Ministry for the Interior or the competent directorates of the decentralised administrations, as applicable, of any change to the employment status of the interested persons.

#### Article 18

#### Temporary Residence – Employment subject to a D-visa

1. Third-country nationals entering the country for a specific purpose and for a specific period of time which depends on attainment of the relevant purpose shall be granted by the competent consular authority a D-visa for a duration of over ninety days which allows them to reside in the country for employment or other purposes, without prejudice to the general and special provisions on visas. This D-visa shall be granted to third-country nationals that fall under the following categories:

a. Seasonal workers

i. Without prejudice to the general and special provisions on visas, the competent consular authority shall issue accordingly visas for seasonal employment to third-country nationals who have been allowed entry for seasonal employment.

A visa for seasonal employment shall remain valid for a period equal to the duration of employment, as demonstrated from the relevant labour contract, may not exceed six months, and shall grant the right to access the labour market exclusively for the specific employment with a specific employer at whose request it was granted.

ii. On order of the Secretary General of the locally competent decentralised administration, a spot health check may be carried out for reasons of public health after entry to Greece, which shall be limited to the absolutely necessary procedures and shall not entail any costs for the workers.

iii. After completion of the duration of employment and subject to the provisions of international agreements, a seasonal third-country worker must immediately leave the Greek territory. Otherwise, he shall not be allowed to re-enter the country for any of the reasons stipulated in the present law for a period of up to five years from the date on which he was required to leave the country.

iv. Seasonal workers shall enjoy health benefits after their entry to the country and commencement of employment. As to the remainder, the provisions of Article 7 of Law 3232/2004, as replaced by virtue of Article 52(1) of Law 3518/2006 shall apply.

#### b. Fishermen

i. Without prejudice to the general and special provisions on visas, the competent consular authority shall issue accordingly visas for seasonal employment to third-country nationals who have been allowed entry for employment in fishery.

ii. A visa for employment in fishery shall remain valid for a period equal to the duration of employment, as demonstrated from the relevant labour contract, may not exceed eleven months, and shall grant the right to access the labour market exclusively for the specific employment with a specific employer at whose request it was granted.

iii. On order of the Secretary General of the locally competent decentralised administration, a spot health check may be carried out for reasons of public health after entry to Greece, which shall be limited to the absolutely necessary procedures and shall not entail any costs for the workers.

iv. A third-country fisherman must immediately leave the Greek territory on completion of the duration of employment or on any termination of the labour relationship. A third-country fisherman must immediately leave the Greek territory. Otherwise, he shall not be allowed to re-enter the country for any of the reasons stipulated in the present Code for a period of up to five years from the date on which he was required to leave the country.

v. With regard to persons subject to the arrangements of the bilateral agreement between the Hellenic Republic and the Arab Republic of Egypt which was ratified by Law 1453/1984 (Government Gazette, Series I, No 88), if the employment relationship is terminated in any way while the visa is valid, a new labour contract may be made with another employer for the remaining duration until expiry of the visa. Unless a new labour contract is made, the visa shall remain valid for a period of three months and, where the remaining period of validity is less than three

months, until expiry. If the employment relationship is terminated as set out above and a new labour contract is made with another employer, such new employer shall pay to OGA all insurance contributions stipulated by the applicable legislation for the period during which an Egyptian fisherman will be employed. Any insurance contributions prepaid for this period of time shall be refunded to the previous employer.

vi. Third-country fishermen shall enjoy health benefits after their entry to the country and commencement of employment. As to the remainder, the provisions of Article 7(a) of Law 3232/2004 (Government Gazette, Series I, No 48), as replaced by virtue of Article 52(1) of Law 3518/2006 (Government Gazette, Series I, 272) shall apply.

c. Members of artistic groups, provided they procure to the competent consular authority:

i) Certified copy of the labour contract subject to attestation of the employer's authenticity of signature by a public authority, or a copy of the agreement for the provision of services or work;

ii) Proof of the above capacity, including a certificate of the competent authority of the country of origin relating to the group's official registration.

The visa shall be valid for a period equal to the duration of the shows or events, may not exceed one year and shall grant the right to access the labour market exclusively for the provision of the specific employment, having regard to the composition of group members as a whole.

d. Workers legally employed by an undertaking that is established in an Member State EU or EEA Member State, who move to Greece for the provision of a specific service, under a relevant contractual obligation between the above undertaking and the counterparty that pursues activities in Greece, provided that they procure to the relevant consular authority:

i) Officially certified and translated solemn statement, reading the full identification and contact details of the undertaking from which the third-country national moves, which shall certify that an agreement has been made with the counterparty-recipient of the service in Greece, and demonstrate the purpose of the third-country national's movement, the intended duration of movement, and that the undertaking which employs such third-country national in the EU or EEA Member State shall pay his accommodation, healthcare and return expenses;

ii) Copy of an attested health booklet or European health insurance card or other equivalent EU document.

Visas for purposes of employment shall remain valid for a period equal to the period required for fulfilment of the contractual obligation assumed by the undertaking, and may not exceed one year.

e. Workers employed as specialised technical personnel by an undertaking that is established in a third country and is engaged in the provision of specific services under a procurement agreement between the above undertaking and its counterparty in Greece, where the undertaking from which a third-country national moves has made a procurement agreement stipulating the provision of specific services exclusively relating to the installation, trial operation and maintenance of the procured items, provided that the procure to the competent consular authority:

i) Certificate of the undertaking, reading full identification and contact details, the worker's capacity and duties, accompanied by evidence in relation to the lawful nature of the worker's employment;

ii) Certified copy of the procurement agreement between the undertaking that provides the service and the domestic undertaking-recipient of the service. This agreement shall stipulate the provision of specific services exclusively relating to the installation, trial operation and maintenance of the procured items, the duration of service provision, the number and speciality of persons to be engaged, and that the accommodation, full healthcare and return expenses of such persons shall be paid.

Visas for purposes of employment shall remain valid for a period equal to the period required only for fulfilment of the contractual obligation assumed by the undertaking, and may not exceed six months.

f. Tour leaders entering the country for the specific purpose of tour leading, provided that interested persons will procure:

i) Certificate of the competent tourism authority in the region where the Greek travel agency is established, stating that a foreign national is authorised to work as a tour leader;

ii) Certificate of the foreign travel agency that the foreign national intended for employment is employed and remunerated by that travel agency;

iii) Solemn statement of the Greek travel agency cooperating with a foreign travel agency that the foreign national will not be employed, but engaged in out-of-office activities to serve arriving groups of tourists of the foreign travel agency, for a specific period which shall not exceed eight (8) months;

iv) Certificate of insurance that hospitalisation, medical and healthcare expenses and work accidents are covered. If an interstate agreement is in place with the third country in question in relation to healthcare and work accident coverage, a tour leader shall only be required to procure a certificate from his country demonstrating coverage by that country's social insurance system, otherwise he shall procure a guarantee of the country of origin that insurance risks from the above causes are covered, or a private insurance policy that the above insurance risks are covered during his employment as a tour leader in Greece.

Visas for employment shall allow employment only for that specific purpose and may not exceed eight months.

g. Athletes, coaches and other accompanying specialised staff, entering the country for purposes of preparation in view of their participation in international sports events, provided that the interested persons procure:

i) Approval of the Greek federation of the relevant sport for their entry to Greece for the purpose of preparation in view of their participation in international sports events;

ii) Evidence that, pursuant to the decision referred to in Article 137(6), they have legal financial resources to cover their subsistence needs in Greece without engaging in paid employment or independent economic activities other than the sporting preparation. Visas for this specific purpose may not exceed six months.

h. Third-country tertiary education students who participate in programmes of remunerated traineeship in their field of studies, allowing residence for purposes of employment, for a period not exceeding six months.

D-visas shall be granted if they have been accepted to a traineeship programme in their field of studies at a specific undertaking for a definite period of time, via an exchange body. Exchange bodies shall mean Greek

universities which have entered into relevant bilateral agreements with peer institutions abroad, and international bodies for the exchange of students, where no such agreements are in place.

Specifically, programmes of traineeship at hotels shall be subject to the applicable provisions of law which regulate the terms and conditions of traineeship for Greek and foreign students of tourism education schools and tertiary education students.

On expiry of the visa, a third-country national must immediately leave the Greek territory without further formalities.

2. Third-country nationals who enter the country with a D-visa for one of the reasons referred to in paragraph 1 hereof may not be granted a residence permit of any category while the visa is valid.

## CHAPTER E

### ISSUE AND RENEWAL OF RESIDENCE PERMITS FOR HUMANITARIAN OR OTHER REASONS

#### Article 19

#### Issue of residence permit for exceptional reasons

1. The Minister for the Interior may exceptionally grant a one-year residence permit, on opinion of the committees referred to in Article 134(1), to third-country nationals who reside in Greece and can prove to have developed strong bonds with the country. A residence permit for exceptional reasons may be renewed only for one of the other reasons referred to in this Code.

An application for the issue of a permit for exceptional reasons shall only be considered if the interested third-country national procures: (a) a visa issued by a Greek consular authority at least three years before submission of the application, or (b) a residence permit, even if it has expired, (c) valid passport, (d) fees of 300 euros, and (e) documents that demonstrate he has developed special bonds with the country, which render his stay in the Greek territory necessary.

Exceptionally, the procurement of the documents referred to in subparagraph (a) shall not be required when the interested person can prove by way of dated documents the actual fact of his residence in the country for at least ten consecutive years. The Minister for the Interior may specify by decision the dated documents required to prove the applicant's ten consecutive years of residence in the country, and specify the reasons for referral to the committees referred to in Article 134 hereof.

Further, possession of a valid passport shall not be required if the interested person is objectively unable to obtain any travel document, pursuant to the provisions of Article 6.

In case where an interested person also claims serious health reasons for himself or his minor child, he shall prove that these reasons occurred after entry to and are associated with his residence in the country. The following shall be mainly taken into consideration to ascertain the existence with strong bonds with the country: (a) very good Greek skills, (b) attendance to a Greek primary or secondary education school by the applicant or his children, (c) duration of residence, primarily legally, in Greece, (d) time insured, where applicable, with a Greek primary insurance organisation, and performance of tax obligations, and (e) blood relations to a Greek national

or expatriate.

2. The Directorate for Migration Policy to the Ministry for the Interior shall be the competent authority for the submission of the above applications.

3. The residence permits referred to in this Article shall grant a third-country national the right to access paid employment – provision of services or work. Independent economic activity may only be pursued where a holder of the above residence permit was previously in possession of a residence permit that allowed him to pursue independent economic activity and that activity continues to exist. Renewal of the residence permits referred to in the previous subparagraph shall be subject to the requirements on renewal of residence permits for independent economic activity as laid down in the provisions of this Code.

4. In exceptional cases, the Minister for the Interior may refer to the committees referred to in Article 134 hereof applications of third-country nationals who do not meet some of the referral requirements of this Article, who risk their lives and take actions of virtue, contribution and solidarity which promote the values of humanism.

5. An application for the issue of a residence permit for exceptional reasons, pursuant to the provisions of this Article, shall not entail the applicant's legal residence for the period required until his file is considered.

6. Decisions on the return of third-country nationals who have lodged applications for the issue of residence permits for exceptional reasons, pursuant to the provisions of this paragraph, and are detained for reasons of public policy and security, or apprehended due to illegal residence, shall be made by the competent bodies referred to in Article 76 of Law 3386/2005 and shall be issued in accordance with the relevant provisions of Law 3907/2011.

7. By decision of the Minister for the Interior, residence permits shall be granted to third-country nationals for justified reasons of public interest presumed to arise under bilateral agreements or, in certain cases, relating to matters of foreign policy, defence, national security, economy and development, investments, education, culture, at the motion of the competent public authority as the case may be. The above residence permit shall grant a third-country national the right to access the labour market. The residence permit shall be granted for one year and may be renewed for an equal period of time. Such third-country nationals may be accompanied by their family members to whom an individual residence permit shall be issued following a relevant application, which shall expire together with the residence permit of the sponsor.

8. Two years after the publication of this Law, the residence permits of third-country nationals who meet the requirements referred to in points (b), (c), (d) and (e) of the third subparagraph of paragraph 1 hereof may be granted by the locally competent secretary general of the decentralised administration, on relevant decision of the Minister for the Interior. The same decision shall determine the details and special matters of implementation.

## Article 20

### Other reasons for the issue of residence permits

A third-country national who has been granted a visa for one of the reasons referred to in this Article shall be

granted a residence permit accordingly.

#### A. Financially independent persons

1. By decision of the secretary general of the decentralised administration, residence permits shall be granted to third-country nationals who have sufficient resources in terms of stable annual income to meet their subsistence needs.

These permits shall have a duration of two years and may be renewed every three years.

These residence permits shall not grant access to the labour market.

2. The amount of the sufficient resources is laid down in a Joint Ministerial Decision pursuant to Article 136(6) of this Code.

3. Such third-country nationals may be accompanied by their family members to whom an individual residence permit shall be issued following a relevant application, which shall expire together with the residence permit of the sponsor. The requirement of sufficient resources for subsistence shall be met either by each member of the family or for all family members as a whole.

#### B. Owners of property in Greece

1. By decision of the secretary general of the decentralised administration, a five-year residence permit subject to renewal shall be granted to a third-country national who:

(a) Has legally entered the country with any type of visa or legally resides in the country, even if the residence instrument in his possession does not permit change of purpose;

(b) Personally has the full ownership, possession and peaceful enjoyment of real estate property in Greece. In case of joint ownership of a property to the value of EUR 250 000, the right of residence shall only be granted if the owners of the property are spouses with indivisible shares in the property. In all other cases of joint ownership, the right of residence shall only be granted if the joint ownership rate of each joint owner equals to the value of EUR 250 000;

(c) Has the full ownership, possession and peaceful enjoyment of real estate property in Greece via a legal entity whose shares are fully owned by such national;

(d) Has made a agreement with a minimum term of ten years for the lease of hotel accommodation or furnished tourist residences in tourist accommodation complexes pursuant to Article 8(2) of Law 4002/2011 (Government Gazette, Series I, No 180);

(e) Has made a time sharing agreement pursuant to the provisions of Law 1652/1986 regulating time sharing agreements and related matters (Government Gazette, Series I, No 167), as in force.

2. The minimum value of the real estate property and the contractual consideration of leases of hotels or tourist residences referred to in this Article is set at two hundred and fifty thousand euros (EUR 250 000) and must be fully paid up on the signing of the agreement. The consideration is paid by crossed bank cheque or other bank transaction, the particulars of which must be solemnly stated by the contracting parties before the notary who prepares the agreement and declared in the agreement. By joint decision of the Ministers for the Interior and Finance, the value of the above real estate property may be adjusted, and shall result from the value of the property stated in the contract or of the lease agreement.

3. Third-country nationals who own real estate property may lease that property.

4. Such third-country nationals may be accompanied

by their family members to whom an individual residence permits shall be issued following a relevant application, which shall expire together with the residence permit of the sponsor.

Family members shall mean:

(a) the spouse;

(b) the lineal descendants of the spouses or either spouse, who are under 21 years old.

5. The above permit may be renewed for an equal period each time, provided that the real estate property remains in the ownership and possession of the third-country national, or the agreements referred to in paragraph 1 above remain effective and all other requirements provided for by law are met. Periods of absence from the country shall not hinder the renewal of the residence permit. Resale of real estate property during the period of validity of the residence permit to another third-country national shall not entitle the buyer to the issue of a residence permit.

6. The residence permits issued pursuant to paragraphs 1 and 4 of this Article shall not grant the right of access to any form of employment.

7. The period of residence referred to in the provisions of part B hereof shall not be taken into account for inclusion in the status of long-term resident and the granting of nationality to the relevant residents.

8. The residence permit shall be issued within two months from procurement of all file information to the issuing authority.

C. Adult children, over the age of 20, of members of the diplomatic staff and of the administrative and technical staff of a diplomatic mission, and children of consular officers and special consular employees serving in Greece, if they live with their parents. Residence permits shall be issued by decision of the secretary general of the decentralised administration for a period equal to the term of office of those persons.

D. Dependent family members, being lineal ascendants, of members of the diplomatic staff and of the administrative and technical staff of a diplomatic mission, and of consular officers and special consular employees serving in Greece.

Residence permits shall be issued by decision of the secretary general of the decentralised administration for a period equal to the term of office of those persons.

Issue of a residence permit shall be subject to payment by the interested persons of the relevant fees, unless the sending country exempts Greek employees who serve there from similar fees. The above permit shall be issued within two months from procurement of all file information to the issuing authority and shall grant no right of access to the labour market.

E. By decision of the secretary general of the decentralised administration, residence permits shall be issued to persons employed as private servants to members of diplomatic missions who are abroad and are sent to Greece, pursuant to Article 1(h) of the Vienna Convention of 1961 on Diplomatic Relations, which was ratified by virtue of Legislative Decree 503/1970 (Government Gazette, Series I, No 108).

Residence permits shall be issued for a period equal to the duration of their relation with the member of the diplomatic mission and shall not grant the right of access to the labour market.

F. By decision of the secretary general of the decentralised administration, residence permits shall be issued to the area of Mount Athos for studies or

acquaintance with monastic life in Mount Athos, at the request of the interested persons to one of the twenty Holy Monasteries of Mount Athos and a motion of the Holy Community, provided that:

a. The hosting Holy Monastery certifies that it shall provide accommodation, food and cover other subsistence expenses, and provide coverage for hospitalisation and full healthcare expenses;

b. The hosting Holy Monastery of Mount Athos forwards to the competent directorate of the decentralised administration the motion of the Holy Community together with the relevant application;

c. Permits shall be issued for one year subject to renewal for an equal duration each time, and may not exceed five years in total.

G. By decision of the secretary general of the decentralised administration, one-year residence permits, subject to renewal for an equal duration, shall be issued to third-country nationals who wish to get acquainted with monastic life or become a monk, provided that the relevant Holy Monastery certifies that they have been so accepted.

An application for the issue of this type of residence permit shall be accompanied by a relevant certificate that all healthcare expenses are covered.

## CHAPTER F RIGHTS, OBLIGATIONS AND PENALTIES APPLYING TO THIRD-COUNTRY NATIONALS

### Article 21 Common rights of third-country nationals

1. Third-country nationals who legally reside in the county may freely move and settle anywhere in its territory. By presidential decree issued at the proposal of the Ministers for the Interior, Foreign Affairs, National Defence and Public Order & Citizen Protection, residence or settlement may be prohibited in certain geographic regions of the country for reasons of public interest.

2. Third-country nationals who legally reside in Greece shall be insured with the relevant insurance organisation and have the same insurance rights as Greek nationals.

3. The provisions of Legislative Decree 57/1973 on social protection, as amended and in force, shall also apply to third-country nationals who legally reside in Greece.

4. Detained third-country nationals shall be informed in a language they can understand about the rules of conduct and their rights and obligations as soon as they are admitted to an institution. Their communication with diplomatic or consular employees of the State of nationality or of origin and with their authorised attorneys shall be facilitated.

5. The actions referred to in Articles 1 and 2 of Law 927/1979 (Government Gazette, Series I, No 139) and Article 16(1) of Law 3304/2005 (Government Gazette, Series I, No 16) shall be prosecuted ex officio.

## CHAPTER F RIGHTS, OBLIGATIONS AND PENALTIES APPLYING TO THIRD-COUNTRY NATIONALS

### Article 21 Common rights of third-country nationals

1. Third-country nationals who legally reside in the county may freely move and settle anywhere in its territory. By presidential decree issued at the proposal of the Ministers for the Interior, Foreign Affairs, National Defence and Public Order & Citizen Protection, residence or settlement may be prohibited in certain geographic regions of the country for reasons of public interest.

2. Third-country nationals who legally reside in Greece shall be insured with the relevant insurance organisation and have the same insurance rights as Greek nationals.

3. The provisions of Legislative Decree 57/1973 on social protection, as amended and in force, shall also apply to third-country nationals who legally reside in Greece.

4. Detained third-country nationals shall be informed in a language they can understand about the rules of conduct and their rights and obligations as soon as they are admitted to an institution. Their communication with diplomatic or consular employees of the State of nationality or of origin and with their authorised attorneys shall be facilitated.

5. The actions referred to in Articles 1 and 2 of Law 927/1979 (Government Gazette, Series I, No 139) and Article 16(1) of Law 3304/2005 (Government Gazette, Series I, No 16) shall be prosecuted *ex officio*.

6. Without prejudice to more specific arrangements of this Code, the validity of a residence permit shall not be affected by temporary absences which do not exceed six months in total per year, by longer absences for military service purposes or by one continuous absence of twelve months maximum, for serious reasons, especially related to motherhood or pregnancy, serious illness, studies or vocational training in another Member State or third country.

7. Minor third-country nationals who reside in the Greek territory shall be subject to the same requirement of compulsory education as Greek nationals. Minor third-country nationals who are students on any level of education shall have unlimited access to the activities of school or academic communities.

8. Enrolment of minor third-country nationals to Greek schools of any level shall require the same supporting documents requested from Greek nationals. Exceptionally, the children of third-country nationals may be enrolled to public schools with incomplete supporting documents if:

a. They are protected by the Greek State as beneficiaries of international protection and the protection of the United Nations High Commissioner for Refugees;

b. They come from highly turbulent areas;

c. They have lodged an application for international protection;

d. They are third-country nationals residing in Greece, even if their legal residence in the country has not been regulated.

9. The terms and conditions for the recognition of primary and secondary education degrees obtained in the country of origin and the conditions for inclusion in the Greek education system, and for the enrolment of students who are third-country nationals to public schools may be determined by decision of the Minister for Education and Religious Affairs. In the context of the supporting actions of the Ministry for Education and Religious Affairs, a similar decision may regulate matters of optional teaching of the mother tongue and about the culture where the number of interested

students is adequate, and determine the employment relation and the qualifications of the education professionals who will teach the mother tongue and cultural elements of the country of origin.

10. Without prejudice to more special provisions of the applicable legislation, third-country nationals who are secondary education graduates in Greece shall have access to tertiary education, on the same terms and conditions as Greek nationals.

11. Exercise of any professional activity by third-country nationals, provided that all other legal requirements are met, shall not require the procurement of a reciprocity certificate.

## Article 22

### Obligations of third-country nationals

1. While residing in Greece, a third-country national shall declare to the competent agencies to the decentralised administrations of Greece or to the Directorate for Migration Policy to the Ministry for the Interior:

a. Any change to his home address;

b. Any change to his personal status, particularly the change of nationality, entering into a marriage, dissolution or annulment of marriage, or birth of child;

c. The loss or renewal of, or change to, the particulars of his passport or other travel document;

d. The loss of the permit or of the residence or permanent residence certificate.

2. A third-country national who is in possession of a residence permit must depart at no further notice by the last day of the duration of validity, unless he has lodged an application for renewal before expiry and has been granted the certificate referred to in Article 8(7) and Article 9(6).

3. Public documents issued by foreign authorities which are required under the provisions of this Code shall be authenticated by affixing the apostille of the Hague Convention, if so required. In the cases where no apostille is required, these documents shall be certified by the Greek consular authority or the Greek Ministry for Foreign Affairs in terms of authenticity of signature of the foreign authority officer.

## Article 23

### Penalties on third-country nationals

1. The declarations referred to in Article 22(1) hereof shall be made within two months from occurrence of the relevant event. Third-country nationals who fail to meet their obligations shall be charged with a fine of fifty (50) euros, or one hundred (100) euros in case of a repeat non-compliance. The agency and the procedure for imposition of the fine shall be determined by the joint ministerial decision referred to in Article 136(11).

2. A third-country national who violates the deadline for voluntary departure or otherwise illegally resides in the country for a period less than thirty (30) days, shall pay on departure four times the relevant fees for an annual residence permit. If the duration of such illegal residence exceeds thirty days, he shall pay eight times the relevant fees for an annual residence permit.

The following persons are exempt from fines: (a) minors, (b) those who qualify as ethnic Greeks, (c) those who have the status of spouse or parent of a Greek national, an ethnic Greek or an EU national, (d) those who have been included in procedures and

programs for voluntary repatriation, (e) those who have violated the lawful period of residence in Greek territory for reasons of force majeure if they leave within thirty (30) days from the elimination of the event. In all cases it is the police authority responsible for the control of the departure of the alien must decide on whether there are reasons for exemption.

**CHAPTER G**  
**REJECTION – WITHDRAWAL OF RESIDENCE**  
**PERMITS AND PROCEDURAL SAFEGUARDS**

**Article 24**

**Rejection – Withdrawal of residence permit**

1. A residence permit shall not be issued or renewed, or shall be withdrawn if:

a. The requirements of this Code are not met no longer or at all;

b. An official document issued by a competent Greek authority or a final court judgment declares that false or misleading information, false or falsified documents were used, that fraud was otherwise committed or other unlawful means were used for the issue of the residence permit;

c. The applicant fails to respond within two months to a written notice relating to any matter pertinent to the issue of the residence permit. The applicant may submit an application for reconsideration within one month from notice that his application has been rejected.

2. If an issued residence permit is withdrawn or the request for the issue or renewal of a residence permit is rejected, the services competent as appropriate shall issue a return decision pursuant to the provisions of Article 16 to 41 of Law 3907/2011.

**Article 25**

**Procedural safeguards**

1. The provision of Article 1(2) of Law 2503/1997 (Government Gazette, Series I, No 107) on remedies against acts of a secretary general of the decentralised administration, subject to the provisions of Article 8 of Law 3200/1955 (Government Gazette, Series I, No 97), shall not apply to the decisions of a secretary general of the decentralised administration issued pursuant to the present Code.

2. Remedies against a decision issued pursuant to the present Code shall not be considered if sought past a reasonable period of time of over six (6) months from delivery of the decision, save in the case of reasons of force majeure.

3. Applications for cancellation of a decision on the rejection, withdrawal or non-renewal of a residence permit issued pursuant to the provisions of this Code shall be filed with the competent administrative court, in accordance with the provisions of Article 15 of Law 3068/2002 (Government Gazette, Series I, No 274), as in force.

4. Special certificates of legal residence shall be granted to third-country nationals for whom the Administrative First Instance Court has delivered a decision on the stay or a temporary order of stay in relation to an administrative act, the cancellation of which has been requested, and relates to: a) rejection of an application for renewal of a residence permit, b) withdrawal of an issued residence permit, and c)

rejection of an application for initial issue of a residence permit, provided that the application has been lodged along with full supporting documents for one of the reasons referred to in this Code and a lodging certificate has been procured. The special certificate of legal residence shall form a temporary instrument of residence valid for one year subject to renewal for an equal period each time until delivery of the Administrative Court judgment on the pending cancellation request, and shall grant its holder the same rights as those granted under the withdrawn or non-renewed residence permit.

The special certificate of legal residence referred to in this paragraph shall not be granted during the period of extension to voluntary departure.

5. The provisions of the previous paragraph shall apply accordingly to third-country nationals who: a) are released from prison on restrictive conditions, including prohibition to leave the country; b) are subject to a restrictive condition at the pre-litigation stage, adherence to which shall require their stay until the hearing; c) have come to the country illegally and report punishable acts committed by a criminal organisation referred to in Article 187 of the Penal Code, where deportation has been suspended by order of the prosecutor of misdemeanours on authorisation of the prosecutor of appeals, until delivery of a final decision on the reported actions; and d) are minors, within the meaning of Article 121 of the Penal Code, who have been subject to the reformative measures referred to in Article 122(b), (c) and (d), or the curative measures referred to in Article 123 of the Penal Code.

The special certificate of legal residence shall be granted for one year subject to renewal for an equal period of time if the stipulated requirements continue to be met, and shall grant the right of access to paid employment.

6. The application for the issue of a special certificate of legal residence shall be lodged with the competent Directorate to the Ministry for the Interior or the competent agency of the decentralised administration, whichever is the authority that issued the relevant decision.

7. A residence permit issued in compliance with a final court ruling at the request of a third-country national for cancellation of a decision rejecting his application for renewal, or withdrawing an issued employment or residence permit, may be renewed at the request of the interested person for one of the reasons referred to in this Code. This application shall be lodged within one month from service of the relevant residence permit, in accordance with the provisions of this Code, considering the period from expiry of the permit until submission of the above application for renewal to be a period of legal residence in the country.

8. At the hearing of annulment disputes at first instance, which arise in the implementation of legislation on aliens in general, the administration shall be represented by an officer specially authorised to this end. In those cases where the claims made pertain to issues of contradictory applicable provisions to the Constitution, or in cases with particular importance or of general interest, the administration may be represented by a member of the Legal Council of State, at its previous written request. Delivered rulings may be challenged by a member of the Legal Council of State only at the written request of the administration.

**CHAPTER H**  
**OBLIGATIONS OF AGENCIES, PUBLIC OFFICERS**  
**AND PRIVATE INDIVIDUALS**

**Article 26**  
**Obligations of of agencies and employees -**  
**Penalties**

1. Public services, legal entities of public law, local authorities, public utilities and social security organisations shall not provide their services to third-country nationals who do not have a passport or any other travel document recognised by international conventions, an entry visa or a residence permit and, generally, who cannot prove that they have entered and reside legally in Greece.

Third-country nationals who are objectively deprived of passport shall be recognised the right to transact with the agencies referred to above, simply by showing their residence permit.

2. The arrangements of the previous paragraph shall not apply to:

a) hospitals, treatment centres and clinics in the case of third-country minors and nationals who are urgently admitted for hospitalisation and childbirth, and the social security structures which operate under local authorities; b) attestation of authenticity of signature of detained aliens for purposes of authorising attorneys in order to be represented before judicial authorities, provided that their identification particulars can be proven by any public document; c) complaints made or recourse sought before competent courts or administrative authorities by illegally employed third-country nationals, pursuant to the provisions of Articles 83 and 86 of Law 4052/2012; d) transactions of third-country nationals under the status of voluntary departure only to settle any pending obligations relating to their departure from the country; e) transactions of third-country nationals under the status of extension to voluntary departure; f) submission of applications for the issue of residence permits with the competent agencies referred to in Article 19; g) procurement of a copy of the rejection or withdrawal of a residence permit, pursuant to Article 10(5);

h) requests to remedy, pursuant to Article 25(2).

3. The wardens of prisons and detention centres must collect and keep passports and other documents proving the legal nature of residence, and the identification documents of detained third-country nationals. These documents shall be returned on release of a third-country national. If a third-country national is in no possession of the above documents, the above employees shall immediately inform the nearest police authority or the nearest agency of the decentralised administration.

4. Employees of the above agencies and bodies who violate the provisions of paragraphs 1 and 2 of this Article shall be subject to disciplinary action and penalty for breach of duty, in accordance with the provisions of the Penal Code.

**Article 27**  
**Obligations of of notaries**

1. When preparing notarial deeds the parties to which are third-country nationals appearing in person or declaring ordinary residence or residence in Greece, notaries must ascertain that such third-country

nationals are in possession of a visa or residence permit or the certificate referred to in Article 8(7) and Article 9(6), and make relevant reference in the deed.

2. This shall not apply to the preparation of powers of proxy to attorneys who will represent third-country nationals before judicial and administrative authorities, and the preparation of notarial deeds relating to the recognition of a child out of marriage that has not completed the third year of age at the time when one of the parents is a Greek national or citizen of another EU Member State, or a third-country national legally residing in Greece.

**Article 28**  
**Obligations of of employers and third-country**  
**workers - Penalties**

1. Hiring and employing third-country nationals who no longer meet or at all the requirements for legal residence in Greece shall not be allowed.

2. Hiring and employing third-country nationals holding residence permits or visas or certificates that the documentation has been lodged for the issue of a residence permit, which do not grant access to the labour market, shall not be allowed.

If drafting a contract for employment, provision of services or work is a requirement for the issue of a residence permit, the effective term of such contract shall be subject to the condition precedent of issue of the relevant permit.

3. Employers that violate the provisions of paragraph 1 shall be subject, in addition to other penalties provided for by law, to the penalties stipulated in the provisions of Law 4052/ 2012, as in force.

4. Employers that violate the provisions of paragraph 2 of this Article shall be subject, in addition to other penalties provided for by law, to a fine of EUR 1 500 for each illegally employed who is a legal resident. If these violations are identified by the inspection agencies of the decentralised administrations or reported to them by other inspection authorities (Hellenic Police), then the fine shall be imposed by decision of the secretary general of the decentralised administration. If these violations are identified by labour inspectors, the fine shall be imposed by reasoned act of the competent supervisor of the department of social inspection or of the centre for occupational health, or of the inspecting special labour inspector pursuant to the provisions that govern the operation of the authority.

5. When the provisions of this Article are violated with the purpose of engaging third-country nationals in prostitution, in addition to other penalties provided for by the applicable legislation, the employer shall be sentenced to two-year imprisonment and a fine of six thousand euros (EUR 6 000) as a minimum. If the victim is a minor, the employer shall be sentenced to imprisonment of up to ten years and a fine from ten thousand (10 000) to fifty thousand (50 000) euros. Imprisonment and a fine from fifty thousand (50 000) to one hundred thousand (100 000) euros shall be imposed if the crime was committed: a) against a person under the age of fifteen; b) by fraudulent means; c) by an ascendant by blood or affinity, or by a foster parent, spouse, guardian or any other person to whom the upbringing, teaching, supervision or custody of the minor has been entrusted even on a temporary basis; d) by an employee who in performing his duties or taking advantage of his capacity commits or

participates in any way in the act. The above offences shall be considered to be arrestable offences in all cases. The competent prosecutor's office shall communicate the delivery of a final judgment of conviction to the secretary general of the decentralised administration within one month from delivery. Within one month from communication of the judgment, the secretary general shall withdraw the operating permit of the establishment or undertaking where the offence was committed for a minimum period of twelve months and, considering the general circumstances, may proceed to permanent withholding of the operating permit.

6. Employment of third-country nationals by natural persons or legal entities contracted with the Ministry for National Defence shall also require approval of the relevant military authority.

7. Employment of third-country nationals by natural persons or legal entities contracted with or supervised by the Ministry for Foreign Affairs shall also require approval of the competent directorate to the Ministry for Exterior Affairs.

### **Article 29**

#### **Obligations of private individuals and employees - Penalties**

1. Lease of real estate property to a third-country national who is in no possession of passport or other travel document recognised by international conventions and of a valid visa or residence permit shall be prohibited.

2. Managers of hotels and resorts shall notify the police authorities about the arrival and departure of third-country nationals they host.

3. Persons who violate the provisions of paragraphs 1 and 2 shall be subject, in addition to other penalties provided for by the legislation, to a fine from one thousand five hundred (1 500) to three thousand (3 000) euros, by decision of the secretary general of the decentralised administration.

4. The fines referred to in the previous paragraphs shall also be imposed on persons making false declarations or statements, as these are stipulated in the present law and the issued regulatory instruments, and on third-country nationals holding residence permits who are engaged in paid employment or services or work, or exercise independent economic activity without the relevant residence permit or authorisation for access to the labour market.

5. Persons who facilitate the entry or exit from the Greek territory of third-country nationals without performance of the checks stipulated in Article 5 shall be sentenced up to ten (10) years of imprisonment and a fine of twenty thousand (20 000) euros as a minimum. If the act was carried out with a view to making a profit or by profession or habit, or if two (2) or more persons acted jointly, the above shall be sentenced to at least ten (10) years of imprisonment and a fine of fifty thousand (50 000) euros as a minimum.

6. Persons who facilitate the illegal residence of a third-country national or obstructs the investigations of police authorities to locate, apprehend and deport such national, shall be sentenced to at least one (1) year of imprisonment and a fine of five thousand (5 000) euros as a minimum. If the act was carried out with a view to making a profit, the above persons shall be sentenced to at least two (2) years of imprisonment and a fine of ten thousand (10 000) euros as a minimum.

7. A person who illegally holds or uses the genuine passport or other travel document of another person shall be sentenced to at least six (6) months of imprisonment and a fine of three thousand (3 000) euros as a minimum.

The same sentence shall be imposed on any person that withholds the passport or other travel document of another person or refuses to hand it over to the competent authority. Further, the same penalty shall be imposed to any person that holds or uses a fake passport or other travel document.

8. The manager of the travel agency or immigration office, or any other person who submits to the competent authority supporting documents for the issue of a travel document for the account of a third person, stating details that do not correspond to the identification particulars of that person, shall be sentenced to at least one (1) year of imprisonment and a fine of ten thousand (10 000) euros as a minimum. The same penalty shall also be imposed to the person for whose account the supporting documents were submitted. By decision of the relevant head of region, the office shall be subject to three-month suspension of its operating permit and, in case of repeat violation, permanent withholding of that permit.

### **Article 30**

#### **Obligations of carriers - Penalties**

1. Captains of ships or other vessels or aircrafts and drivers of any means of transportation transferring into Greece third-country nationals from abroad who do not have the right to enter the Greek territory or whose entry has been prohibited for any reason, as well as persons who collect them from entry points, external or internal borders, with a view to move them inland or to the territory of an EU Member State or a third country, or facilitate their transportation or provide them with accommodation for concealment, shall be sentenced to:

a. imprisonment of up to ten (10) years and a fine from ten thousand (10 000) to thirty thousand (30 000) euros for each transported person;

b. at least ten (10) years of imprisonment and a fine from thirty thousand (30 000) to sixty thousand (60 000) euros for each transported person, if the offender acted with a view to making a profit or by profession or habit, or is a relapsing offender, or acts in the capacity of civil servant or tour or shipping or travel agent, or if two or more persons acted jointly;

c. at least fifteen (15) years of imprisonment and a fine of two hundred thousand (200 000) euros as a minimum for each transported person, if the act could endanger human life;

d. life imprisonment and a fine of seven hundred thousand (700 000) euros as a minimum for each transported person, if the act referred to in c) above resulted in the loss of life.

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. The above punishable act shall be considered committed, in case of sea and air means of transport, if the person who boarded illegally is found on such means of transport on commencement of the control by the competent public bodies before or after the departure or takeoff, and in case of other means of transport, if the person

who boarded illegally is found on 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 that paragraph.

3. Airlines or shipping companies, as well as any other natural person or legal entity performing any type of public transportation of persons shall not accept to carry and shall take all measures to prevent the transportation from abroad to Greece of third-country nationals who: a) do not possess the required valid passports or other travel documents and visas, or b) are in possession of passports or other travel documents with indications of forgery or falsification. Airlines that violate the above obligations shall incur a fine from five thousand (5 000) to thirty thousand (30 000) euros per passenger, by decision of the airport master. Shipping companies and any other natural person or legal entity shall incur the same fine by decision of the secretary general of the decentralised administration. In case of a repeat offence within the same calendar year, the above fines may be doubled but not exceed the amount of thirty thousand (30 000) euros, by decision of the competent body. No fine shall be imposed on companies which can procure documentation that they have taken adequate preventive measures to ensure that third-country passengers do not fall under the above cases referred to in a) and b) of this paragraph.

4. The persons referred to in paragraphs 1, 2 and 3 as well as travel agencies and the owners of transport means shall be wholly liable for the costs of subsistence and return 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 the passport control agencies arrival cards or lists of passengers who are third-country nationals, whom they carry to and from Greece. The same obligation shall apply on arrival of charter flights from third countries. The details of the above cards or lists shall be determined by decision of the Minister for Public Order & Citizen Protection.

6. The above penalties shall not be imposed in case of rescue of people at sea or transport of people in need of international protection as required by international law.

7. The provisions of Article 253A of the Code of Criminal Procedure shall also apply to the punishable acts referred to in Article 29 of this Article, regardless of whether the requirements of Articles 187 and 187A of the Penal Code are met.

8. The deadline for lodging an appeal and the lodging of such appeal against a decision of conviction for violations of this Article, as well as violations referred to in paragraphs 5, 6 and 8 of the previous Article, shall not suspend enforcement of the decision.

9. The three-member court of appeals shall have jurisdiction for the hearing of the felonies referred to in the present Article and in Article 29, and the procedure stipulated in Article 20 of Law 663/1977 (Government Gazette, Series I, No 215), as in force, shall apply.

10. Property that is derived from the criminal activity within the meaning of this Article as well as within the

meaning of Article 29(5), (6) and (8) or that has been acquired as a result of such criminal activity in any manner, or property that has been used, in whole or in part, for the aforementioned criminal activity shall be seized and, provided that no requirement for that property to be returned to the owner thereof is met in accordance with Articles 310(2) and 373 of the Code of Criminal Procedure, necessarily confiscated by virtue of the sentence. The confiscation is even imposed on property that belongs to third parties, provided the party in question was aware of the criminal activity upon acquisition of the property. In case where the property or the product of the activity referred to in the previous subparagraph exceeds four thousand (4 000) euros in value and cannot be seized, assets of a value equal to the value of the above property or product shall be seized and confiscated under the terms of the previous subparagraph.

11. The provisions of this Article and Article 29(5), (6) and (8) shall also apply when the punishable acts referred to therein have been committed abroad by a Greek national or alien, even if these are not considered to be punishable according to the laws of the country where they were committed.

## **PART TWO**

### **RESIDENCE PERMITS ISSUED UNDER EU LAW AND OTHER IMPLEMENTING PROVISIONS**

#### **SECTION A**

#### **ADMISSION OF THIRD-COUNTRY NATIONALS FOR THE PURPOSES OF STUDIES, VOLUNTARY SERVICE AND OTHER PROVISIONS PURSUANT TO DIRECTIVE 2004/114/EC**

#### **CHAPTER A**

#### **GENERAL PROVISIONS**

#### **Article 31**

#### **Scope**

1. The provisions of Articles 31 to 44 shall apply to third-country nationals coming to Greece for the purposes of studies or voluntary service.

2. The arrangements of Articles 31 to 44 shall not apply to:

a. third-country nationals who reside in Greece subject to application for international protection or under auxiliary forms of protection or temporary protection schemes, under international obligations or national law, or who request to reside for these reasons and expect the issue of a decision relating to their status;

b. third-country nationals whose return or deportation has been suspended;

c. third-country nationals who are family members of EU citizens and have exercised their right of free movement in the EU, pursuant to the applicable legislation;

d. third-country nationals who have acquired the status of long-term residents in another EU Member State and request entry and residence in Greece pursuant to the provisions of Article 98, relating to the status of third-country nationals who are long-term residents;

e. third-country nationals who have been granted a residence permit for employment or independent economic activity pursuant to the provisions of this Code.

3. This Code shall apply without prejudice to more favourable provisions stemming from:

a. bilateral or multilateral agreements concluded between the Community or between the Community and its Member States on the one hand and one or more third countries on the other;

b. bilateral or multilateral agreements concluded between the Hellenic Republic or more Member States and one or more third countries.

### Article 32

#### General requirements for residence for the purposes of studies or voluntary service

1. Entry and residence of a third-country national pursuant to the provisions of Articles 31 to 42 shall be subject to review of the supporting documents which demonstrate that all of the requirements referred to in the next paragraph and the relevant requirements referred to in following Articles are met.

2. Entry and residence of third-country nationals in Greece for the purposes of studies or voluntary service shall be allowed if all of the following general requirements are met:

a. hold a passport or other travel document recognised by Greece, the validity of which is at least three months after expiry of the visa, and have been granted a visa for the purposes of studies or voluntary service;

b. procure the consent of their parents or guardian in relation to the intended residence if under the age of 18; c. have full health insurance with the same benefits as those covered for Greek nationals; d. pose no threat to public policy and security and public health; e. have paid the fees referred to in the provisions of Article 132(1) of this Law.

3. Third-country nationals who participate in European programmes to enhance mobility to or in the European Union, and who wish to enter and reside in Greece in the context of these programmes shall be facilitated with regard to their admission to ensure timely issue of the required visas and residence permits.

4. Students who are automatically covered by a health insurance against the same risks as Greek nationals due to their enrolment to an education institute shall be considered to meet the requirement of paragraph 2(c) of this Article.

5. Without prejudice to more specific provisions of this Code, the agency competent to review applications for residence permits referred to herein shall be the agency to the relevant decentralised administration. The application shall be lodged with the agencies referred to in the provisions of Article 8.

### Article 33

#### Issue of residence permit for the purposes of studies

1. A third-country national who has been granted a visa for studies in Greece shall lodge an application with the competent agency referred to in paragraph 5 of the previous Article, if all of the following requirements are met in addition to the general requirements referred to in Article 6:

a. has been accepted to a higher education institute in Greece to attend curriculum courses;

b. has sufficient resources to cover costs of subsistence during his residence;

c. has paid enrolment fees to the relevant educational institute, where required.

2. The curriculum courses shall also include attendance of Greek language and culture classes organised by higher education institutes.

3. When the curriculum course that a third-country national intends to attend requires adequate knowledge of Greek as a requirement for enrolment, the relevant educational institute shall proceed to the necessary tests and grant a relevant certificate which shall be procured to the competent Greek consular authority.

4. The application referred to in paragraph 1 of this Article shall be accompanied by the required supporting documents.

5. In considering the application for the issue of a residence permit and the relevant decision, the provisions of Article 8 shall apply.

### Article 34

#### Duration and renewal of residence permits for the purposes of studies

1. A residence permit for studies shall have a duration of one year and may be renewed for an equal period if the requirements referred to in Article 32 and 33 hereof continue to be met. If the duration of the curriculum course is less than one year, the residence permit shall be valid for the duration of the curriculum course.

2. a. A third-country national may apply for the issue of a residence permit for studies with a duration equal to the maximum duration of studies of a specific curriculum. In this case, when lodging the application, the student shall also procure a certificate of the relevant educational institute regarding the total duration of the curriculum course to be attended.

b. The issue of the above residence permit shall require the payment of fees of one hundred and fifty (150) euros for each year for which the residence permit for studies is issued. Payment of these fees shall be subject to the procedure referred to in Article 132.

c. Every two years, a student holding a residence permit with a duration of validity equal to the maximum duration of the curriculum course shall submit to the competent agency of the relevant decentralised administration a certificate of enrolment and examination sitting of the relevant educational institute, and a certificate of detailed scores for the same period demonstrating his overall progress, or a detailed progress report of the competent body, in the case of postgraduate studies or PhD dissertation. If the above obligation is not fulfilled within two months from expiry of the two-year period from issue of the residence permit, the permit shall be withdrawn and the student must immediately leave Greece without further formalities.

3. To renew the residence permits referred to in the previous paragraphs, a third-country national must lodge an application before expiry with the competent agency for application lodging, under the provisions of Article 9, which shall be accompanied by the required supporting documents.

4. The total duration of renewal may not exceed the duration of regular studies which is equal to the minimum number of semesters necessary to be awarded a degree, according to the school's indicative curriculum, increased by four semesters, and by two

semesters in the case of postgraduate or PhD studies. This period shall be increased by one additional year to learn Greek, if so requested by the relevant educational institute.

**Article 35**  
**Student mobility**

1. Without prejudice to Articles 24 and 25, a third-country national who has already been admitted for studies in another EU Member State and lodges an application to attend part of the curriculum already started or to complement it with a relevant curriculum in Greece shall be admitted within a period which shall not impede continuation of his studies, while providing adequate time to the competent authorities to process the application, if such national:

a. Meets the requirements stipulated in Articles 32 and 33, save the requirement on D-visa. In these cases, only a visa shall be required, in accordance with Council Regulation (EC) No 539/2001 of 15 March 2001, as in force, listing the third countries whose nationals must be in possession of visas when crossing the external borders of EU Member States and those whose nationals are exempt from that requirement;

b. Has submitted a certificate relating to the curriculum already completed, also demonstrating the relevant and complementary nature of the two curriculum courses;

c. Participates in an EU or bilateral exchange programme or has been admitted as a student in another Member State for a minimum period of two years.

2. The residence permit referred to in paragraph 1 of this Article shall be issued and renewed subject to the requirements and in accordance with the procedure stipulated in Articles 32 and 33 respectively.

3. When lodging the application for the residence permit referred to in paragraph 1, the student shall also submit the following supporting documents:

a. True copy of the residence permit for studies granted by such other EU Member State;

b. Certificate of the educational institute of the other EU Member State relating to the curriculum already completed by the student, and its complementary or relevant nature to the curriculum course to be attended in Greece;

c. Certificate of the body implementing the relevant programme relating to his participation in the EU or bilateral exchange programme, or a certificate of the competent authorities of an EU Member State that he has been admitted as a student for a minimum period of two years.

4. The requirement referred to in paragraph 1(c) of this Article shall not apply if in the context of the curriculum the student has to attend part of the curriculum at an institution of another Member State. In this case, the certificate referred to in c) above shall be replaced by a certificate of the educational institute of such other EU Member State, certifying mandatory attendance of part of the curriculum in Greece.

5. If a third-country national who holds a residence permit for studies in Greece lodges an application in another Member State, pursuant to the present Article, the competent Greek authorities shall forward the relevant information about the student's residence in Greece, at the request of the Member State in which the application has been lodged.

**Article 36**  
**Professional activity of third-country students**

Third-country nationals who have been granted a residence permit for the purposes of studies, pursuant to the present Code, may be employed only part time, in accordance with the provisions of the relevant legislation. In all cases, the number of working hours may not be less than ten hours per week, or the equivalent in days or months per year.

**Article 37**  
**Fast-track procedure for issuing residence permits to postgraduate students**

1. The country's higher education institutes which offer postgraduate courses may enter into agreements with the Ministry for the Interior for the development of a fast-track procedure for the issue of residence permits to postgraduate third-country students, provided that there are special reasons and on the following conditions:

a. The duration of the postgraduate course exceeds three (3) months;

b. The requirements referred to in Articles 32 and 33 on the issue of residence permits in the context of such agreements are met.

The fast-track procedure agreements shall include the exact title of the postgraduate course and state the special reasons for making the agreement, its effective term and option of renewal, and the obligations of the parties.

2.a. In such fast-track procedure agreements, the Ministry for the Interior shall be represented by the head of the Directorate for Migration Policy of the Directorate General for Migration Policy and Social Integration, and the educational institute shall be represented by a legal representative.

b. Applications for the issue of residence permits referred to in this Article shall be lodged with the above Directorate to the Ministry for the Interior, and the relevant permits shall be granted by decision of the competent minister.

c. The Directorate to the Ministry for the Interior shall issue a residence permit, provided that requirements hereof are met, within twenty (20) days from the date on which the application with full documentation was received.

3. The educational institute shall use all expedient means to notify the Greek consular authority in the student's country of origin about the fast-track procedure agreement made as set out above.

**Article 38**  
**Issue of residence permits for voluntary service**

1. A third-country national that has been admitted to a voluntary service programme of over three months shall be accepted for residence in Greece if he has obtained a D-visa for this purpose.

2. Issue of the residence permit shall require that the third-country national lodges an application with the competent agency, without payment of fees, if the following requirements are met by such person in addition to the general requirements referred to in Article 32:

a. He has completed 18 years of age;

b. He has signed an agreement with the implementing body of the voluntary service programme in which he participates, under which the above implementing body fully covers his travel, subsistence, accommodation, repatriation and healthcare costs, as well as any other expenses which might arise during the volunteer's residence in Greece, including any training for the performance of his duties, and shall also contain a description of his duties and terms of performance, and the working hours.

c. The implementing body of the voluntary service programme has made a civil liability policy which accepts to be fully liable for the volunteer throughout the duration of his residence, mainly with regard to subsistence, healthcare and repatriation costs.

3. Once all of the requirements referred to in Article 32 and paragraph 1 of this Article have been satisfied, the third-country national shall lodge an application with the competent agency referred to in Article 8 for a residence permit for the purposes of voluntary service within fifteen days at the latest.

#### **Article 39**

##### **Duration and renewal of residence permits for the purposes of voluntary service**

1. A residence permit for the purposes of voluntary service shall have a duration of up to one year.

2. Exceptionally, if the duration of the specific programme exceeds one year, the duration of the residence permit may be equal to the duration of implementation of the said programme.

3. On expiry of the residence permit, the volunteer must immediately leave the Greek territory, without any further formalities.

#### **Article 40**

##### **Withdrawal or refusal to renew residence permits for the purposes of studies or voluntary service**

Residence permits which are issued pursuant to the provisions of Articles 31 to 39 shall be withdrawn or not renewed in the following special cases, in addition to those referred to in Article 24:

a. the requirements stipulated by the applicable legislation on the status of part-time employment in exercising economic activity are not met;

b. no satisfactory progress is made in the studies.

#### **Article 41**

##### **Rights and obligations**

1. Unless otherwise specifically stipulated, holders of residence permits for the purposes of studies or voluntary service may not change the relevant purposes.

2. Without prejudice to Article 89(2)(b) relating to the status of third-country nationals who are long-term residents, the period of residence of such third-country nationals in Greece in the capacity of students or volunteers, pursuant to the provisions of this Code, shall not be taken into consideration for granting further rights.

#### **Article 42**

The arrangements of Articles 1 to 30 shall apply to all matters which are not otherwise regulated under the

arrangements of Articles 31 to 41 above.

#### **Article 43**

1. By way of derogation from the applicable provisions of legislation on family reunification of third-country nationals, children born in Greece by parents who are holders of residence permits for the purposes of studies, pursuant to the provisions of this Code, shall be granted individual residence permits as family members of a student, which shall expire on expiry of the residence permit of one or both of their parents.

2. Residence permits for the purposes of studies shall not be granted to third-country nationals who reside in the country for employment or professional purposes, except for those who have been accepted for reasons of family reunification.

### **CHAPTER B**

#### **OTHER PROVISIONS**

#### **Article 44**

##### **Vocational training**

1. For the purposes of implementation of this Code, vocational training shall mean studies at vocational training institutes, pursuant to the provisions of Law 2009/1992 (Government Gazette, Series I, No 18), as in force, post-secondary education centres, pursuant to the provisions of Law 3696/2008 (Government Gazette, Series I, No 177), as amended and in force, schools of liberal studies, pursuant to the provisions of the same Law above, and colleges which, on the one hand, offer exclusive studies under validation and franchising agreements with foreign educational institutes which are recognised by the competent authorities in the country of establishment and, on the other hand, postgraduate courses, provided that such courses have been accredited by international accreditation organisations, pursuant to the latest amendment to the same Law (4111/2013, Government Gazette, Series I, No 18).

If so required, and based on the curriculum of the relevant speciality, the said training may be preceded by a preparatory year to learn the Greek language.

2. Entry of a third-country national to Greece for training at a public or private vocational training institute shall be allowed if such third-country national has been admitted and has obtained a relevant authorisation for studies from the competent body of the Secretariat General for Lifelong Learning to the Ministry for Education and Religious Affairs.

The terms, conditions and certificates of language skills, if so required for such authorisation, shall be determined by decision of the Minister for Education and Religious Affairs, on opinion of the competent body of the Secretariat General for Lifelong Learning.

3. Entry of a third-country national for studies at a post-secondary education centre or a college may be allowed if such third-country national has been admitted to a programme that requires attendance in person, holds a document certifying his skills in the language in which the curriculum subjects are taught, and has obtained a relevant certificate of the college or the Department for Post-Secondary Education Centres to the Ministry for Education and Religious Affairs confirming that the said college or centre has a valid authorisation of establishment and operation.

4. Entry of a third-country national for studies at a

liberal studies school may be allowed on procurement of the Government Gazette issue containing the publication of the decision of the BoD of the National Organisation for the Certification of Qualifications & Vocational Guidance which authorised the operation of the said liberal studies school, and if the third-country national in question submits a certificate of the liberal studies school that he has been admitted to a programme that requires attendance in person, holds a document certifying his skills in the language in which the curriculum subjects are taught, and states the duration of studies.

5. The relevant D-visa and the corresponding residence permit shall be issued and renewed subject to the requirements referred to in Articles 37 and 38 of this Code, accordingly.

#### **Article 45**

##### **Participation in special programmes**

1. Third-country nationals who participate in exchange programmes under interstate agreements and EU-financed cooperation projects, and holders of grants from ministries, organisations, public-benefit purpose foundations and the State Scholarships Foundation, shall be allowed residence in the country if in possession of a D-visa. A D-visa shall be granted on submitting to the competent Greek consular authority a certificate of the entity that operates the relevant programme or offering the grant.

2. The residence permit shall be granted for a duration equal to the period of the programme or the duration of the scholarship. Grant holders referred to in the previous paragraph shall not be required to pay fees.

#### **Article 46**

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

Third-country nationals who have been granted a D-visa and admitted for studies at the academies and special schools of the Armed Forces and the Security Services, or at the Merchant Marine academies and schools, shall be exceptionally granted residence permits for the duration of their studies. Persons who have been admitted to the above academies and special schools as grant holders shall not be required to pay fees.

#### **Article 47**

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

1. Acquisition of medical speciality by a third-country national shall require the issue of a D-visa. The residence permit shall be granted by the secretary general of the decentralised administration with a duration of one year, and may be renewed every two years until acquisition of speciality. Issue of the residence permit shall require the procurement of a certificate from a hospital which, pursuant to the applicable legislation, offers grants certification in the relevant speciality.

2. The above third-country nationals may be accompanied by their family members to whom an individual residence permit shall be issued at their request, which shall expire together with the residence permit of the sponsors.

#### **Article 48**

#### **Issue and renewal of residence permits for studies at the Athonias Ecclesiastical Academy of Mount Athos**

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

2. Such third-country national shall, at least two months before expiry of the visa, submit to the Holy Supervision of Mount Athos an application for the issue of a residence permit, without prejudice to the provisions of Article 8 and the issue of a residence permit in the form of a separate document. The application shall be accompanied by:

a. Copy of the passport or other travel document bearing the visa;

b. Certificate of enrolment to the Athonias Ecclesiastical Academy;

c. Certificate of a Holy Monastery or institute or a private individual that they undertake his custody, study and subsistence expenses at Mount Athos;

d. Certificate of the Holy Supervision or Holy Monastery or institute or private individual that they have undertaken his custody and commit to fully cover his healthcare and hospitalisation expenses; and

e. Health certificate issued by domestic State hospitals or health centres or treatment centres or IKA clinics that the third-country national does not suffer from any condition which, according to the arrangements of the World Health Organisation and of EU Law, could pose a threat to public health.

3. The residence permit shall be issued to the third-country national by decision of the secretary general of the decentralised administration, on recommendation of the Holy Supervision.

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

### **SECTION B**

#### **ADMISSION OF THIRD-COUNTRY NATIONALS WHO ARE VICTIMS OF TRAFFICKING IN HUMAN BEINGS OR ACTIONS TO FACILITATE ILLEGAL IMMIGRATION, UNDER DIRECTIVE 2004/81/EC**

#### **Article 49**

##### **Reflection period**

1. If not subject to the provision of Article 1(2) of Presidential Decree 233/2003, third-country nationals who have been characterised as victims of trafficking in human beings or actions to facilitate illegal immigration, pursuant to the provisions of Article 1(k) and (l) of this Code, 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 competent authorities.

2. Especially with regard to minors who are victims of trafficking in human beings or subject to actions to facilitate illegal immigration, this period may be extended by two more months by decision of the competent public prosecutor, taking due account of the best interests of the minor.

3. During the reflection period, the persons referred to in the above paragraphs may not be expelled. Any issued but not yet enforced decision on return shall be suspended.

4. By decision of the competent public prosecutor, the reflection period may be terminated prior to its expiry if:

- a. the competent prosecuting authority establishes that the above person has actively, and at his free will and initiative renewed contact with the perpetrators of the offences referred to in Article 1(k) and (l) of this Code, or that the information taken into account for his characterisation as a victim of trafficking in human beings and actions to facilitate illegal immigration required under the provisions of Article 1(k) and (l) of this Code does not apply; or
- b. there are reasons of public policy and security.

#### **Article 50**

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

1. The competent prosecutor at first instance or police authority or social support bodies referred to in Presidential Decree 233/2003, as in force, and any of the bodies referred to in Article 49 of this Code, shall inform the third-country national who is a victim of trafficking in human beings or actions to facilitate illegal immigration that he is entitled to apply for a residence permit, as set out above, and provide relevant information.

2. In the case of third-country nationals who are unaccompanied minors, the competent prosecuting authority 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 to ensure legal representation, including representation in criminal proceedings, if necessary. If the minor's family cannot be located or if considered that repatriation will not be in the best interest of the child, the competent prosecutor for minors or, where no such prosecutor exists, the competent prosecutor at first instance may order any expedient measure to protect the child until a ruling is delivered by the court, to which the prosecutor shall refer within thirty (30) days for the appointment of a guardian, pursuant to the provisions of Articles 1532, 1534 and 1592 of the Civil Code.

#### **Article 51**

##### **Medical care and provisions during the reflection period**

1. During the reflection period, the victims of trafficking in human beings or actions to facilitate illegal immigration shall have access to medical care and the psychological support services provided by the national health system, protection and assistance units and bodies that cooperate with the above, pursuant to the provisions of Articles 2, 3 and 4 of Presidential Decree 233/2003, as in force, and by reception services.

2. The above persons who do not have sufficient resources shall be granted standards of living capable of ensuring their subsistence.

3. The competent prosecuting, judicial and police authorities shall take due account, by priority, of the safety and protection of such victims, as set out in the relevant provisions. They shall also provide them with translation and interpreting services, information about their legal rights and the services available to them, and provide legal aid.

#### **Article 52**

##### **Issue and renewal of the residence permit**

A third-country national who is characterised as a victim of trafficking in human beings or actions to facilitate illegal immigration by instrument of the competent prosecutor at first instance, under Article 49, shall be granted, at his request to be filed in person or via the competent prosecutor, a residence permit or shall have the issued one renewed subject to no payment of fees, on the requirements and according to the procedure set out in the following Articles.

#### **Article 53**

##### **Conditions for the issue 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 prosecutor shall consider if any of the following conditions are met and shall prepare a relevant report as to whether:

- a. the prolonged stay of the said person in the Greek territory would facilitate the investigations or criminal proceedings;
- b. the above person has shown a clear intention to cooperate; and
- c. he has severed all relations with the purported perpetrators of the offences referred to in Article 1(k) and (l) hereof.

2. The application for a residence permit shall be examined by priority and the permit shall be issued by decision of the Minister for the Interior. Without prejudice to reasons relating to public policy and security, a twelve-month residence permit shall be issued if one of the conditions referred to in the previous paragraph are met. The permit shall be renewed for an equal period each time, if the same conditions continue to be satisfied.

#### **Article 54**

##### **Rights**

The residence permit shall ensure:

- a) right of access to the labour market, only during the period of validity of the permit;
- b) the benefits and medical care referred to in Article 52;
- c) conditions for vocational training and education, pursuant to the special provisions of Articles 5 and 6 of Presidential Decree 233/2003, as in force.

#### **Article 55**

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

The residence permit shall not be renewed or shall be withdrawn in any the following cases: a. The beneficiary has actively and at own will and initiative renewed contacts with the purported perpetrators of the reported offences;

b. The competent authority believes that the victim's cooperation is fraudulent or abusive, or there are reasons of public policy and security;

c. The criminal proceedings relating to the offences referred to in Article (k) and (l) are completed pursuant to the provisions of Articles 43 or 47 of the Code of Criminal Procedure, or a final judgment has been

delivered, which concludes the relevant proceedings. This provision shall not apply to victims within the meaning of Article 1(2) of Presidential Decree 233/2003.

**Article 56**  
**Change of purpose of residence**

Within one month from completion of the relevant proceedings on delivery of final court judgment, the holder of a residence permit in the capacity of victim of trafficking in human beings or actions to facilitate illegal immigration may be granted a residence permit for one of the purposes and under the relevant conditions set out in the present Code, by decision of the Minister for the Interior or the secretary general of the decentralised administration. Pending the issue of the residence permit, due account shall be taken of the fact that the applicant has been a holder of a residence permit as a victim of trafficking in human beings or actions to facilitate illegal immigration.

**SECTION C**  
**SPECIFIC PROCEDURE FOR ADMITTING THIRD-COUNTRY NATIONALS FOR THE PURPOSES OF SCIENTIFIC RESEARCH UNDER DIRECTIVE 2005/71/EC**

**CHAPTER A**  
**GENERAL PROVISIONS**

**Article 57**  
**Scope**

1. The provisions of Articles 58 to 71 of this Code shall apply to third-country nationals who apply for entry and residence in Greece for the purposes of research.

2. The present Code shall not apply to:

a) third-country nationals who reside in Greece as applicants for international protection or under temporary protection schemes; b) third-country nationals applying to reside in Greece as students within the meaning of Directive 2004/114/EC relating to the conditions for admission of third-country nationals with the purposes of studies, student exchange, unremunerated traineeship or voluntary service, in order to carry out research for a PhD degree; c) third-country nationals whose return/deportation has been suspended; d) researchers seconded by a research organisation in an EU Member State to another research organisation in Greece.

**Article 58**  
**More favourable provisions**

1. This Code shall apply without prejudice to more favourable provisions stemming from:

a) bilateral or multilateral agreements concluded between the Community or between the Community and its Member States on the one hand and one or more third countries on the other; b) bilateral or multilateral agreements concluded between the Hellenic Republic or more Member States and one or more third countries.

2. The competent Greek authorities shall have the right to adopt or retain more favourable provisions for

persons to whom this Code applies.

**Article 59**  
**Approval of research organisation**

1. Any research organisation wishing to host a researcher under the admission and residence procedure laid down in this Code shall first be approved for that purpose pursuant to the applicable legislation.

2. The approval of a research organisation shall be granted by the Secretariat General for Research and Technology to the Ministry for Education and Religious Affairs.

3. For the purposes of this Code, approved bodies shall include public research organisations or similar research bodies of the public sector, or the legal entities of private law under the supervision of a public authority, and recognised higher education institutes, including universities and technological educational institutes.

4. Private organisations wishing to obtain approval shall file their applications accompanied by the following supporting documents:

a) Corporate act of the organisation, documenting establishment of the a research and development department;

b) Documentation of the organisation's research activities and the costs for research and technology activities, as these arise from the organisation's applications for tax rebates by reason of research and technology expenses, under Law 3296/2004 (Government Gazette, Series I, No 253), as in force;

c) Adequate documentation of the need to employ third-country researchers.

5. The above documentation shall be filed with and reviewed by the Secretariat General for Research and Technology. In case of positive review, the permit shall be granted for 5 years.

6. All research organisations must submit to the Secretariat General a statement that in case where a researcher remains illegally in the Greek territory after expiry of his agreement, the research organisation shall be responsible for reimbursing his her stay and/or return incurred by public funds. The Secretariat General shall communicate a copy of this statement to the Directorate for Aliens to the Hellenic Police Headquarters. The organisation's financial responsibility shall end six months after termination of a researcher's hosting agreement.

7. The research organisations shall be responsible to confirm the accuracy particulars stated in the CVs of third country researchers and their qualifications in light of the objectives of research, as evidenced by certified copies of their qualifications under Article 1(xlvii).

8. All research organisations must notify the Secretariat General of the hosting agreements they have concluded. The Secretariat General shall be responsible to review the said agreements.

9. The Secretariat General shall be responsible to ensure compliance with the conditions set out in paragraphs 4 and 6 of this Article. The approval shall be withdrawn or not renewed if these conditions are not met, or in cases where the approval has been fraudulently acquired, or where the research organisation has signed a hosting agreement with a third-country national in circumvention of this Code. Where approval has been withdrawn or not renewed,

the organisation concerned may be banned from reapplying up to five years from the date of publication of the decision on withdrawal or non-renewal. Withdrawal or non-renewal of the approval shall be communicated to the competent directorate to the Ministry for the Interior and the competent agencies of the decentralised administrations.

10. The Secretariat General shall publish and annually update lists of the approved organisations for the purposes of this Code, and shall immediately communicate any change to the competent directorate to the Ministry for the Interior and the competent agencies of the decentralised administrations.

#### **Article 60** **Hosting agreement**

1. A research organisation wishing to host a researcher shall sign a hosting agreement with the latter whereby the researcher undertakes to complete the research project and the organisation undertakes to host the researcher for that purpose, without prejudice to Article 61.

2. Research organisations may sign hosting agreements only if the following conditions are met:

(a) the research project has been accepted by the relevant authorities in the organisation, after examination of:

i) the purpose and duration of the research, and the availability of the necessary financial resources for it to be carried out;

ii) the researcher's qualifications in the light of the research objectives, as evidenced by a certified copy of his/her qualification;

(b) during his/her stay the researcher has sufficient monthly resources of no less than EUR 900 to meet his/her expenses, without having recourse to the social assistance system. The amount of sufficient resources referred to above may be adjusted by joint decision of the Ministers for the Interior, Finance and Education & Religious Affairs;

(c) during his/her stay the researcher has insurance for all the risks normally covered for nationals in accordance with the applicable legislation;

(d) the hosting agreement specifies the legal relationship and working conditions of the researchers, in accordance with the applicable legislation.

3. Once the hosting agreement is signed, the research organisation shall provide the researcher with an individual statement that for costs within the meaning of Article 59(6) financial responsibility has been assumed.

4. Research organisations shall promptly inform the authority designated for this purpose, pursuant to Article 61(1) hereof, of any occurrence likely to prevent implementation of the hosting agreement.

5. Hosting agreements with a research organisation whose approval has been withdrawn shall be terminated. Accordingly, the hosting agreement shall be automatically lapse if the researcher is not granted a residence permit or when the relationship between the researcher and the research organisation is terminated.

#### **Article 61** **Issue of residence permit for the purposes of research**

1. If all of the conditions set out in Articles 59 and 60

of this Code are met, a third-country national may apply for a residence permit. The application shall be lodged with the agencies stipulated in Article 8 and shall be accompanied by the required supporting documents.

2. If the details provided to support the application are insufficient, the competent authority shall inform the applicant about the additional information required.

3. Issue of the residence permit shall be subject to the provisions of Article 8.

4. Researchers who are third-country nationals may be accompanied or followed by their family members.

#### **Article 62** **Duration and renewal of the residence permit**

1. The residence permit shall be issued for a period equal to the duration of the hosting agreement. In case of extension of the hosting agreement, the residence permit shall be renewed for an equal period of time.

2. To renew the residence permit, the researcher shall lodge an application before expiry of the permit with the body competent to receive the application, under the present Code, accompanied with the required supporting documents.

3. Issue and renewal of the residence permit shall be subject to the provisions of Articles 8 and 9.

#### **Article 63** **Residence permit to the family members of the researcher**

1. The family members of the researcher shall be granted at their application a residence permit with a duration of validity same as that of the researcher's residence permit.

2. A family member of the researcher shall lodge an application for a residence permit in accordance with the provisions of Article 61, accompanied by the required supporting documents.

3. To renew the residence permit, the family member of the researcher shall lodge an application before expiry of the permit with the the body competent to receive the application, under the present Code.

#### **Article 64** **Right of residence in Greece and issue of residence permit to a third-country national who has been granted a residence permit of researcher in another EU Member State**

1. A third-country national who has been admitted as a researcher in another EU Member State and holds a valid residence permit in that Member State under Directive 2005/71/EC, shall be allowed to carry out part of his/her research in Greece under the conditions set out in the present Article.

2. If the researcher stays in the country for a period of up to three months, the research may be carried out on the basis of the hosting agreement concluded in the first Member State, provided that he is not considered as a threat to public policy, public security or public health.

3. If the researcher stays in the country for more than three months, a new hosting agreement shall be required to carry out the research and a residence permit, as set out in Article 61.

4. The application for a residence permit in the case

referred to in the previous paragraph shall be lodged by the third-country researcher if already in the country, in accordance with the procedure and under the conditions of Article 61 of this Code.

5. In order to be granted the residence permit, the persons referred to in paragraph 1 of this Article shall lodge an application with the body competent to receive the application, as set out in the present Code, along with the required supporting documents, no later than three months after their entry to the country.

6. The residence permit of a researcher shall have a duration of validity same as that of the hosting agreement and shall be renewed in accordance with the provisions of Article 62 of this Code.

7. The researcher may be accompanied or followed by his family members, on condition that they have a valid residence permit as family members of the researcher in the other Member State.

8. The persons referred to in the previous paragraph shall be granted a residence permit in accordance with the provisions of Article 63 of this Code.

9. A researcher who meets the conditions of this Article shall not be required to leave the Greek territory in order to submit an application for a residence permit.

#### **Article 65**

##### **Withdrawal or non-renewal of the residence permit**

A residence permit issued under the provisions of Articles 57 to 64 shall be withdrawn or not renewed in the following specific cases, in addition to those set out in Article 24:

a) when it has been fraudulently acquired or b) wherever it appears that the holder no longer meets the conditions for entry and residence provided by Articles 59, 60, 61 and 62 or is residing for purposes other than that for which he was authorised to reside.

#### **Article 66**

##### **Teaching**

Researchers admitted under this Code may teach in accordance with national legislation.

##### **Article 67 Equal treatment**

Holders of a residence permit shall be entitled to equal treatment with nationals as regards: (a) recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures; (b) working conditions, including pay and dismissal; (c) branches of social security as defined in Council Regulation (EE) No 883/2004 of 29 April 2004 on the coordination of social security systems to employed persons, to self-employed persons and to members of their families moving within the European Union. The special provisions in the Annex to Council Regulation (EC) No 1231/2010 of 24 November 2010 extending the provisions of Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 to nationals of third countries who are not already covered by these provisions solely on the ground of their nationality shall apply accordingly; d) tax benefits; e) access to goods and services and the supply of goods and services made available to the public.

#### **Article 68**

The arrangements of Articles 1 to 30 shall apply to all

matters which are not otherwise regulated by Articles 57 to 67 above.

#### **PART D**

### **ADMISSION OF THIRD-COUNTRY NATIONALS FOR REASONS OF FAMILY REUNIFICATION UNDER COUNCIL DIRECTIVE 2003/86/EC OF 22 SEPTEMBER 2003**

#### **CHAPTER A GENERAL PROVISIONS**

##### **Article 69**

##### **Scope**

1. The provisions hereof apply when the sponsor has a residence permit issued by the competent Greek authorities valid for at least two years, which enables him/her to acquire the right of permanent residence, provided that the members of his/her family are third-country nationals, regardless of their status.

2. The arrangements of Articles 69 to 77 shall not apply where the sponsor is:

a. applying for recognition of the beneficiary of international protection status on whose application a decision has not yet been taken, b. authorised to reside in Greece on the basis of temporary protection or applying for authorisation to reside on that basis and awaiting the relevant decision, c. authorised to reside in Greece on the basis of a subsidiary form of protection in accordance with international obligations, national legislation or the practice of the Member States or applying for authorisation to reside on that basis and awaiting the decision.

3. The arrangements of Articles 69 to 77 do not apply to members of the family of a EU citizen.

4. The arrangements of Articles 69 to 77 are without prejudice to more favourable provisions of:

a. bilateral and multilateral agreements between the EU or the EU and its Member States, on the one hand, and third countries, on the other, b. the European Social Charter of 18 October 1961 (Law 1426 /1984, Government Gazette, Series I, No 32), as in force.

##### **Article 70**

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

1. A third-country national who has resided lawfully in Greece for two years is entitled to apply for his/her family members to enter into and reside in the country. The application is submitted and examined while these family members reside outside Greek territory. These family members residing within Greek territory before the application for family reunification is submitted does not obstruct submission and the application for granting the visa is examined, provided that the family members for whose entry the third-country national applies, meet the criteria of integration in the country, as those are set out in Article 136(14).

2. In order to exercise the right set out in the previous paragraph, sponsors must provide evidence of their family relationship with the family members for whom they request reunification in Greece and prove that they meet all of the following conditions:

a. Their accommodation can cover their needs and the needs of the family members for whom they request reunification, as set out in a Decision of the Minister for Health pursuant to Article 43 of Law 4025/2011 (Government Gazette, Series I, No 228), as

in force.

b. Their personal income is stable, regular and sufficient to cover their needs and the needs of their family and is earned without recourse to the country's social assistance system. This income cannot be lower than the annual income of an employee on minimum wage, pursuant to national laws, increased by 20% for the spouse and 15% for each child. The 15% increase for each child is not required if both spouses reside lawfully in Greece.

c. They have full health coverage, providing all the benefits provided for the equivalent category of insured nationals, which can also cover their family members.

3. In the event of polygamy, if the sponsor already lives with one wife in Greece, his family reunification with another wife is not allowed.

The family reunification of the sponsor's minor children from another wife is not allowed, except in cases where the sponsor has been given legal custody.

4. For the purpose of verifying the existence of the family relationship, the competent body may call the sponsor to a personal interview and conduct any other research deemed necessary. The required supporting documents, as provided for in Article 13(b)(1), must be attached to the sponsor's application.

#### Article 71

##### Submission and examination of the application for the authorisation of family reunification

1. The sponsor files an application for family reunification accompanied by the required supported documents, according to the provisions of Article 8.

2. Under the provisions of Article 8, the body competent for examining the application must immediately seek the opinion of the competent police authority on issues pertaining to public order and security in the country, as well as the opinion of the competent Greek consular authority, in order to verify the existence of the family relationship and the possibility for integration, especially by personally interviewing the members of the family and assessing the risks which arise for public health. If the family members for whose entry the sponsor has applied fail to appear for the interview at their local consular authority, the application is rejected. The above opinions are provided strictly within three months. In exceptional cases related to the complexity of the examination, the prescribed period may be extended by thirty days. The Decentralised Administration either sends the competent consulate the complete folder of the person applying for family reunification by post or by ELTA or private company courier, following an application by the interested party and provided that he/she pays the related costs. In all cases, the competent consulate also receives by email the list of citizens who have filed an application for family reunification.

The competent body examines the application as to the fulfillment of the conditions laid down in Article 70. When examining the application for family reunification, the interests of minor children is particularly taken into account.

After considering the above opinions, the competent body issues a decision.

3. The competent body shall forward the decision authorising family reunification to the competent Greek consular authority which, provided that the application

has been approved and that the other entry conditions are met, grants family members the necessary special visas, without prejudice to the provisions on banning entry of Article 82 of Law 3386/2005.

#### Article 72

##### Granting of the residence permit

1. After entering into the country and before the entry visa expires, each family member files an application for a residence permit with the competent body, along with the required supporting documents, according to the provisions of Article 8. For minors, the application is filed by the person who has custody and they are granted an individual residence permit.

2. The application for a residence permit is accompanied by the required supporting documents. The residence permit is granted by decision of the secretary general of the decentralised administration or the Minister for the Interior, as appropriate.

3. The family reunification process is completed no later than nine months after the filing, along with the required documents, of the application for the authorisation of family reunification provided for in Article 71(1). In exceptional cases, this nine (9)-month period may be extended by up to three (3) months.

#### Article 73

##### Validity and renewal of residence permit

1. The initial residence permit granted to family members expires on the same date as the sponsor's residence permit. The renewal of the members' residence permit depends on the decision on the sponsors' residence permit.

If the sponsor is granted long-term resident status, the residence permit of the members of his/her family is renewed every three years.

If the sponsor has already been granted long-term resident status, the initial residence permit is granted for two (2) years to the family members with whom he has applied for family reunification and it is renewed every three years.

2. For the renewal of the residence permit, the sponsor must provide evidence that he/she maintains the family relationship with the sponsored family members and that he/she has fulfilled his/her social insurance and tax obligations.

3. The family member who wants the residence permit to be renewed for the purposes of family reunification must file an application, accompanied by all the required supporting documents, to the competent body, as appropriate, before the permit expires.

#### Article 74

##### Rejection of application, withdrawal or non-renewal of residence permit

1. The residence permit for the purpose of family reunification is not granted, is withdrawn or not renewed in the following cases:

a. There are risks for public order and security. The assessment of the reasons pertaining to public order and security in the country is a prerequisite for the authorisation of family reunification and the initial granting of the residence permit to family members.

b. On grounds of public health.

c. The sponsor and his/her family members no longer live in a real marital or family relationship.

d. An official document issued by a competent Greek authority or a final court judgment declares that false or misleading information, false or falsified documents were used, that fraud was otherwise committed or other unlawful means were used.

g. It is found out that the family relationship, especially the marriage, adoption or acknowledgment of the children, was contracted for the purpose of violating the provisions hereof, enabling the person concerned to enter or reside in the country, or the sponsor's residence in the country has been terminated and the family member does not have an independent residence right.

2. During the withdrawal or non-renewal of the residence permit of one of the sponsor's family members for reasons pertaining to public order and security or public health, besides the above provisions and the relevant provisions of this Code, the severity and the type of the committed crime are also assessed, as well as the risks linked to the person in question.

3. Investigations may be conducted any time that the services become aware of any incident which may justify the withdrawal of the residence permit.

4. Before rejecting an application, withdrawing or refusing to renew the residence permit or deciding to order the removal of the sponsor or members of his/her family, the following shall also be taken into account: the nature and solidity of the person's family relationships, the duration of his/her residence in the country and the existence of family, cultural and social ties with his/her country of origin.

#### **Article 75**

##### **Rights and obligations of the family members of a third-country national**

1. The sponsor's family members shall be entitled, in the same way as the sponsor, to:

a. access to education, b. access to paid employment - provision of services or works during the first renewal of their residence permit, c. access to vocational guidance, initial and further training and retraining.

2. The holders of residence permits for the purposes of family reunification are subject to the general rights and obligations of third-country nationals, according to the provisions of this Code.

#### **Article 76**

##### **Independent residence permit for family members**

1. After filing an application accompanied by the required supporting documents, any persons accepted for the purposes of family reunification are entitled to acquire an independent permit of residence in Greece in the following cases: a. five years have passed from the granting of the initial residence permit for the purposes of family reunification, provided that a residence permit has not been granted on any other grounds set out in this Code, b. the age of majority has been reached.

2. An independent residence permit may be granted to the persons accepted for the purposes of family reunification in the following cases:

a. death of the sponsor, provided that family members have resided in the country for no less than a year before his/her death,

b. divorce, marriage annulment or proven interruption of marital cohabitation, provided that:

i. the marriage lasted for three or more years, one of which was in the country of residence, until the beginning of the trial for the divorce, the marriage annulment or the proven interruption of marital cohabitation.

ii. circumstances are particularly difficult, for instance, the family member was a victim of family violence during the marriage.

Each family member files an application, accompanied by the required supporting documents, according to the provisions of Article 8 on the granting of an independent residence permit, provided that he/she fulfills one of the above conditions.

3. The independent residence permit cannot be valid for more than a year. It may be further renewed for purposes other than family reunification, according to the provisions of this Code.

4. The right of residence of minor children is dependent upon the right of residence of the parent who has custody.

5. Regarding the children coming of age, notwithstanding paragraph 3 hereof, the independent residence permit is valid for three years and not after the child completes 21 years of age.

Without prejudice to any grounds involving the applicant and related to public order and security, this residence permit is renewed for three more years with the only obligation of producing the previous independent residence permit.

The permit may be renewed further according to the provisions of this Code.

6. If the independent residence permit has been renewed for the purposes of study or vocational training, after the end of his/her studies, the third-country national may renew it independently for one (1) year. The permit may be renewed further according to the provisions of this Code.

7. The independent residence permit grants its holder the right of immediate access to paid employment, the provision of independent services or work and studies at any educational level.

#### **Article 77**

The arrangements of Articles 1 to 30 shall apply to all matters which are not otherwise regulated by Articles 69 to 76 above.

### **CHAPTER B OTHER PROVISIONS**

#### **Article 78**

The renewal of a residence permit for the purposes of family reunification or an independent resident permit for the purposes of study is not subject to the provisions of Article 32(2)(b) and Article 33(1)(b).

#### **Article 79**

Article 76(5) includes all third-country nationals who, upon reaching the age of majority, lawfully resided in Greece and were holders of a permanent lawful residence permit, regardless of the issuing authority.

#### **Article 80**

### **Arrangements for family reunification when the family is started in Greece**

1. If a marriage is solemnised between third-country nationals who reside in the country under a residence permit, one of the spouses and the family members already lawfully residing in Greece may be granted a residence permit for the reasons of family reunification.

2. Minor children born in Greece reside in the country under the sponsoring parent's residence permit, until the filing of a new application to grant them a residence permit.

#### **Article 81**

##### **Arrangements for family members of expatriates**

1. The spouses of expatriates, who are third-country nationals, are granted a residence permit valid for five (5) years, which allows them access to the labour market.

The residence permits referred to in this article are granted by decision of the secretary general of the decentralised administration, they may be renewed each time for an equally long period and are not subject to fees.

2. The spouses of expatriates, who are third-country nationals, are entitled to an independent residence permit because of the following:

i. death of the sponsor, provided that family members have resided in the country for no less than a year before his/her death,

ii. issuance of a final decision for a divorce or marriage annulment, provided that, by the date of filing for a divorce or a marriage annulment, the marriage had lasted for at least three years, during one of which the spouses resided in Greece,

iii. circumstances are particularly difficult, for instance, the family member was a victim of family violence during the marriage.

The independent residence permit is valid for one year. The permit may be renewed further according to the provisions of this Code.

3. The foreign spouses of expatriates from Albania, whose residence status is regulated according to the provisions of the decision issued under Article 17(4) of Law 1975/1991, are also subject to the arrangements set out in the previous paragraph.

4. In the above cases, the right of residence of minor children is dependent upon the right of residence of the parent who has custody.

#### **Article 82**

##### **Entry and residence of third-country nationals who are family members of a Greek national**

1. Third-country nationals who are family members of a Greek national and enter Greece, with a uniform visa or a visa with limited territorial validity, when required according to the provisions of Article 1.1 of Council Regulation (EC) No 539/2001, or lawfully reside under a permanent or temporary residence permit granted by the Aliens and Immigration Services of the country's decentralised administration or the competent service of the Ministry for the Interior, are granted a 'Residence card of family member of a Greek national', provided that they permanently reside in the country.

The above residence card is also granted to third-country nationals who were holders of a Special

Identity Card for Aliens of Hellenic Descent as foreign spouses of expatriates and to recognised beneficiaries of international protection.

The residence card shall be granted without prejudice to the arrangements pertaining to the issuance of residence permits in the form of independent documents according to the provisions of Article 1 of Law 4018/2011.

2. The residence card is personal and it is granted to the family members referred to in the following paragraph, by decision of the secretary general of the competent decentralised administration, without prejudice to the examination of reasons related to public order and security and the existence of the conditions laid down in paragraph 3 hereof. Each measure taken for the purposes of public order or public security must comply with the principle of proportionality and be exclusively based on the conduct of the person concerned. Any previous criminal convictions are not independent grounds for taking such measures. The conduct of the person for whom the measure is taken must be a real, actual and sufficiently serious threat to society's fundamental interests. Any explanations which are not linked to the evidence related to the case or are founded upon general prevention estimates, are not acceptable.

3. Any family member of a Greek national, who wishes to be granted a residence card, under paragraph 1, must apply, according to the provisions of Article 8 hereof, to the services of the country's decentralised administrations, within three months from the date of entry into the country or within two months from the date of marriage. If an application is not filed within a year from the date of entry into the country or the date of marriage, a EUR 50 (fifty) pecuniary fine is imposed. The application is accompanied by the required supporting documents, which:

a. Provide written proof of the member's family relation with the Greek national.

b. Provide proof related to the provisions of Article 1(1)(xxv)(b) and (c) hereof, regarding the existence of a sponsored member, i.e. a member materially supported by the Greek national or the other spouse who is a third-country national.

More specifically, the application must provide evidence that the member will be sponsored by the Greek national and that he/she was sponsored or lived in the country of origin under the roof of the other spouse who is a third-country national or that there are serious health reasons which make it absolutely necessary that the Greek national undertake the personal care of the family member.

4. The service competent for examining the application is the relevant service of the decentralised administration, which also grants the residence card.

5. The residence card shall remain valid for five years. The uninterrupted nature of the residence is not affected by temporary absences which do not exceed annually six months in total, by longer absences for military service purposes or by one continuous absence of twelve months maximum, for serious reasons, especially related to motherhood or pregnancy, a serious illness, studies, vocational training or placement in another Member State or third country.

#### **Article 83**

##### **Permanent residence**

1. The family members of a Greek national who lawfully reside in Greece with the Greek national for a continuous five-year period have the right to reside in the country permanently. This right is not subject to the terms laid down in the provisions of Paragraph 3 of the previous article. Any interruption of residence, which does not exceed two consecutive years, as of the expiration of the residence card, does not affect the right to acquire a permanent residence card.

2. The family member of a Greek national who wishes to be granted a permanent residence card, under Paragraph 1 of this article, must file an application to the service referred to in Article 8 two months before his/her residence card expires, within three months as of the date of entry into the country. If an application is not filed within a year from the expiration date of the residence card, a EUR 50 (fifty) pecuniary fine is imposed. The application is accompanied by the required supporting documents.

3. The permanent residence card is granted by decision of the secretary general of the relevant decentralised administration, without prejudice to reasons of public order and security, and it is automatically renewed every ten years. Each measure taken for the purposes of public order or public security must comply with the principle of proportionality and be exclusively based on the conduct of the person concerned. Any previous criminal convictions are not independent grounds for taking such measures. The conduct of the person for whom the measure is taken must be a real, actual and sufficiently serious threat to society's fundamental interests. Any explanations which are not linked to the evidence related to the case or are founded upon general prevention estimates, are not acceptable.

The residence card shall be granted without prejudice to the arrangements pertaining to the issuance of residence permits in the form of independent documents according to the provisions of Article 1 of Law 4018/2011.

4. After he/she acquires a permanent residence card, the interested party may forfeit the right only if he/she is away from Greece for a period longer than two (2) consecutive years.

#### Article 84

##### Conditions for third-country nationals, family members of a Greek national, to maintain the right of residence

1. The family members of a Greek national maintain an *ad personam* right of residence when:

a. In case of death of the Greek national, the family members had lived in Greece at least for one year before he/she died.

b. A divorce decision is issued for a marriage that lasted at least three years before the suit for divorce was filed, during one of which the spouses resided in Greece or provided that custody of the children was lawfully given to the spouse who is a third-country national.

c. Circumstances are particularly difficult, for instance, the family member was a victim of family violence during the marriage.

d. One of the spouses legally enjoys the right to communicate with a minor child, provided that the relevant court judgment or written agreement between the spouses sets out that the visits must take place in Greece for the period required.

2. The right of residence of the persons referred to in paragraph 1 is maintained provided that the persons produce evidence of their status as paid employees or of the fact that they pursue a professional activity, or evidence that they have sufficient resources for themselves and their family members so as not to be a burden, during their residence in Greece, on the country's social security system, that they have full health insurance in Greece, or, finally, that they are members of the family already created in Greece by a person who fulfills the above conditions.

3. The family member of a Greek national, who fulfills the conditions set out in this Article and wishes to be granted an *ad personam* right of residence, must file the application for the granting of a residence permit to the competent service referred to in Article 8, along with the required supporting documents, within two months after the fact as a result of which the *ad personam* right is maintained.

4. The service competent for examining the application is the relevant service of the decentralised administration, which also grants the *ad personam* residence permit.

5. The *ad personam* residence permit is valid for five (5) years and is renewed for another five (5) years each time.

6. Any third-country nationals who resided in Greece lawfully for one of the reasons laid down in this Code and altered their residence status following their marriage to another third-country or Greek national and were granted either a residence permit for the purposes of family reunification or a residence card as family members of a Greek national, are entitled to return to their previous residence status, in the following cases:

a. The third-country or Greek national dies, therefore they are not entitled, respectively, to an independent or *ad personam* right of residence.

b. A final divorce or marriage annulment decision is issued, therefore they are not entitled, respectively, to an independent or *ad personam* right of residence.

This possibility is also provided to the family members who resided in the country lawfully and altered their residence status accordingly.

#### Article 85

##### General provisions on residence cards, permanent residence cards and *ad personam* residence permits of third-country nationals

1. The issuing of the residence card, the permanent residence card and the *ad personam* residence permit are not subject to the payment of a fee.

2. Regardless of their nationality, the spouse and his/her blood relatives in the direct descending line, according to the provisions of Article 82(2), who are holders of a residence card, have access to paid employment-provision of services or work and professional activity.

3. The holders of a permanent residence card and the *ad personam* right of residence have access to paid employment-provision of services or work and professional activity.

4. Without prejudice to Paragraphs 2 and 3 of this article, the third-country nationals who are family members of a Greek national enjoy treatment equal to that of EU nationals, provided that they have a right of residence or permanent residence.

**Article 86****Non-recognition of right - Forfeiture of right of residence**

1. Except for the case referred to in Article 24, the residence card is also not granted or renewed and is withdrawn in the following cases: a. An official document issued by a Greek authority, a final court judgment or a final decree or the competent judicial council proves that false or misleading information, false or falsified documents were used, that fraud was otherwise committed or other unlawful means were used and, in general, it provides evidence of abuse of rights or fraud, for instance, a marriage of convenience.

b. The Greek national and his/her family members no longer live in a real marital or family relationship.

c. It is discovered that the family relationship, especially the marriage, adoption or acknowledgment of the children, was contracted mainly for the purpose of violating the provisions of this Code, thus enabling the acquisition of the residence card or the permanent residence card.

It is considered that the family relationship was contracted for this purpose, especially when the family members do not live together, do not have the possibility to communicate or one of the spouses is not aware of details of the identity of the other spouse.

2. If a request for the granting or renewal of a residence permit is rejected or a granted residence permit is withdrawn, the services competent as appropriate issue a return decision pursuant to the provisions of Article 16 to 41 of Law 3907/2011. Regarding the substantial conditions and terms for the issuing of return decisions against third-country nationals, family members of a Greek national, the provisions of Articles 22 to 24 of Presidential Decree 106/2007 (Government Gazette, Series I, No 135) shall apply.

**Article 87****Parents and minor siblings of Greek nationals**

By decision of the secretary general of the decentralised administration, the parents of minor Greek nationals residing in Greece are granted the residence card referred to in Article 82(1), regardless of how their children acquired Greek nationality. This residence card is also granted to minor siblings of the Greek nationals referred to above. The provisions of Articles 82 to 86 apply to the procedure and the other terms for granting and renewing the residence card of a parent or minor sibling of a Greek national.

**SECTION E**

**STATUS OF THIRD-COUNTRY NATIONALS WHO ARE LONG-TERM RESIDENTS UNDER COUNCIL DIRECTIVE 2003/109/EC OF 25 NOVEMBER 2003 AND ADJUSTMENT OF GREEK LAWS TO DIRECTIVE 2011/51/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 11 MAY 2011 AMENDING COUNCIL DIRECTIVE 2003/109/EC TO EXTEND ITS SCOPE TO BENEFICIARIES OF INTERNATIONAL PROTECTION**

**CHAPTER A  
GENERAL PROVISIONS**

**Article 88****Scope**

1. This part applies to third-country nationals who reside lawfully within Greek territory, including the beneficiaries of international protection.

2. This Chapter does not apply to third-country nationals who:

(a) Have a residence permit for the purposes of study or vocational training pursuant to the provisions of this Code.

(b) Have been granted a permit of residence in Greece on the basis of temporary protection or are requesting authorisation to reside on that basis and are awaiting a decision on their status.

(c) Have been granted a permit of residence in Greece on the basis of forms of protection other than international protection, according to international obligations or national laws, or request authorisation to reside on that basis and are awaiting a decision on their status.

(d) Have applied for international protection status but a decision has not been issued yet.

(e) Have temporary residence status, pursuant to the provisions of this Code, nor does it apply to the family members who accompany them, when it is so provided for.

(f) Enjoy legal status subject to the Vienna Convention on Diplomatic Relations of 1961, ratified under Legislative Decree 503/1970 (Government Gazette, Series I, No 108), or the Vienna Convention on Consular Relations of 1963, ratified under Law 90/1975 (Government Gazette, Series I, No 150).

3. This Chapter applies without prejudice to more favourable provisions of:

(a) bilateral and multilateral agreements between EU Member States or the EU 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.

(c) the European Convention on Establishment of 13 December 1955, of the European Social Charter of 18 October 1961 ratified under Law 1426/1984 (Government Gazette, Series I, No 32) and paragraph 11 of the Annex to the Convention Relating to the Status of Refugees of 28 July 1951, ratified under Legislative Decree 3989/1959 (Government Gazette, Series I, No 201), as amended by the Protocol of New York of 31 January 1967, ratified under Emergency Law 389/1968 (Government Gazette, Series I, No 125).

**Article 89****Conditions for acquiring long-term resident status**

1. Third-country nationals who reside in Greece lawfully and for five (5) consecutive years before the application is filed, without prejudice to paragraph 3 of this Article, are granted long-term resident status if they meet all of the following conditions:

a. Their income is sufficient to cover their needs and the needs of their family and is earned without recourse to the country's social assistance system. This income cannot be lower than the annual income of an employee on minimum wage, pursuant to national laws, increased by 10% for all the sponsored family members, also taking into account any amounts from regular unemployment benefits. The

contributions of family members are also taken into account for the calculation of the income. The regularity of the above income is mainly proven by the fulfillment of their social insurance and tax obligations.

b. They have full health coverage, providing all the benefits provided for the equivalent category of insured nationals, which also covers their family members.

c. They fulfill the conditions for integration into Greek society, pursuant to the provisions of Article 90(2).

2. The residence periods referred to in Article 88(2)(e) and (f) are not taken into account for the determination of the above five-year period.

In particular, residence periods for the purposes of study or vocational training only count for half of the respective period.

Regarding the beneficiaries of international protection, for the determination of the period referred to in paragraph 1, the period taken into account equals half the time from the date of filing of the application for international protection based on which the international protection status was granted and the date of issuing of the residence permit pursuant to Article 24(1) and (2) of Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011, or the entire period, provided that it exceeds eighteen (18) months.

3. Absence periods are not taken into account for the determination of the five-year period, provided that they do not exceed six consecutive months and ten months, in total, within the five-year period.

4. The Ministry for the Interior and the bodies competent for filing and examining the application and granting the long-term resident residence permit, update the interested parties on the conditions and the procedures for acquiring long-term resident status, as well as the rights and obligations arising therefrom. The interested parties are mainly updated through prospectuses, information material posted on the web pages of the above bodies or any other means available. This material is updated regularly. The beneficiaries of international protection are also updated by the Asylum Service.

#### **Article 90**

##### **Acquiring long-term resident status and the residence permit**

1. If the third-country national meets all the conditions laid down in the previous article, he/she files an application for a long-term resident residence permit, along with the required supporting documents, to the service competent under paragraph 3 of this article.

2. The conditions for the integration of a third-country national into Greek society, as listed in Article 89(1), are met in the following cases:

(a) they produce evidence of sufficient knowledge of the Greek language, elements of Greek history and Greek culture, pursuant to Article 107, or

(b) they are holders of a permanent residence card as family members of a Greek national, or

(c) a naturalisation committee referred to in Article 12 of the Greek Nationality Code has made a recommendation, pursuant to Article 5A(2) of the Code, or

(d) they have resided in Greece lawfully for twelve (12) years.

3. The body that granted the last residence permit is competent for granting the long-term resident residence permit. For the beneficiaries of international

protection, the Secretary General of the territorially competent decentralised administration is the authority competent for granting the long-term resident residence permit. Upon receipt of the long-term resident residence permit, the beneficiary of international protection hands in the residence permit of the beneficiary of international protection, which is subsequently sent to the Asylum Service and automatically ceases to be valid.

4. After requesting the opinion of the competent police authority on issues pertaining to the country's public order and security, the competent body examines whether the conditions laid down in Article 89 are met.

5. The competent body takes the above opinion into account and issues a decision, no later than six months after the date when the application was filed along with all the required supporting documents. This period may be extended by three months only under special and justified circumstances. If the decision is positive, the third-country national is granted a uniform residence permit pursuant to Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals, as applicable. For 'type of permit' the indication is 'long-term resident - EU'. For the beneficiaries of international protection, the following shall be indicated under the heading 'Remarks': 'The Hellenic Republic granted international protection on (date).'

6. When a long-term resident residence permit is granted to a beneficiary of international protection, who holds of a long-term resident residence permit issued in another Member State, the residence permit also includes the above comment, indicating the Member State which granted the international protection status. Before this comment is made, the competent body requests the Member State to be mentioned therein to provide information on whether the long-term resident continues to be a beneficiary of international protection or not. If international protection has been withdrawn under a final decision of the Member State mentioned above, the comment is not made. If another Member State requests this information, the Asylum Service responds within a month after receiving the application requesting the information.

7. The long-term resident status is permanent, without prejudice to Article 93 hereof.

#### **Article 91**

##### **Validity and renewal of long-term resident residence permit**

1. The long-term resident residence permit is valid for five years and each time, it is renewed for five years, regardless of whether the conditions laid down in Article 89 are met or not.

2. Before the residence permit expires, the long-term resident must apply and submit the required supporting documents for its renewal to the service competent for receiving the application, pursuant to the provisions hereof.

#### **Article 92**

##### **Rejection of application for a long-term resident residence permit for reasons of public order or public security**

1. The application for a long-term resident residence permit may be rejected for reasons of public order or

public security.

2. The assessment of the reasons pertaining to public order and security in the country is a prerequisite for the examination of the request for a long-term resident status and the granting of the residence permit.

3. In order to reach the decision, the severity and the type of the crime committed against public order or public security are assessed, as well as the risks linked to the person in question, and the duration of his/her residence in the country and the existence of ties with the country are also taken into account. The refusal to grant a residence permit cannot be based on grounds related to general fiscal policy.

#### **Article 93**

##### **Withdrawal or forfeiture of long-term resident status**

1. Long-term residents cannot maintain their status, in the following cases:

a. Evidence shows that they have acted fraudulently to acquire this status.

b. A return decision has been issued against them, pursuant to the provisions of Article 95.

c. They have been away from EU territory for twelve consecutive months or more.

d. They are a threat to public order, also taking into account the severity of the crimes they have committed, even if the threat they represent is not a reason for return within the meaning of Article 95.

e. They acquired long-term resident status in another Member State of the European Union, in the context of exercising their right of residence in the other Member States under Directive 2003/109/EC.

f. It is proven, in any way, that they were away from Greek territory for more than six years.

g. An application for the renewal of international protection status is withdrawn or rejected pursuant to Articles 14 (3) and 19(3) of Directive 2011/95/EU. In cases of withdrawal or non-renewal of the international protection status of a holder of a long-term resident residence permit, the Asylum Service notifies the secretary general of the territorially competent decentralised administration.

2. If the long-term resident residence permit expires, it does not automatically result in the withdrawal or forfeiture of long-term resident status.

3. When the withdrawal or forfeiture of the status do not justify a return measure within the meaning of Article 95(1), the third-country national can apply on grounds other than the acquisition of long-term resident status, according to the provisions of this Code. In this case, the national visa is not required. The Asylum Service is notified in cases of beneficiaries of international protection, in order to re-grant them the residence permit of beneficiaries of international protection.

#### **Article 94**

##### **Recovery of long-term resident status**

1. Third-country nationals who have forfeited long-term resident status may request its re-instatement in the following cases:

a. They have forfeited the status due to absence from EU territory for a period greater than or equal to twelve consecutive months;

b. They have forfeited the status in Greece as a

result of this status being granted in another EU Member State.

2. For the recovery of the status, the third-country national files an application to the body which had initially granted him/her long-term resident status, accompanied by the supporting documents laid down in the Ministerial Decision referred to in Article 136(1).

3. As to the remainder, the procedure laid down in Articles 90 and 91 is followed.

#### **Article 95**

##### **Return - protection from return**

1. The return of a third-country national with long-term resident status is permitted under the provisions of Articles 16 to 41 of Law 3907/2011, when he/she represents a real and specifically justified threat to public order or public security.

2. The return decision cannot be based on grounds related to general fiscal policy.

3. When examining the reasons which justify the implementation of the measure of return to the long-term resident, the following are taken into account:

a. The duration of his/her residence in the country.

b. The effects on the resident and the members of his/her family.

c. The ties with the country of residence or the absence of ties with the country of origin.

d. The age of the interested party.

4. If the return concerns a beneficiary of international protection with long-term resident status, the Member State referred to in Article 90(6) is requested to confirm whether this person is still entitled to international protection in that state. If a Member State applies for the provision of such information, the Asylum Service must reply within a month after it receives the application.

5. If the long-term resident is still entitled to international protection in the Member State referred to in the comment of Article 5(4), he is returned to that state. Notwithstanding the above, according to the country's international obligations, the long-term resident may be returned to a country other than the Member State which granted him/her international protection, provided that he/she meets the conditions of Article 21 (2) of Directive 2011/95/EC.

6. If a Member State returns a third-country national, long-term resident granted international protection status in Greece, which is in force, the country, without prejudice to the implementation of European or national laws and the principle of family unity, immediately allows him/her and the members of his/her family to be readmitted to the country without any formalities.

7. This Article applies without prejudice to respect for the principle of non-refoulement according to the country's international obligations.

#### **Article 96**

##### **Right of appeal**

1. A decision rejecting an application for a long-term resident residence permit, withdrawing the residence permit or the decision for return must be justified. The decision is communicated to the interested party, who is notified in writing of the means of protection under this article and the period prescribed for their implementation.

2. Regarding the decisions issued under the provisions hereof, an automatic right of appeal is exercised, pursuant to Article 24 of Law 2690/1999 (Government Gazette, Series I, No 45), as in force.

3. An application for the cancellation of a decision rejecting an application for a long-term resident residence permit, or withdrawing or not renewing it, or declaring the forfeiture of the status, or a return decision is filed to the competent administrative court, under the provisions of Article 15 of Law 3068/2002 (Government Gazette, Series I, No 274), as in force.

4. To lodge an appeal against a return decision, a long-term resident who does not have sufficient resources for this purpose is granted legal aid under the provisions of the laws in force.

#### Article 97

##### Rights and obligations of long-term residents

1. Long-term residents enjoy equal treatment with nationals as regards:

- a. work as employed or self-employed persons and employment and working conditions, including conditions regarding dismissal and remuneration. access to activities connected to the exercise of official authority is not allowed;

- b. education and vocational training, including study grants;

- c. recognition of professional diplomas, certificates and other evidence of formal qualifications;

- d. social security and the main benefits of social assistance and protection, in particular as defined in Law 4051/1960 on the provision of aid to unprotected children (Government Gazette, Series I, No 68), Legislative Decree 57/1973 on taking measures for the social protection of disadvantaged persons and abolishing the provisions governing the state of poverty (Government Gazette, Series I, No 149), Law 1302/1952 ratifying the international labour convention No 103/1952 (Government Gazette, Series I, No 133), Law 2101/1992 ratifying the International Convention on the Rights of the Child (Government Gazette, Series I, No 192) and Law 3454/2006 on family enhancement and other provisions (Government Gazette, Series I, No 75);
- e. tax benefits;
- f. access to goods and services and the supply of goods and services made available to the public and to procedures for obtaining housing;

- g. freedom of association and affiliation and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation, including the benefits conferred by such organisations, without prejudice to the national provisions on public order and public security;

- h. free access to and residence in the entire Greek territory. This right may be restricted under the provisions of Article 21(1).

2. The right to equal treatment provided for in paragraph 1, points (b), (d), (e), (f) and (g), is exercised in cases where the place of residence of the long-term resident, or that of family members for whom he/she claims the above benefits, lies within the country's territory.

3. The right to equal treatment is restricted regarding the following:

- a. work as employed or self-employed persons, which, under the provisions of the laws in force, is carried out exclusively by Greek nationals, EU nationals or EEA citizens;

- b. access to education and vocational training for which the long-term resident may have to produce evidence of sufficient linguistic competence required for this purpose;

- c. access to Higher Education Institutions and Higher Technological Education Institutions, which requires the prior fulfillment of the educational conditions laid down in the laws in force.

4. Paragraphs 1(d) and 3 hereof apply with regard to the beneficiaries of international protection, without prejudice to the provisions of Directive 2011/96/EU.

#### Article 98

##### Right of residence and granting of a residence permit in Greece to a third-country national with the status of long-term resident in another EU Member State

1. A long-term resident who has been granted this status in another EU Member State may reside in the country under certain conditions and for a period which does not exceed three months, for the following reasons:

- a. To work as an employed person. In this case, the long-term resident must have signed an employment contract establishing that his/her remuneration amounts to at least the monthly revenue of an unskilled worker. The conditions and procedure for granting the relevant residence permit are set out according to the corresponding provisions of this Code.

- b. To work as a self-employed person. This category also includes financially independent persons. In these cases, the corresponding provisions of this Code, as applicable, apply as regard the terms and conditions for granting the relevant residence permits.

- c. To study. In this case, the long-term resident should have enrolled or been accepted for enrollment at the educational institution in question, pursuant to Article 33.

The conditions and procedure for granting the relevant residence permit are set out according to the corresponding provisions of this Code.

- d. Vocational training. In this case, the long-term resident should have been admitted to an Institute Of Vocational Education and granted an authorisation for studies by the competent body of the General Secretariat for Life Long Learning to the Ministry for Education and Religious Affairs, under the provisions of Article 44 of this Code. The conditions and procedure for granting the relevant residence permit are also set out according to the corresponding provisions of this Code.

2. In order for the interested parties to be granted a residence permit in the above cases, they must have:

- a. sufficient resources in terms of stable annual income in order to cover their living costs, under the provisions of this Code;

- b. sickness insurance that covers risks similar to those of nationals, under the provisions of this Code.

3. According to the provisions of paragraph 1(a) and (b) of this article, the following categories are prioritised: EU nationals, third-country nationals if so provided for by Community laws, and third-country nationals who reside in Greece lawfully and receive unemployment benefits.

4. In order to be granted the corresponding residence permit, the persons referred to in paragraph 1 of this Article file an application to the competent body, along with the required supporting documents, no later than three months after they enter into the

country, provided that all the above conditions are met.

5. The service competent for examining the applications for residence permits referred to herein operates under the competent Decentralised Administration. The application is filed under the provisions of Article 8 of this Code. The competent service of the Decentralised Administration examines the application and, provided that the above conditions are met and there are no risks pertaining to public order, public security or public health under the provisions of Article 100 hereof, it decides to grant the residence permit. This decision is communicated to the contact point according to the provisions of Article 104 hereof.

6. The application examination procedure is concluded no later than four months after the filing of the application, along with the required supporting documents. If the supporting documents are insufficient or there are exceptional reasons, the above four-month period may be extended by three months. The competent body notifies the applicant thereof.

7. The validity of the residence permit in question and the renewal procedure are determined, as applicable, pursuant to the provisions of this Code.

8. This chapter does not apply to the following third-country nationals who are long-term residents of another EU Member State:

a. Employees of a service provider for the purposes of cross-border provision of services, under the provisions of Article 18(1)(d) of this Code.

b. Providers of cross-border services.

9. Third-country nationals who are long-term residents of another EU Member State may enter into the country as seasonal workers, under the provisions of this Code.

10. As regards issues relating to the social insurance of third-country nationals with the status of long-term resident of another Member State and exercising the right of residence in Greece, pursuant to this Chapter, the laws applicable are Community laws on social insurance.

11. If another Member State files an application, the competent body issues a long-term resident residence permit, modified with the comment of Article 90(5).

12. If international protection status is granted to a third-country national who had previously been granted long-term resident status by another Member State, the Asylum Service asks the Member State that issued the long-term resident residence permit to modify it so that it includes the comment referred to in the last phrase of Article 90(5).

#### **Article 99**

##### **Family members of a third-country national who exercises the right of residence in Greece as a long-term resident in another EU Member State**

1. Third-country nationals with long-term resident status in another EU Member State may be accompanied by or reunited with the members of their family if the family was created in the other Member State.

The above family members file an application for a residence permit, along with the required supporting documents, to the service competent to receive the application, under the provisions of this Code, no later than three months after they enter into the country.

2. The service competent for examining the applications for residence permits referred to herein

operates under the competent Decentralised Administration. The application is filed under the provisions of Article 8. The competent service of the Decentralised Administration examines the application and, provided that the above conditions are met and there are no risks pertaining to public order, public security or public health under the provisions of Article 100 hereof, it decides to grant a residence permit for family reunification which is dependent upon the sponsor's residence permit. This decision is communicated to the contact point according to the provisions of Article 104 hereof.

The application examination procedure is concluded no later than four months after the filing of the application, along with the required supporting documents. If the supporting documents are insufficient or there are exceptional reasons, the above four (4)-month period may be extended by three (3) months. The competent body notifies the applicant thereof.

3. If the family was created after the right of residence in Greece was exercised, the provisions of Articles 69 to 77 shall apply.

#### **Article 100**

##### **Rejection of an application to grant a residence permit to third-country nationals with long-term resident status in another EU Member State and to their family members, on grounds of public order, public security or public health**

1. The application to granting a residence permit to long-term residents or their family members under this chapter may be rejected on the grounds of public order or public security. An assessment of issues pertaining to public order or public security in the country is a prerequisite during the examination of the request to grant the residence permit.

2. When assessing issues pertaining to public order or public security, the severity and the type of the committed crime are assessed, as well as the risk that the person in question represents. The refusal to grant a residence permit under this chapter cannot be based on grounds related to general fiscal policy.

3. The application for a residence permit for third-country nationals with long-term resident status in another EU Member State or to their family members under this chapter, may be rejected on grounds of public health.

The only illnesses than can justify the refusal of entry or the right of residence are those set out by the World Health Organisation, as well as any other infectious, transmissible or parasitic diseases, which impose the need for measures for the protection of public health. There is no reason for not renewing the residence permit of a third-country national or removing him/her from the country's territory if it is discovered, following the issuing of the initial residence permit, that he/she is suffering from a disease contracted after he/she entered into the country.

4. The provisions of Article 96 hereof also apply for the above residence permits.

#### **Article 101**

##### **Rights and obligations of third-country nationals with the status of long-term resident in another EU Member State, who are holders of a residence permit in Greece**

1. Third-country nationals with long-term resident status in another EU Member State and residing in Greece in accordance with this chapter enjoy treatment equal to that of nationals as regards the fields set out in Article 97 and under the conditions thereof.

2. Third-country nationals with long-term resident status in another EU Member State and residing in Greece in order to work as employees, pursuant to this chapter, cannot be employed, during the first twelve months, in any field other than the one for which the initial residence permit was granted or change their social security organisation.

3. The persons who enter into the country under Article 98(1)(c) and (d) hereof are only allowed to work part time, pursuant to this Code.

4. Family members who are holders of a residence permit pursuant to this chapter are subject to the rights and obligations of Article 75.

#### **Article 102**

##### **Withdrawal of the residence permit and readmission obligation**

1. Until a third-country national acquires long-term resident status in Greece, his/her residence permit is neither renewed nor withdrawn and the interested party and his/her family members must leave the country's territory, in the following cases:

a. For reasons of public order or public security, under Article 100.

b. When the terms and conditions of Articles 98 and 99 are no longer met.

c. When the third-country national does not reside in the country lawfully.

2. If one of the measures referred to in paragraph 1 is implemented, the third-country national to which it pertains must immediately return to the first Member State which granted him/her long-term resident status.

3. If one of the measures referred to in paragraph 1 is implemented by the second Member State and pertains to a third-country national who is subject to long-term resident status in Greece and exercises the right of residence in the second Member State, the competent Greek authorities must immediately allow him/her and his/her family members to be readmitted into Greece without any formalities.

4. Until the third-country national acquires long-term resident status in Greece and without prejudice to the readmission obligation provided for in paragraph 2, the Greek authorities can remove him/her from EU territory pursuant to Article 95 hereof and the guarantees of this article, on serious grounds of public order or public security. In these cases, the competent Greek authorities consult with the relevant authorities of the first Member States.

In the context of this consultation, the competent Greek authorities request from the first Member State the information necessary for the issuing and the execution of the expulsion decision.

5. Based on paragraph 1(b) and (c) of this Article, the return decisions are not accompanied by a permanent prohibition of residence.

6. If one of the measures referred to in paragraph 1 is implemented and the Greek authorities request that the third-country national be readmitted to the Member State which had granted the long-term resident status, pursuant to paragraph 2 of this Article, he/she and his/her family members maintain the right to move to

another EU Member State.

7. Paragraph 4 hereof shall not apply to beneficiaries of international protection, holders of a long-term resident residence permit from another Member State, unless international protection has been removed in the meantime or the individual concerned falls into one of the categories set out in Article 21 (2) of Directive 2011/95/EC. This paragraph applies without prejudice to Article 21 (1) of Directive 2011/95/EU.

#### **Article 103**

##### **Acquiring the status of long-term resident in Greece in the context of exercising the right of residing in another EU Member State as a long-term resident**

The third-country national who has been granted long-term resident status in another EU Member State and resides lawfully in Greece pursuant to this Chapter can apply for long-term resident status in Greece, according to the terms and conditions laid down in the regulations of Article 98. This decision is communicated to the former Member State pursuant to Article 98.

#### **Article 104**

##### **Contact point**

1. The Directorate for Migration Policy of the Ministry for the Interior is designated as the Greek contact point with the relevant competent authorities of the other EU Member States for the exchange of information determined herein.

2. The competent services of the country's decentralised administrations must inform the Directorate for Migration Policy of the Ministry for the Interior of the applications filed and the residence permits granted under Articles 98, 102 and 103.

3. The Ministry for Public Order and Citizen Protection must inform the Directorate for Migration Policy of the Ministry for the Interior of the return decisions issued against third-country nationals who have been granted a residence permit in Greece as long-term residents of other EU Member States.

4. The Asylum Service provides the Greek contact point with all the necessary information related to beneficiaries of international protection.

#### **Article 105**

##### **Special provisions**

The third-country nationals who have been granted a residence permit for an indefinite period or a ten-year residence permit pursuant to the provisions of Law 2910/2001 (Government Gazette, Series I, No 91) and 3386/2005 and the relevant provisions of the Code, do not enjoy the rights set out in Articles 88 to 103.

#### **Article 106**

The arrangements of Articles 1 to 30 of this Code shall apply to all matters which are not otherwise regulated by Articles 88 to 105 above.

The provisions of this chapter are implemented accordingly to the third-country nationals or stateless persons who have been granted or are being granted refugee status or subsidiary protection status, pursuant

to the provisions of Presidential Decrees 114/2010 (Government Gazette, Series I, No 195), 96/2008, 61/1999 (Government Gazette, Series I, No 63) and Law 1975/1991 (Government Gazette, Series I, No 184).

## **CHAPTER B OTHER PROVISIONS**

### **Article 107**

#### **Proof of sufficient knowledge of the Greek language and elements of Greek history and Greek culture for the acquisition of the long-term resident status**

1. Sufficient knowledge of the Greek language, history and culture is proven by producing one of the following: (a) Diploma of graduation from at least a compulsory education school in Greece, (b) Diploma of graduation from a foreign senior high school which is part of the Greek educational system, (c) Recognised degree from a foreign Greek language university department, (d) At least a B1-level Certificate of Attainment in Greek, which is issued pursuant to Presidential Decree 60/2010, and (e) Special certificate of sufficient knowledge of the Greek language and elements of Greek history and culture, following a successful examination carried out under the responsibility of the General Secretariat of Life Long Learning in collaboration with the Greek Language Centre, in the context of its responsibilities pertaining to the certification of attainment in Greek.

2. It is considered that the holders of an A-level certificate of attainment in Greek, issued under Presidential Decree 363/1998 (Government Gazette, Series I, No 242), or an A2-level certificate, issued under Presidential Decree 60/2010 (Government Gazette, Series I, No 98), have sufficient knowledge of the Greek language, history and culture in order to be subject to the provisions of Presidential Decree 150/2006 (Government Gazette, Series I, No 160), provided that first they receive certification of sufficient knowledge of elements of Greek history and culture, according to the procedure determined by the Joint Ministerial Decision referred to in paragraph 3 hereof.

3. The procedure for acquiring the special certificate of sufficient knowledge of the Greek language and elements of Greek history and culture from the General Secretariat of Life Long Learning and the certification of sufficient knowledge of Greek history and culture by the General Secretariat of Life Long Learning for the holders of the A or A2-level certificate of attainment in Greek, as well as any other relevant detail, are regulated by a decision of the Ministers for the Interior, Finance and Education and Religious Affairs, which is published in the Government Gazette.

4. All third-country nationals residing lawfully in Greece are entitled to participate in the examinations in order to acquire the certificates set out in paragraphs 1, 2 and 3 of this Article.

5. By joint decision of the Ministers for the Interior and for Education and Religious Affairs, third-country nationals who have successfully completed programmes for learning the Greek language and acquiring knowledge of elements of Greek history and culture, especially in the context of integration programmes intended for third-country nationals, holders of long-term resident residence cards, may be exempted from the examinations for acquiring the certificates referred to in paragraphs 1, 2 and 3 of this

Article. The same decision settles every other matter pertaining to the organisation and content of the special programmes for learning the Greek language and acquiring knowledge of elements of Greek history and culture.

6. The interested party pays a fee to the state in order to take part in the examinations referred to in paragraph 3 of this Article. The amount of the fee and the payment process are determined by decision of the Ministers for Finance and for Education and Religious Affairs, which is published in the Government Gazette.

### **Article 108**

#### **Second generation residence permit**

Provided that they produce the required supporting documents, adult third-country nationals born in Greece or having successfully completed six Greek school classes in Greece, before they complete their 21st year of age, and residing lawfully in Greece, are granted a five-year residence permit, which ensures its holder the rights set out in Article 97.

The residence permit is renewed every five years, under the sole obligation of producing the prior residence permit.

Under the conditions of this Code, the permit may be renewed at any time while it is valid, in order to be subject to long-term resident status.

The residence permit is withdrawn and is not renewed if it is discovered that the holder has acted in any of the ways set out in Article 93.

## **PART F**

### **ADMISSION OF THIRD-COUNTRY NATIONALS FOR THE PURPOSES OF HIGHLY QUALIFIED EMPLOYMENT UNDER DIRECTIVE 2009/50/EC**

## **CHAPTER A GENERAL PROVISIONS**

### **Article 109**

#### **Scope**

1. This Chapter shall apply to third-country nationals who apply for entry and residence in the Greek territory for the purposes of highly qualified employment, under the terms of this Chapter.

2. This Chapter shall not apply to third-country nationals:

a) who are authorised to reside in Greece on the basis of temporary protection or have applied for authorisation to reside on that basis and are awaiting a decision on their status;

b) who are beneficiaries of international protection under Presidential Decree 96/2008 on the transposition of Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection (Government Gazette, Series I, No 152), as in force;

c) who are beneficiaries of protection in accordance with national law and international obligations or have applied for protection and whose application has not given rise to a final decision;

d) who apply to reside in Greece as researchers, under the provisions of this Code which transpose Directive 2005/71/EC of 12 October 2005 on the

specific procedure for admitting third-country nationals for the purposes of scientific research (OJ L 289, 3.11.2005);

e) who are family members of Union citizens who have exercised, or are exercising, their right to free movement within the Community in conformity with Presidential Decree 106/2007 on the right of citizens of the Union and their family members to move and reside freely within the territory of Greece (Government Gazette, Series I, No 106);

f) who enjoy EC long-term resident status in a Member State in accordance with the provisions of this Code which transpose Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents (OJ L 16/44, 23.01.2004) and exercise their right to reside in Greece in order to carry out an economic activity in an employed or self-employed capacity;

g) who enter Greece under commitments contained in an international agreement facilitating the entry and temporary stay of certain categories of trade and investment-related natural persons;

h) who have been admitted to Greece as seasonal workers, in accordance with the applicable law;

i) whose expulsion or return under the provisions of Law 3907/2011 (Government Gazette, Series I, No 7) or Law 3386/2005 (Government Gazette, Series I, No 212) has been suspended for reasons of fact or law;

j) who are covered by the provisions of Presidential Decree 219/2000 relating to measures for the protection of workers who are posted to Greece to carry out temporary work in the framework of the transnational provision of services (Government Gazette, Series I, No 190), which transposed Directive 96/71/EC of 16 December 1996 concerning the posting of workers in the framework of the provision of services as long as they are posted on the Greek territory.

This Chapter shall not apply to third-country nationals and their family members, whatever their nationality, who, under agreements between the Community and its Member States and those third countries enjoy rights of free movement equivalent to those of Union citizens.

3. This Chapter shall be without prejudice to any agreement between the Community and/or its Member States and one or more third countries, that lists the professions which should not fall under this Chapter in order to assure ethical recruitment, in sectors suffering from a lack of personnel, by protecting human resources in the developing countries which are signatories to these agreements.

4. This Chapter shall be without prejudice to the right of the Greek authorities to issue residence permits other than an EU Blue Card for any purpose of employment. Such residence permits shall not confer the right of residence in the other Member States as provided for in this Chapter.

#### **Article 110**

##### **More favourable provisions**

This Chapter shall be without prejudice to more favourable provisions of:

a) Community law, including bilateral or multilateral agreements concluded between the Community or between the Community and its Member States and one or more third countries;

b) bilateral or multilateral agreements concluded between the Hellenic Republic or more Member States

and one or more third countries.

#### **Article 111**

##### **Conditions of admission**

1. Without prejudice to Article 112, a third-country national who applies for an EU Blue Card under the terms of this Chapter shall:

a) hold a valid passport or other travel document recognised under national law and present a visa for the purposes of highly qualified employment. The period of validity of the travel document shall cover at least the initial duration of the residence permit. The competent consular authorities of the country shall fully facilitate the third-country national in obtaining the necessary visa;

b) present a valid work contract for highly qualified employment of at least one year in Greece, which shall demonstrate that the salary is not less than the minimum salary for highly qualified employment as specified and published for this purpose by the competent directorate to the Ministry for the Interior. This minimum salary shall be at least equal to 1.5 times the average gross annual salary in Greece based on information of the National Statistical Service of Greece. The above threshold used to calculate the national minimum pay for admitting third-country nationals for the purposes of highly qualified employment may be adjusted from time to time by decision as set out in Article 11(1). By way of derogation to the above, and for employment in professions which are in particular need of third-country national workers and which belong to the major groups 1 and 2 of ISCO, the same decision may determine a different salary threshold which shall be at least 1.2 times the average gross annual salary in Greece. In this case, the competent national authorities shall communicate each year to the Commission the list of the professions for which a derogation has been decided;

c) for unregulated professions, present the documents attesting that he meets the conditions set out in Presidential Decree 38/2010 transposing Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 (Government Gazette, Series I, No 78) for the purposes of exercise of the listed professions by Union citizens in Greece or, for professions that are not listed, the conditions set out in the relevant provisions of national law which regulate their exercise by Union citizens in Greece. The provisions to apply shall be determined based on the description of the profession in the relevant work contract;

d) for unregulated professions, present the documents attesting the relevant higher professional qualifications or, if so required by derogation from national law, at least five years of professional experience of a level comparable to higher professional qualifications and which is relevant in the occupation or sector specified in the work contract;

e) present evidence of having a sickness insurance for all the risks normally covered for nationals;

f) not be considered to pose a threat to public policy and security;

g) not be considered to pose a threat to public health, as set out in Article 6.

2. In case where the implementation of specific collective agreements or arbitration decisions or joint ministerial decisions is required for determining the terms of pay and work for specific categories of

workers, these shall also apply to highly qualified employment, provided that the salary determined shall not be less than the minimum salary referred to in paragraph 1(b), as published each time, subject to application of the other terms contained therein.

3. This Article shall be without prejudice to the applicable collective agreements or practices in the relevant occupational branches for highly qualified employment.

#### **Article 112**

##### **Determining the volume of admission of third-country nationals for the purposes of highly qualified employment**

The provisions of Article 11 shall apply for determining the volume of admission of third-country nationals for the purposes of highly qualified employment.

#### **Article 113**

##### **Application for the EU Blue Card**

1. A third-country national applying for an EU Blue Card in Greece pursuant to the procedure set out in Article 126 shall lodge the application after his entry to the country and before expiry of the visa issued for the purposes of highly qualified employment. Applications for the issue and renewal of EU Blue Cards shall be lodged with and processed by the competent directorate to the Ministry for the Interior, and the relevant decisions shall be issued by the Minister for the Interior. The agencies of the decentralised administrations responsible to receive applications of third-country nationals for the issue and renewal of EU Blue Cards and to issue the relevant decisions, and any other detail, may be designated by decision of the Minister for the Interior.

2. The application for an EU Blue Card shall be accompanied by the requisite supporting documents, also under the conditions of Article 111. The arrangements of Article 132 shall apply accordingly.

3. In case where the supporting documents filed with the relevant application are incomplete, the competent agency shall notify the applicant in that respect and set a deadline of one month for the submission of the additional details.

4. A third-country national who has timely applied for an EU Blue Card with all requisite supporting documents shall be issued with the lodging certificate referred to in Article 8, attesting that he legally resides in the country for the duration of its validity. If a rejection decision is issued, the certificate shall automatically cease to be valid.

5. The competent agency shall process the application with all supporting documents and, where the conditions of Article 111 are met, shall deliver a relevant decision on the issue of the EU Blue Card within 90 days at the latest from the date it received all supporting documents.

6. The relevant decisions shall be communicated to the applicant in writing, in accordance with the notification procedures set out in this Code. In case of a decision rejecting an application, a decision not to renew or to withdraw an EU Blue Card, the relevant decision shall specify the legal and factual reasons and information about the possible redress procedures available and the time limit to take action.

#### **Article 114**

##### **Issue and renewal of the EU Blue Card**

1. A third-country national who has applied and fulfils the requirements set out in Article 113 and to whom the reasons referred to in Article 115 do not apply shall be issued with an EU Blue Card.

2. The EU Blue Card shall be valid for two years. If the work contract covers a period less than this period, the EU Blue Card shall be issued for the duration of the work contract plus three months.

3. The EU Blue Card shall be issued by the competent agency using the uniform format laid down by Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals, as in force, and shall read the requirements for labour market access. Under the heading 'permit category', the residence permit shall read 'EU Blue Card'.

4. During the period of its validity, the EU Blue Card shall entitle its holder to:

- a) enter, re-enter and stay in Greece;
- b) the rights recognised in this Chapter.

5. Renewal of the EU Blue Card shall require that the third-country national lodges an application with the competent agency before expiry of the Card, along with all supporting documents required. The competent agency shall consider the application and where the requirements set out in Articles 111 and 113 are met and the reasons referred to in Articles 115 and 116 do not apply, it shall issue a decision on the renewal of the EU Blue Card for three years. If the work contract covers a period less than this period, the EU Blue Card shall be renewed for the duration of the work contract plus three months.

#### **Article 115**

##### **Rejection of application for an EU Blue Card**

1. An application for an EU Blue Card shall be rejected whenever the applicant does not meet the conditions set out in Article 111 or whenever the documents presented have been fraudulently acquired, or falsified or tampered with, also in accordance with Article 24.

2. An application for an EU Blue Card shall be rejected if:

- a) the maximum number of posts determined by the joint ministerial decision referred to in Article 11 for third-country nationals for the purposes of highly qualified employment has been reached;
- b) the employer has been sanctioned in conformity with the applicable law for undeclared work and/or illegal employment.

3. An application for an EU Blue Card may be rejected in order to ensure ethical recruitment in sectors suffering from a lack of qualified workers in the countries of origin.

#### **Article 116**

##### **Withdrawal or non-renewal of the EU Blue Card**

1. An EU Blue Card issued on the basis of this Chapter shall be withdrawn or shall not be renewed in the following cases:

- a) when it has been fraudulently acquired, or has been falsified or tampered with;
- b) wherever it appears

that the holder did not meet or no longer meets the conditions for entry and residence laid down in this Chapter or is residing for purposes other than that for which the holder was authorised to reside; c) when the holder has not respected the limitations set out in Articles 117(1) and (2) and 118.

2. The lack of communication pursuant to Article 117(1) Article 118(3) shall not be considered to be a sufficient reason for withdrawing or not renewing the EU Blue Card if the holder can prove that the communication did not reach the competent authorities for a reason independent of the holder's will.

3. An EU Blue Card issued on the basis of this Code shall be withdrawn or not renewed in the following cases:

- a) for reasons of public policy and public security;
  - b) wherever the EU Blue Card holder does not have sufficient resources to maintain himself and, where applicable, the members of his family, without having recourse to the social assistance system of Greece. These resources shall be evaluated by reference to their nature and regularity and may take into account the level of minimum national wages and pensions as well as the number of family members of the person concerned. Such evaluation shall not take place during the period of unemployment referred to in Article 120;
  - c) when the EU Blue Card holder applies for social assistance, provided that the appropriate written information has been provided to him in advance by the competent agency.
4. Unemployment in itself shall not constitute a reason for withdrawing an EU Blue Card, unless the period of unemployment exceeds three consecutive months. If unemployment occurs more than once during the period of validity of the EU Blue Card, the period of unemployment may not exceed three months.

#### **Article 117** **Labour market access**

1. For the first two years of legal employment in Greece as an EU Blue Card holder, access to the labour market for the person concerned shall be restricted to the exercise of highly qualified paid employment activities which meet the conditions for admission set out in Article 111. During this period any change of employer shall require the prior approval of the competent agency issuing the EU Blue Card, in accordance with national law and within the time limits set out in Article 113(5). Modifications that affect the conditions for admission shall be subject to prior communication in accordance with Article 113.

2. After the first two years, the person concerned shall notify the competent agency, in accordance with national law, of any modifications regarding the change in employer and the conditions set out in Article 111.

3. EU Blue Card holders shall be subject to restrictions on access to employment, provided that such employment activities:

- a) entail occasional involvement in the exercise of public authority and the responsibility for safeguarding the general interest of the State and where, in accordance with existing national or Community law, these activities are reserved to Greek nationals;
- b) are reserved to Greek nationals, Union citizens or EEA citizens, in accordance with existing national or Community law.

4. This Article shall be applied without prejudice to

the principle of Community preference as expressed in the relevant provisions of the Acts of Accession of 2003 and 2005, in particular with respect to the rights of nationals of the Member States concerned to access the labour market.

#### **Article 118** **Temporary unemployment**

1. During the period of unemployment referred to in Article 116(4), the EU Blue Card holder shall be allowed to seek and take up employment under the conditions set out in Article 117.

2. The EU Blue Card holder shall be allowed to remain in the country until the necessary authorisation pursuant to Article 12(2) has been granted or denied. The communication under Article 117(1) and (1) shall automatically end the period of unemployment.

3. The EU Blue Card holder shall communicate the beginning of the period of unemployment to the competent agency within two months, in accordance with Article 22.

#### **Article 119** **Equal treatment**

1. EU Blue Card holders shall enjoy equal treatment with nationals as regards:

- a) working conditions, including pay and dismissal, as well as health and safety requirements at the workplace;
- b) freedom of association and affiliation and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation, including the benefits conferred by such organisations, without prejudice to the provisions on public policy and public security;
- c) education and vocational training;
- d) recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures;
- e) provisions in national law regarding the branches of social security as defined in Council Regulation (EE) No 883/2004 of 29 April 2004 on the coordination of social security systems to employed persons, to self-employed persons and to members of their families moving within the European Union. The special provisions in the Annex to Council Regulation (EC) No 1231/2010 of 24 November 2010 extending the provisions of Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 to nationals of third countries who are not already covered by these provisions solely on the ground of their nationality shall apply accordingly;
- f) without prejudice to existing bilateral agreements, payment of income-related acquired statutory pensions in respect of old age, at the rate applied by virtue of national or the law of the debtor Member State(s) when moving to a third country;
- g) access to goods and services and the supply of goods and services made available to the public, including procedures for obtaining housing, as well as information and counselling services afforded by employment offices. This right shall be without prejudice to the freedom of contract in accordance with Community and national law;
- h) free access to the entire territory of Greece. This right may be restricted under the provisions of Article

21(1).

2. With respect to paragraph 1(c) and (g) equal treatment may be restricted as regards study and maintenance grants and loans or other grants and loans regarding secondary and higher education and vocational training, and procedures for obtaining housing.

With respect to paragraph 1(c):

a) access to university and post-secondary education may be subject to specific prerequisites in accordance with national law; b) equal treatment may be restricted to cases where the registered or usual place of residence of the EU Blue Card holder, or that of the family member for whom benefits are claimed, lies within the Greek territory.

3. The right to equal treatment as laid down in paragraph 1 shall be without prejudice to the right of the competent Greek authorities to withdraw or to refuse to renew the EU Blue Card in accordance with Article 116.

4. When the EU Blue Card holder moves to the Greek territory in accordance with Article 122 and a positive decision on the issuing of an EU Blue Card has not yet been taken by the competent agency, equal treatment shall be limited in the areas listed in paragraph 1, with the exception of 1(b) and (d). If, during this period, the applicant is allowed to work, equal treatment with nationals in all areas of paragraph 1 shall be granted.

#### **Article 120 Family members**

1. The family members of an EU Blue Card holder may accompany or join the sponsor, if the latter proves that he has stable, regular and sufficient income to cover his needs and the needs of his family in accordance with Article 70.

2. By way of derogation from Article 72, residence permits for family members shall be granted, where the conditions for family reunification are fulfilled, at the latest within six months from the date on which the application was lodged.

3. By way of derogation from Article 73(1), the duration of validity of the residence permits of family members referred to in paragraph 1 shall be the same as that of the residence permits issued to the EU Blue Card holder insofar as the period of validity of their travel documents allows it.

4. By way of derogation from Article 75(1), no time limit shall apply in respect of access to the labour market.

5. By way of derogation from Article 76(1)(a), for the purposes of calculation of the five years of residence required for the acquisition of an autonomous residence permit, residence in different Member States may be cumulated. In this case, the provisions set out in Article 121 in respect of accumulation of periods of residence in different Member States by the EU Blue Card holder shall apply *mutatis mutandis*.

#### **Article 121 EC long-term resident status for EU Blue Card holders**

1. By way of derogation from Article 89(1), the EU Blue Card holder having made use of the possibility provided for in Article 122 is allowed to cumulate periods of residence in different Member States in

order to fulfil the requirement concerning the duration of residence, if the following conditions are met:

a) five years of legal and continuous residence within the territory of the Community as an EU Blue Card holder; and

b) legal and continuous residence for two years immediately prior to the submission of the relevant application as an EU Blue Card holder within the Greek territory where the application for the long-term resident's EC residence permit is lodged.

2. For the purpose of calculating the period of legal and continuous residence in the Community and by way of derogation from Article 89(3), periods of absence from the territory of the Community shall not interrupt the period referred to in paragraph 2(a) of this Article if they are shorter than 12 consecutive months and do not exceed in total 18 months within the period referred to in paragraph 2(a) of this Article. This paragraph shall apply also in cases where the EU Blue Card holder has not made use of the possibility provided for in Article 122.

3. By way of derogation from Article 93(1)(c), the period of absence from the territory of the Community which is allowed to an EC long-term resident holder of a long-term residence permit with the remark referred to in paragraph 7 of this Article and of his family members having been granted the EC long-term resident status shall be extended to 24 consecutive months.

4. The derogations from the arrangements transposing Directive 2003/109/EC set out in paragraphs 3 and 4 of this Article may be restricted to cases where the third-country national concerned can present evidence that he has been absent from the territory of the Community to exercise an economic activity in an employed or self-employed capacity, or to perform a voluntary service, or to study in his own country of origin.

5. Articles 119(f) and 120 shall continue to apply for holders of a long-term residence permit with the remark referred to in paragraph 7, where applicable, after the EU Blue Card holder has become an EC long-term resident.

6. EU Blue Card holders who fulfil the conditions set out in this Article for the acquisition of the EC long-term resident status shall be issued with a residence permit in accordance with Article 1(2)(a) of Regulation (EC) No 1030/2002. Under the heading 'remarks', the residence permit shall read 'Former EU Blue Card holder'.

#### **Article 122 Right of residence in Greece to the holder of an EU Blue Card from another Member State**

1. After eighteen months of legal residence in the first Member State as an EU Blue Card holder, the person concerned and his family members may move to Greece for the purpose of highly qualified employment under the conditions set out in this Article.

2. No later than one month after entering the territory of Greece, the EU Blue Card holder shall present an application for an EU Blue Card to the competent agency and present all the documents proving the fulfilment of the conditions set out in Article 111.

3. In accordance with the procedure set out in Article 115, the competent agency shall process the application and inform in writing the applicant and the

first Member State of its decision to either:

a) issue an EU Blue Card and allow the applicant to reside in the Greek territory for highly qualified employment where the conditions set in this Article and Articles 111 to 119 are fulfilled; or

b) refuse to issue an EU Blue Card and oblige the applicant and his family members, in accordance with the procedures provided for by national law and Article 21 of Law 3907/2011 (Government Gazette, Series I, No7) regarding removal procedures, to leave its territory where the conditions set out in this Article are not fulfilled.

4. A third-country national who has timely applied for an EU Blue Card with all requisite supporting documents shall be issued with the lodging certificate referred to in Article 8, attesting that he legally resides in the country for the duration of its validity. If a rejection decision is issued, the certificate shall automatically cease to be valid.

5. The applicant and/or his employer may be held responsible for the costs related to the return and readmission of the EU Blue Card holder and his family members, in accordance with Article 37(2) of Law 3907/2011, including costs incurred by public funds, where applicable, pursuant to paragraph 3(b).

6. In application of this Article, the arrangements set out in Articles 11, 112 and 126 shall apply.

7. From the second time that an EU Blue Card holder, and where applicable, his family members, makes use of the possibility to move to another Member State under the terms of this Chapter, 'first Member State' shall be understood as the Member State from where the person concerned moves and 'second Member State' as the Member State to which he is applying to reside.

8. If a second Member State refuses to issue an EU Blue Card to a third-country national who is holder of an EU Blue Card in Greece, the competent Greek authorities shall immediately readmit without formalities the EU Blue Card holder and his family members. This shall also apply if the EU Blue Card issued in Greece has expired or has been withdrawn during the examination of the application. Article 118 shall apply after readmission.

#### **Article 123**

##### **Residence of family members of the EU Blue Card holder residing in Greece**

1. When the EU Blue Card holder moves from the first Member State to Greece in accordance with Article 122 and when the family was already constituted in the first Member State, the members of his family shall be authorised to accompany or join him.

2. No later than one month after entering the Greek territory, the family members concerned or the EU Blue card holder, in accordance with national law, shall submit an application for a residence permit as a family member to the competent agency.

3. Family members of a third-country national who have timely applied for a residence permit for family reunification, where they have submitted the supporting documents required to meet the conditions set out in paragraphs 4 and 5, shall be granted the lodging certificate referred to in Article 8, attesting that they legally reside in the country during its period of validity. If a rejection decision is issued, the certificate shall automatically cease to be valid.

4. To exercise the right of family reunification, the sponsor EU Blue Card holder shall be required to present evidence that he has stable and regular resources which are sufficient to maintain himself and the members of his family, without recourse to the social assistance of Greece. In examining the application, these resources shall be evaluated by reference to their nature and regularity and may take into account the level of minimum national wages and pensions as well as the number of family members of the person concerned. The amount of sufficient resources and the relevant evidence shall be determined by the joint ministerial decision set out in Article 136(6).

5. The family members concerned as set out in paragraph 2 shall:

a) hold a valid passport and residence permit in the first Member State, or their certified copies, as well as a visa, if required;

b) present evidence that they have resided as members of the family of the EU Blue Card holder in the first Member State;

c) present evidence that they have a sickness insurance for all risks covered for Greek nationals, or that the EU Blue Card holder has such insurance for them.

6. Derogations contained in Article 120 shall continue to apply *mutatis mutandis*.

7. Where the family was not already constituted in the first Member State, Article 120 shall apply.

#### **Article 124**

##### **Contact point**

1. The Directorate for Migration Policy to the Ministry for the Interior is designated as the Greek contact point with the relevant competent authorities of the other EU Member States for the exchange of information set out in Articles 121 and 122 and Article 20 of Directive 2009/50/EC.

2. The above competent Directorate to the Ministry for the Interior shall communicate to the Commission and the other Member States if legislative or regulatory measures are enacted in respect of Articles 6, 8(2) and 18(6) of Council Directive 2009/50/EC. If use is made of the provisions of Article 8(4) of the above Directive, a duly justified decision indicating the countries and sectors concerned shall be communicated to the Commission and to the other Member States.

3. Annually, and for the first time no later than 19 June 2013, the above Directorate to the Ministry for the Interior shall, in accordance with Regulation (EC) No 862/2007, communicate to the Commission statistics on the volumes of third-country nationals who have been granted an EU Blue Card and, as far as possible, volumes of third-country nationals whose EU Blue Card has been renewed or withdrawn, during the previous calendar year, indicating their nationality and, as far as possible, their occupation. Statistics on admitted family members shall be communicated in the same manner, except as regards information on their occupation. In relation to EU Blue Card holders and members of their families admitted in accordance with Articles 18, 19 and 20 of Council Directive 2009/50/EC, the information provided shall, in addition, specify, as far as possible, the Member State of previous residence.

#### **Article 125**

The arrangements of Articles 1 to 30 of this Code shall apply to all matters which are not otherwise regulated by Articles 109 to 124 above.

## **CHAPTER B OTHER PROVISIONS**

### **Article 126**

#### **Volumes of admission of third-country nationals for the purposes of highly qualified employment**

1. An employer who wishes to hire personnel for purposes of highly qualified employment, based on the posts included in the joint ministerial decision referred to in Article 11, shall lodge an application with the competent Directorate to the Ministry for the Interior stating the number of posts, the details and nationality of the third-country nationals to be employed, the speciality, and the duration of employment. The application shall be accompanied by: (a) a valid work contract for highly qualified employment of at least one year in Greece, whereby it can be determined that the salary is not lower than the minimum salary threshold for highly qualified employment, as specified from time to time in Article 111(1)(b); and (b) higher education qualifications relevant in the profession or sector specified in the work contract, officially translated and certified. If the higher education qualifications of the third-country national concerned are only attested by professional experience, in accordance with national law, the applicant shall present evidence of the years of professional experience and meet the other relevant conditions of national law.

2. The Minister for the Interior shall issue an act authorising highly qualified employment of a third-country national by a specific employer only if the relevant qualifications are relevant to a speciality provided for in the joint decision referred to in Article 11, and where the number of posts provided for in this decision have not been filled. The relevant authorisation shall be forwarded to the competent Greek consular authority, together with the labour contract, signed by the employer. For the purpose of determining the relevance of the qualifications to a speciality provided for in the joint decision referred to in Article 11, the authorities designated to consider the application may consult, if in doubt, the agencies of the competent ministries.

3. The competent Greek consular authority shall notify interested third-country nationals who have been authorised for entry to Greece for the purposes of highly qualified employment. Applicants shall present to the above authority the required qualifications, which shall be legally certified, and evidence issued by a competent authority in the country of origin attesting the successful completion of a post-secondary higher education programme, namely a set of courses provided by an educational establishment recognised as a higher education institution by the State in which it is situated, in order to sign the relevant work contract and be issued with the visa, subject to the general and special provisions on visas as to the remainder. For regulated professions, the applicant shall present qualifications which are recognised in Greece and meet the remaining conditions of applicable law for exercising that profession.

### **Article 127**

1. Coverage of the costs related to return as set out in the previous Chapter, the provisions of Article 80 of Law 3386/2005 and of the joint ministerial decision issued subject to Article 80(1) to (3) of Law 3386/2005 (Government Gazette, Series I, No 212) and Article 83(5) of the same Law shall apply *mutatis mutandis*.

2. Third-country nationals holders of a residence permit in Greece who are allowed to change the purposes of residence, in accordance with the provisions of this Code, may apply for an EU Blue Card on renewal of their residence permit, if the conditions set out in the previous Chapter are met.

3. In all cases, holders of an EU Blue Card may not change the purposes of residence.

4. By way of derogation from Article 7(4), holders of residence permits for the purposes provided for in Articles 31 to 37 and 57 to 68 may be included in the provisions of the previous Chapter if they meet the relevant conditions and the requirements determined by decision of the Ministers for the Interior, Education & Religious Affairs, Labour, Social Security & Welfare and Health.

## **PART THREE**

### **SOCIAL INTEGRATION - ORGANISATIONAL ARRANGEMENTS - TRANSITIONAL AND OTHER PROVISIONS**

#### **CHAPTER A SOCIAL INTEGRATION**

### **Article 128 Scope**

1. Social integration policy is intended to ensure smooth adaptation of third-country nationals to Greek society and their equal participation in the country's economic, social and cultural life.

During their integration in Greek society, third-country nationals shall have rights and obligations, same as Greek nationals. Their main obligation shall be to respect public policy and the fundamental values of Greek society.

2. The integration policies and the action that these incorporate shall apply to all third-country nationals who are legal residents and their family members under the arrangements for family reunification. Further, they shall apply to the children of immigrants, the beneficiaries of international protection and their family members.

3. The strategy for the integration of immigrants may be combined with development actions relating to foreign relations with regard to the countries of origin, aiming to create favourable socio-economic conditions for their return.

### **Article 129**

#### **Basic principles of social integration - Integrated Action Plan**

1. For the purpose of integrating third-country nationals who legally reside in the country, the Ministry for the Interior implements, in collaboration with the competent ministries and authorities, a strategy that includes an Integrated Action Plan. The National Strategy for the Integration of third-country nationals and the Integrated Action Plan is based on the fundamental principles of:

a) avoidance of any form of discrimination, on the

basis of criteria laid down in the Greek Constitution;

b) respect of fundamental rights and protection of cultural peculiarity.

2. The Integrated Action Plan consists of sub-plans which among others include:

a) learning of the Greek language, history and culture;

b) information campaigns addressing third-country nationals in relation to health, social security and work;

c) public awareness in relation to racism, trafficking in human beings and actions to facilitate illegal immigration; d) educating and raising awareness among public sector and local government staff about immigration; e) intercultural mediation; and f) enhancing the participation of third-country nationals in collective action in immigration integration boards.

## **CHAPTER B ORGANISATIONAL ARRANGEMENTS**

### **Article 130**

#### **Migration Policy and Social Integration Coordinating Committee**

1. For the purpose of coordinating migration policy a committee is hereby set up, consisting of the Secretaries General, with the competent Directors General acting as alternates, of the Ministries for the Interior, Foreign Affairs, Finance, Development & Competitiveness, Education & Religious Affairs, Culture & Sports, Labour, Social Security & Welfare, Health, Justice, Transparency & Human Rights, Public Order & Citizen Protection, Shipping & Aegean, and the Secretary General of the Attica Decentralised Administration. The committee shall meet whenever considered necessary on initiative of the Secretary General for Population and Social Cohesion for issues relating to legal immigration, or of the Secretary General for Civil Protection to the Ministry for Public Order & Citizen Protection for issues relating to illegal immigration, refugee asylum and beneficiaries of international protection.

2. The role of the committee shall be to deliberate on issues of immigration (legal and illegal) and integration having regard to developments in migration movements, issue guidelines with the purpose of coordinating the bodies concerned, monitor their functions, and propose institutional and technical measures to the competent minister in the direction of effectively dealing with the relevant issues.

### **Article 131**

For the purpose of facilitating its tasks, the committee shall be assisted by a scientific committee which shall meet twice a year and shall be charged with the preparation of the issues to be discussed and the proposal of appropriate measures. The above scientific committee shall be set up by decision of the Minister for the Interior. The same decision shall designate the chairman and secretary, and regulate specific operating matters.

### **Article 132**

#### **Fees - Adjustment of fines**

1. Applications for the issue and renewal of residence permits shall be subject to the payment of fees which shall be as follows, unless otherwise

stipulated for reasons of reciprocity:

a. One hundred and fifty (150) euros for permits up to one year;

b. Three hundred (300) euros for permits up to two years;

c. Four hundred and fifty (450) euros for permits up to three years;

d. Five hundred (500) euros for permits up to five years;

e. Six hundred (600) euros for permits up to ten years.

2. The fees paid on submission of the application for the long-term resident status shall be four hundred (400) euros. Holders of an indefinite-term, ten-year or five-year residence permit under Article 108 who apply for the status of long-term resident shall not be required to pay the above fees.

Applicants for a ten-year residence permit under Article 138(1) shall pay fees of nine hundred (900) euros, while the renewal of the said permit shall be subject to fees of four hundred and fifty (450) euros each time.

Applicants for the issue or renewal of the residence permit referred to in Article 108 shall pay fees of three hundred (300) euros.

3. Applicants for a visa who are subject to the arrangements of Article 108 shall pay fees of one hundred and fifty (150) euros, unless otherwise stipulated for reasons of reciprocity.

4. The fines and fees provided for in this law shall be collected in favour of the State and may be adjusted by decision of the Ministers for the Interior, Finance, Foreign Affairs and Public Order & Citizen Protection.

5. Third-country nationals who are minors shall be exempt from the payment of fees.

6. Persons who are subject to the arrangements of the agreement concluded between the Hellenic Republic and the Arab Republic of Egypt, as ratified by virtue of Article 1 of Law 1245/1982 (Government Gazette, Series I, No 45), shall not be required to pay fees.

7. Persons who are subject to the arrangements of the agreement concluded between the Hellenic Republic and Canada on youth mobility, as ratified by virtue of Article 1 of Law 4091/2012 (Government Gazette, Series I, No 219), shall be required to pay fees the amount of which shall be determined by joint decision of the Ministers for Foreign Affairs, Finance and the Interior.

8. The fees referred to in this Article may be collected using the e-fee application.

9. The revenue from the fees referred to in this Article shall be expressed and monitored in the form of revenue codes in the State Budget, as set out in Article 2(4) of Law 4018/2011 (Government Gazette, Series I, No 215).

### **Article 133**

#### **Single information system - Register**

1. The Ministry for the Interior and the decentralised administrations operate an information system for the registration and processing of details relating to the issue, renewal and withdrawal of residence permits and decisions for the return of third-country nationals who are residents in Greece.

The personal data of third-country nationals who are residents in Greece that the competent agencies to the Ministry for the Interior, the agencies of the

decentralised administrations and the jointly competent ministries will be allowed to collect, record and process for the purpose of keeping a register of third-country nationals and implementing the relevant legislation shall be specified by decision of the Ministers for the Interior, Finance, Foreign Affairs and Public Order & Citizen Protection on opinion of the Data Protection Authority. The same decision shall determine the procedures and designate the bodies for collecting, recording and processing these data, the conditions of notification to the natural persons concerned, and the procedure and conditions for linking data.

2. The competent agencies to the Ministries of Education & Religious Affairs and Health shall keep statistics of legal, asylum seeking and illegal third-country residents who use their services.

#### **Article 134 Committees**

1. Five migration committees to the Ministry for the Interior shall be set up, which shall recommend whether third-country nationals have built special and strong bonds with the social life of the country with the purpose of granting them a residence permit, and the issue or renewal of a residence permit is referred to them by decision of the Minister for the Interior. The committees shall be set up by decision of the Minister for the Interior, which shall designate the chairman, ordinary members and their alternates, and the secretaries and their alternates. Additional committees may be set up by a similar decision, if so required to expedite their tasks. The committees shall consist of:

- a. Three employees of the Ministry for the Interior holding a university degree;
- b. One representative of the civil society, on recommendation of the National Commission for Human Rights;
- c. One representative of the Central Union of Municipalities of Greece.

The employees of the competent directorate to the Ministry for the Interior who handle the relevant records shall take up rapporteur duties to the migration committees. More committees may be set up if so imposed for the purpose of expedited processing of the relevant cases.

2. A special three-member committee to the Ministry for the Interior shall be set up, which shall recommend on the existence of objective, temporary or permanent, inability to present a valid passport. By decision of the Minister, it shall consist of:

- a) an assessor of the Legal Council of State to the Ministry for the Interior as chairman, and his alternate;
- b) the head of the competent department of the Ministry for the Interior, and his alternate who shall be an employee at the same department; and
- c) a Hellenic Police officer, on recommendation of the Minister for Public Order & Citizen Protection.

The rapporteur and secretary, and their alternates, of the committee shall be employees of the competent department of the competent Directorate to the Ministry for the Interior.

3. A five-member migration committee shall be set up in each region of decentralised administration, which shall consist of four employees of the competent agency of the decentralised administration, one being the head of the agency who shall also take up chairman duties, and one representative of the police authority. For the Decentralised Administration of

Attica, one committee shall be set up for each competent agency. The secretary general of the decentralised administration shall issue a decision on the establishment of the committee and shall designate its ordinary members and their alternates, the secretary and his alternate, and the rapporteur who shall have no voting rights, and his alternate. The rapporteur and the secretary shall be employees of the competent agency.

Up to two additional migration committees may be set up to each competent agency of the Decentralised Administrations of Attica and Macedonia & Thrace, if so required for the purpose of expediting their tasks, by decision of the secretary general of the Decentralised Administration of Attica and of Macedonia & Thrace, respectively.

If the staff of the relevant agency is insufficient, the committees in each region of decentralised administration may comprise employees of any agency in the same region.

The role of the migration committee referred to in this paragraph is to commend on the issue or renewal of the residence permit of a third-country national. For the purpose of making a recommendation, the committee shall take due account of the information provided for by this Code and the personality of the third-country national in general.

#### **Article 135 Monitoring of compliance**

1. The Ministry for the Interior shall be responsible for monitoring and assessing the implementation of this Code and for coordinating the jointly competent agencies, and for representing the country at European and international level in all issues relating to the entry, residence and integration of third-country nationals in Greece.

2. The competent agencies to the Ministry for the Interior and of the decentralised administrations, the police, port and airport authorities and the control agencies to the Ministry for Labour, Social Security & Welfare shall be responsible for monitoring compliance with this Code, performing inspections and attesting violations. Issues relating to the performance of inspections and the procedure to attest violations may be regulated by decision of the Minister for the Interior and the competent minister, as the case may be.

#### **Article 136 Authorising provisions**

1. The special supporting documents per visa category and the documentation required for the issue of the relevant residence permits shall be determined by joint decision of the Ministers for Foreign Affairs and the Interior.

2. Issues relating to the form and content of the applications, the procedure for delivering the residence permits to the beneficiaries and the form of the application-lodging certificate referred to in Article 8 may be regulated by decision of the Minister for the Interior.

3. The risks that are normally covered for nationals and need to be covered for third-country nationals for the purpose of having full sickness insurance shall be determined by joint decision of the Ministers for the Interior, Labour, Social Security & Welfare and Health.

4. A joint decision of the Ministers for the Interior,

Development & Competitiveness, Labour, Social Security & Welfare, Health and Rural Development & Food shall regulate special issues with regard to determining the volumes of admission of third-country nationals and the procedure of hires for paid, seasonal, highly qualified employment and employment of fishermen.

5. The supporting documents required from an employer wishing to hire fishermen or staff for seasonal employment shall be determined by joint decision of the Ministers for the Interior, Labour, Social Security & Welfare and Rural Development & Food, subject to the posts provided for in the joint ministerial decision referred to in Article 11.

b. A joint decision of the Ministers for the Interior, Finance and Labour, Social Security & Welfare shall regulate the minimum number of daily wages or the minimum period of insurance per insurance agency, if so required for the purpose of renewing a residence permit, the supporting documents required in each case and all other relevant matters.

7. Where the provisions of this Code and the relevant regulatory arrangements stipulate the availability of sufficient resources as a prerequisite, their level, adjustment and means of evidence shall be determined by joint decision of the Ministers for the Interior, Finance and Labour, Social Security & Welfare.

8. A joint decision of the Ministers for the Interior, Finance and Public Order & Citizen Protection shall determine the level of the cost of return and any other return costs, as well as the procedure of reimbursement of the sum of the letter of guarantee in case of forfeiture in favour of the State by the relevant credit institution or the Loans and Deposits Fund to the State Budget.

9. A decision of the Ministers for the Interior and Labour, Social Security & Welfare and the jointly competent ministers, as the case may be, 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 of this Code.

10. A decision of the Minister for the Interior and the competent ministers, as the case may be, may, where required, regulate any special matter relating to the implementation of the provisions of this Code.

11. A joint decision of the Ministers for the Interior and Finance and the competent minister as the case may be shall determine the competent agency and the procedure for attesting the fines referred to in this Code.

12. A decision of the Ministers for the Interior and Development & Competitiveness shall determine the level of the investment, the competent agency and the supporting documents for authorisation of feasibility which are required for inclusion in the provisions of Article 16 of this Code, and the number of residence permits of natural persons which are required for the smooth operation of the investment.

13. A joint decision of the Ministers for the Interior, Foreign Affairs and Public Order & Citizen Protection shall specify the documents to be obtained by third-country nationals who are deprived of travel documents and are unable to timely obtain them from the diplomatic authorities of their country.

14. A joint decision of the Ministers for the Interior, Foreign Affairs and Public Order & Citizen Protection shall specify the criteria for admission when considering applications for family reunification.

15. A joint decision of the Ministers for the Interior and Finance may provide for a different procedure for paying the fees referred to in Article 132.

16. A decision of the Minister for Foreign Affairs shall specify the general documentation and the procedure for issuing long-term visas.

17. A decision of the Minister for Health shall specify the reasons that are considered as threat to public health, and the infectious, contagious or parasitic diseases which impose taking measures for the protection of public health.

18. A joint decision of the Ministers for Foreign Affairs and Finance may specify variable consular fees depending on the States in which the consular authorities and offices are situated.

### **Article 137 Codification**

1. By way of presidential decree issued on motion of the Ministers for the Interior, Foreign Affairs, Labour, Social Security & Welfare and Public Order & Citizen Protection, all provisions relating to the entry and residence of aliens in Greece, the procedures of return and expulsion, issues of asylum and international protection and any other provision of law or regulatory act relating to the treatment of aliens may be codified into a single individual text.

2. In the process of codification, it shall be allowed to restate, if absolutely necessary for a more accurate understanding, and eliminate expressly or tacitly repealed and inapplicable provisions, renumber articles, reclassify articles, paragraphs and subparagraphs, divide articles, and in general restate the provisions intended for codification for the purpose of properly drafting them in legal and technical terms, without bringing any alteration to the meaning or changes to the terms, and to adjust the provisions which specify the duties of administrative and other bodies to reflect the current organisation of central and decentralised services of the State, legal entities of the public sector and local authorities. In case of ambiguity in a codified provision, the original wording of the codified provision shall prevail.

3. A decision of the Ministers for the Interior, Foreign Affairs, Labour, Social Security & Welfare and Public Order & Citizen Protection shall regulate issues relating to the establishment of the codification board and any other matter relating to its operation. The members of the codification board shall be unremunerated.

4. Any changes to this law in the future shall be made by amending the relevant decree.

### **CHAPTER C TRANSITIONAL ARRANGEMENTS**

#### **Article 138**

1. After completing ten years of legal residence in Greece during the last twelve years before submission of the relevant application, a third-country national who was in possession of a valid residence permit when Law 3386/2005 entered into force shall be entitled to a ten-year residence permit, without prejudice to the provisions of Article 6, allowing him access to the labour market. For the purpose of calculation of the ten years of legal residence, the period during which the person concerned had the Greek nationality or a

permanent residence permit, regardless of the issuing authority, shall be cumulated.

The permit shall be granted at the request of the third-country national concerned and the decision of the competent authority which issued the most recent residence permit, if the applicant: a) has full medical and healthcare coverage; b) has fulfilled his tax obligations; c) meets the conditions for renewal of one of the permits referred to in this Code.

2. On its renewal, an indefinite-term residence permit shall automatically turn into a ten-year residence permit referred to in paragraph 1 of this Article. No fees shall be required to obtain the ten-year residence permit.

3. Residence permits that were issued pursuant to the provisions of Article 91(2) of Law 3386/2005, and those issued pursuant to the provisions of paragraphs 1 and 2 of this Article, shall be renewed in accordance with the provision of this Code concerning the status of long-term residents subject to Article 89. If the conditions for inclusion in the status of long-term resident are not met and if the applicant: a) presents evidence of continuous residence in Greece and the period of absence does not exceed two (2) consecutive years; b) has fulfilled his tax obligations; and c) has full medical and healthcare coverage, his residence permit, subject to the provisions of this Code as to the remainder, shall be renewed for three (3) years each time and shall allow access to paid employment-provision of services or work or independent economic activity subject to the employment or professional activity exercised under his ten-year or indefinite-term residence permit.

4.a. The attestations and temporary permits provided for in Article 76(6) of Law 2910/2001 and Article 24 of Law 3013/2002 (Government Gazette, Series I, No 102) shall be replaced with residence permits with a duration of validity of one year, where the persons issued with the above attestations are considered as aliens and continue to reside in Greece. An application for the above residence permit shall be lodged with the competent agencies within one (1) year from delivery of the relevant decisions on rejection.

b. The residence permits referred to in the previous paragraph shall be issued if:

ba) the applicant is not considered as a threat to public policy and security;

bb) the applicant has not been convicted by final judgment for use of false information, counterfeit or falsified documents, and fraud.

c. The above residence permit shall allow access to paid employment-provision of services or work and shall be renewed under the conditions and the procedure set out in the provisions of this Code. Independent economic activity may only be pursued if the holder of the above residence permit was pursuing economic activity which continues to exist. For the purpose of renewing the residence permit referred to in the previous subparagraph, it shall be considered whether the conditions for renewal for the purposes of independent economic activity under paragraph 8 of this Article are met.

d. The above residence permit shall be granted autonomously to the family members of the applicant if they prove that they were living with him for six years before issue of the decision on their capacity of expatriates, and continue to reside in the country. If any supporting documents are found to be counterfeit, the relevant penalties shall be imposed on the third-

country national who submitted them and not on his family members.

5. a. Persons for whom Greek nationality is withdrawn shall be issued with a one-year residence permit where they lodge a relevant application with the competent authorities in their area of residence within one (1) year from delivery of the relevant decision.

b. The residence permits referred to above shall be issued if:

ba) the applicant is not considered as a threat to public policy and security;

bb) the applicant has not been convicted by final judgment for use of false information, counterfeit or falsified documents, and fraud.

c. The above residence permit shall allow access to paid employment-provision of services or work and shall be renewed under the conditions and the procedure set out in the provisions of this Code. Independent economic activity may only be pursued if the holder of the above residence permit was pursuing economic activity which continues to exist. Renewal of the residence permits referred to in the previous subparagraph shall be subject to the requirements on renewal of residence permits for independent economic activity in accordance with the provisions of paragraph 7 of this Article.

d. The above residence permit shall be granted autonomously to the family members of the applicant if they prove that they were living with him for six years before withdrawal of the Greek nationality and continue to reside in the country. If any supporting documents are found to be counterfeit, the relevant penalties shall be imposed personally on the third-country national who submitted them and not on the children who were minors when the nationality was acquired.

e. The arrangements of this paragraph shall also apply to third-country nationals for whom Greek nationality was withdrawn before the entry into force of this Code and have since been residing in the country, on the condition that the relevant applications are submitted within one (1) year from entry into force of this Code.

6. Residence permits that were issued before the entry into force of this Code, pursuant to the provisions of Law 3386/2005, which grant the status of temporary residence in accordance with the provisions of this Code, shall remain valid until their expiry.

7. Residence permits for the purposes of independent economic activity which are valid at the time of entry into force of this Code shall be renewed for three (3) years each time, if:

a) the activity is continued; and b) tax and insurance obligations have been fulfilled, namely the obligation of minimum daily wages or minimum period of insurance per year and insurance agency.

8. Pending applications for humanitarian reasons which are lodged by the entry into force of this Code with the Ministry for the Interior shall be considered by the Directorate for Migration Policy to the above Ministry.

9. Applications that are pending by the entry into force of this Code shall be considered as provided for in the Code.

10. Residence permits issued in renewal of provisional residence permits shall have a duration of validity of two (2) years.

11. a) The validity of residence permits of third-country nationals issued by the departments for aliens and migration of the decentralised administrations

which expire in the period from 1 January 2014 to 30 April 2014 shall be automatically extended by up to five months from their expiry date, and no relevant attestation shall be required. During the period of this five-month extension, the third-country national shall be legally residing in the Greek territory. Applications for the renewal of the above residence permits may be lodged throughout the period of extension, where the applicants claim the occurrence of serious reasons. By decision of the local secretary general of the decentralised administration, applications for the renewal of residence permits may be admitted throughout the period of the extension.

b) The application-lodging certificates for the issue or renewal of a residence permits which have been granted pursuant to Article 11(3) of Law 3386/2005 by the promulgation of this law shall be valid for one year from the date of entry into force.

12. Applications for the renewal of residence permits for the purposes of paid employment and provision of services or work, or for long-term residence permit, as well as applications of family members subject to the issue or renewal of a residence permit for family reunification, which were submitted lodged in 2010, 2011, 2012 and 2013 with the departments for aliens and migration and are pending rejection due to less than the required days of insurance, as specified in Joint Ministerial Decision 15055/ 546/2011 (Government Gazette, Series II, No 1886), shall be renewed on the condition that a valid health insurance booklet is available.

The above arrangements shall also apply to third-country nationals whose residence permits expire by 30 September 2014.

The arrangements of subparagraph a) of this paragraph shall also apply to applications rejected in 2010, 2011, 2012 and 2013 due to non-fulfilment of the above requirement, where the applicants seek redress by the date of the entry into force of this Code and are subject to temporary judicial protection, on the condition that they waive the redress sought. For the purpose of inclusion in the arrangements referred to in subparagraph a) of persons under temporary judicial protection, a relevant application shall be lodged by 30 June 2014 which, in addition to other supporting documents provided for in this Code for renewal, shall be accompanied by the applicant's waiver of the relevant redress.

Residence permits issued pursuant to the provisions of this paragraph shall be valid for three years and renewed in accordance with the provisions of this Code on the condition that applicants will pay additional fees of one hundred and fifty (150) euros.

Residence permits issued pursuant to this paragraph and expiring in 2013 and 2014, and which are renewed for the same purposes or for the purpose of acquiring a long-term permit, as set out in Article 7(G) of this Code, shall not be subject to the arrangements concerning completion of the required number of daily wages.

13. Third-country nationals meeting the conditions for the status of long-term resident, except for the requirement for sufficient income as defined in Article 89(1)(a), may acquire the status of long-term resident if they present evidence that they have a personal or family income of 8 500 euros generated during the last two financial years before the date of submission of the relevant application. The relevant application shall be submitted by 31 December 2014.

14. Third-country nationals holding a residence

permit pursuant to Article 44(1)(i) of Law 3386/2005 may be included in the provisions of Article 108 of this Code if renewal of their permit was not possible by the date of promulgation of this Code in the Government Gazette for one of the reasons stipulated in this law and continue to reside in the country. The relevant applications shall be submitted within one (1) year from entry into force of this Code.

15. Reference in the provisions of the applicable law made to provisions of Law 3386/2005, arrangements transposing EU directives and regulatory acts issued subject to Law 3386/2005 shall be reference to the respective arrangements of this Code.

16.a. Albanian nationals applying for the issue or renewal of the Special Identity Card for Aliens of Hellenic Descent whose application is rejected on grounds of not presenting evidence of their Hellenic descent may be included in the provisions of this Article if:

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

ii. A final judgment has been delivered on a request for cancellation of the relevant rejection decision;

iii. No criminal proceedings have been initiated against them for use of false information, counterfeit or falsified documents, or fraud;

iv. They are not considered as a threat to public policy and security.

b. The application for the residence permit shall be lodged with the competent authority within three (3) months from delivery of the rejection decision or the final judgment on a request for cancellation, or within three (3) months from promulgation of this Code for judgments that are final.

The above residence permit shall entitle the third-country national to access to paid employment and the provision of services or work and shall be valid for one year. Independent economic activity may only be pursued if the holder of the above residence permit was pursuing economic activity which continues to exist. Renewal of the residence permits referred to in the previous subparagraph shall be subject to the requirements on renewal of residence permits for independent economic activity.

These residence permits may be renewed under the conditions and the procedure set out in this Code.

c. The above residence permit shall be also granted to the family members of the applicant if they prove that they have been living with him and continue to reside in the country. If any supporting documents are found to be counterfeit, the relevant penalties shall be imposed personally on the third-country national who submitted them and not on the children who were minors when the Special Identity Card for Aliens of Hellenic Descent was acquired.

d. Inclusion in the above procedure shall be allowed for Albanian nationals whose application for the issue or renewal of a Special Identity Card for Aliens of Hellenic Descent has been rejected due to presentation of counterfeit or falsified documents, if they submit a relevant application within three (3) months from delivery of a final judgment on acquittal from the specific offences or within three (3) months from promulgation of this Code for final judgments delivered before the date of promulgation.

#### Article 139

#### Repealed and retained provisions

1. From entry into force of this Code and without prejudice to the provisions that remain effective in accordance with paragraphs 2 and 3, the following shall be repealed: the provisions of Law 3386/2005 (Government Gazette, Series I, No 212) and the regulatory acts issued subject to the same law without prejudice to the next paragraph, the provisions of Articles 1, 18 and 19 of Law 3536/2007 (Government Gazette, Series I, No 42), Article 28 of Law 3613/2007 (Government Gazette, Series I, No 203), Article 39(2) of Law 3731/2008 (Government Gazette, Series I, No 263), Article 40(4), (5), (6), (7) of Law 3731/ 2008, Article 45(h) of Law 3731/2008, Article 43(1) and (2) of Law 3801/2009 (Government Gazette, Series I, No 163), Article 43 of Law 3907/2011 (Government Gazette, Series I, No 7), Article 7(4), (7) and (9) of Law 4018/2011 (Government Gazette, Series I, No 215), Articles 22 to 41 of Law 4071/2012 (Government Gazette, Series I, No 85), Article 6 of Law 4146/2013 (Government Gazette, Series I, No 90), and Presidential Decrees 150/2006 (Government Gazette, Series I, No 160), 128/2008 (Government Gazette, Series I, No 190) and 101/2008, (Government Gazette, Series I, No 157), Article 11(4), (5) and (6) of Law 4147/2013 (Government Gazette, Series I, No 98), Article 94 of Law 4139/2013 (Government Gazette, Series I, No 74), Article 31 of Law 4115/ 2013 (Government Gazette, Series I, No 24) and Article 1(7)(b) of Law 2949/2001.

2. The following shall be retained: Articles 76, 77, 78, 80, 81, 82, 83 and 89(1) to (3) of Law 3386/2005, as in force, Article 15 of Law 3536/2007 (Government Gazette, Series I, No 42), Article 18(8) of Law 3870/2010 (Government Gazette, Series I, No 138), Presidential Decree 106/2007 (Government Gazette, Series I, No 135) and joint ministerial decisions 23443/2011 (Government Gazette, Series II, No 2225) and 15055/546/2011 (Government Gazette, Series II, No 1886).

3. Presidential Decree 131/2006 (Government Gazette, Series I, No 143), as amended by virtue of Presidential Decrees 167/2008 (Government Gazette, Series I, No 223) and 113/2013 (Government Gazette, Series I, No 146), shall remain effective, applying exclusively to family reunification for persons who are subject to the arrangements of the applicable law in relation to beneficiaries of international protection.

#### Article 140

1. A legislative drafting committee to the Ministry for Justice, Transparency & Human Rights shall be set up, which shall process and propose provisions for the purpose of amending Law 3068/2002 (Government Gazette, Series I, No 274), as in force, and introducing into national law the issue of an enforcement order when the underlying relationship is an administrative agreement.

2. The legislative drafting committee shall consist of judges of civil and administrative courts and of the Court of Auditors, as designated subject to the provisions of Article 41(2) of Law 1756/1988 (GOVERNMENT GAZETTE, SERIES I, NO 35), members of the Legal Council of State, university teachers (active and/or emeritus), members of the Hellenic Single Public Procurement Authority, and officers of the Ministers for Finance and Justice, Transparency & Human Rights as duly designated, and their alternates.

3. A joint decision of the Ministers for Finance and Justice, Transparency & Human Rights shall determine

the members and designate employees of the above ministries to take up duties of secretary and assistant secretary.

#### Article 141

Paragraph 1: Extension of right to retirement for invalidity

The last two subparagraphs of Article 66 of Law 4144/2013 (Government Gazette, Series I, No 88), as supplemented by virtue of Article 8(2) of Law 4237/2014 (Government Gazette, Series I, No 36), is hereby replaced as follows:

'These arrangements apply to all allowances granted for invalidity (social assistance, severe invalidity, incapacity or complete invalidity, etc.) and disability pensions (death pensions to children permanently incapable of self-support, etc), whereas health care services for persons covered by the terms of this article are extended for an equivalent period. This Article shall remain in force for all persons within its scope until 30 April 2014. Persons who, subject to this Article, have been granted a six-month extension for disbursement of their pension or allowance and such six-month extension expires on 30 April 2014 shall be entitled to an additional six-month extension for disbursement of their pension or allowance, provided that their medical evaluation is still pending with the health boards of the Disability Certification Centre through no responsibility of their own.'

Paragraph 2: Allocation of pension to insured persons of the OTE Insurance Fund

From entry into force of Article 5 of Cabinet Act 6/28.2.2012 (Government Gazette, Series I, No 38), allocation of pension to insured persons of the former OTE Insurance Fund shall not require ill health retirement; instead, it shall suffice to present evidence of contractual termination, completion of the years of insurance required by the relevant provisions, and of a disability rate that entails inability to perform any physical or mental functions, or inability to carry out the intended work.

Paragraph 3: Primary and secondary health boards of the National Organisation for Healthcare Services (EOPYY)

Article 30(3)(a) of Law 3918/2011 (Government Gazette, Series I, No 31), as added by virtue of Article 54(2) of Law 4223/2013 (Government Gazette, Series I, No 287) entitled 'Amendment to provisions of Law 3918/2011 (Government Gazette, Series I, No 31)' is hereby amended as follows:

'3.a. By decisions of the Minister for Health, on recommendation of the BoD of EOPYY, primary and secondary health boards shall be set up in EOPYY, for the purposes of referring issues of healthcare, certification of illness that causes inability to work, and evaluations of ability to work for inclusion optional insurance. These decisions shall determine the members, duties and any other necessary detail relating to the operation of the boards.'

#### Article 142

##### Citizenship issues

1. Article 5 of the Greek Citizenship Code (Law 3284/2004), as replaced by virtue of Article 2 of Law 3838/2010, is hereby amended as follows:

a. A new subparagraph is hereby added at the end of Article 5(1)(b) as follows:

'A conviction of an alien in criminal proceedings as set out above imposed subject to suspension of enforcement shall continue to hamper the procedure for acquiring Greek citizenship by naturalisation, even if the suspension has expired at no prior lift or withdrawal.'

b. Article 5(2) is hereby replaced as follows:

'The permanent residence permits referred to in the above paragraph, subparagraph e) may be modified, replaced or abolished and new permits of legal residence may be added, by decision of the Minister for the Interior.'

2. A second subparagraph is hereby added to Article 6(1) of the Greek Citizenship Code, as amended by virtue of Article 4 of Law 3838/2010, as follows:

'Alien expatriates shall be exempt from the obligation to submit a naturalisation declaration.'

3. Article 9(3) of the Greek Citizenship Code is hereby replaced as follows:

'The oath shall be taken before the secretary general of the relevant decentralised administration or, in case of a non-resident expatriate, before the relevant Greek consul. Minutes shall be kept of the oath-taking procedure.'

4. A second subparagraph is hereby added to Article 10(2) of the Greek Citizenship Code, as ratified by virtue of Law 3284/2004 and in force, as follows:

'The competent police authorities to the Ministry for Public Order & Citizen Protection shall recommend on issues relating to public policy and security within four months. Failure of the competent police authorities to timely communicate their recommendation shall not hamper the issue of the Minister's decision.'

5. The provisions of Article 10(2)(b) of the Greek Citizenship Code, as added by virtue of subparagraph (b) of the previous paragraph shall also apply to pending applications.

6. Paragraph 6 is hereby added to Article 12 of the Greek Citizenship Code, as initially replaced by virtue of Article 8 of Law 3838/2010 and subsequently by virtue of Article 26(2) of Law 3938/2011, as follows:

'6. A decision of the Minister for the Interior which shall be published in the Government Gazette may make provisions for the establishment of additional naturalisation boards. The said ministerial decision shall specify the local powers, the members and the term of office of these boards.'

7. A second subparagraph is hereby added to Article 25(2) of the Greek Citizenship Code as follows:

'A summary of the decisions relating to the acquisition of Greek citizenship shall be published in the Government Gazette.'

8. Article 22(1)(a) of Law 3838/2010 is hereby replaced as follows:

'1. Pending naturalisation applications shall be processed in accordance with the formerly applicable provisions on naturalisation, with the exclusion of the provisions of Article 5(1)(b) of the Greek Citizenship Code, as replaced by virtue of Article 2 of Law 3838/2010, which shall apply to the said pending applications.'

9. Article 23 of Law 3838/2010 is hereby amended as follows:

a. Point (e) is hereby added to Article 23(1) as follows:

'e) Solemn statement reading the full name of the expatriate, as he wishes it to appear in the decision on naturalisation. If he so wishes, the expatriate may localise his name and surname in Greek.'

b. Article 23(3) of Law 3838/2010 is hereby replaced as follows:

'3. Acquisition of Greek citizenship shall require publication of a summary of the decision of the secretary general of the decentralised administration in the Government Gazette. Greek citizenship shall be granted as from publication of the above decision; accordingly, Article 9 of the Code shall not apply. The decision shall be reasoned in accordance with Article 8 of the Greek Citizenship Code, as amended by this law, and shall be promulgated and published within one year from submission of the fully documented application.'

c. The provisions of Article 23(3) of Law 3838/2010, as replaced by virtue of this paragraph, point (b), shall also apply to pending applications.

d. The second subparagraph of Article 23(4), as replaced by virtue of Article 26(3)(b) of Law 3938/2011, is hereby replaced as follows:

'The provisions of Article 5(1)(b), Article 5(xxx), Article 7(2)(b) and (c) and Article 8 of the Greek Citizenship Code, as amended by virtue of this law, shall apply to the said pending applications mutatis mutandis.'

10. a. From entry into force of this law, up to three five-member naturalisation boards shall be established at the Ministry for the Interior, consisting of:

aa. one head of directorate or department of the Secretary General for Population and Social Cohesion to the Ministry for the Interior, as chairman;

ab. two members of university staff from the department of humanities of a higher education institute;

ac. one head of department of the division of citizenship of the Secretariat General for Population and Social Cohesion to the Ministry for the Interior; and  
ad. one administrative employee, holder of university degree, of the division of citizenship of the Secretariat General for Population and Social Cohesion to the Ministry for the Interior.

b. The above boards shall take up the duties set out in Article 12 of the Greek Citizenship Code, as in force before its amendment by virtue of Article 8 of Law 3838/2010, and shall operate until a decision is issued on naturalisation applications which were pending as at the entry into force of Law 3838/2010.

c. The boards referred to in this paragraph shall be set up by decision of the Minister for the Interior. The same decision shall designate the alternates of the chairman and members. The above decision shall designate an employee, preferably secondary education graduate, of the division of citizenship to the Ministry for the Interior, to take up duties of secretary of the naturalisation boards, and his alternate.

The employee in charge of the case shall participate in the naturalisation board as rapporteur without voting rights.

d. The term of office of the naturalisation board members shall be two years.

e. Article 22(2) of Law 3838/2010 is hereby repealed.

The naturalisation board provided for in the above repealed provision shall continue to operate until the establishment and operation of at least one of the above boards.

11. Article 13(1)(a) of Law 4018/2011 (Government Gazette, Series I, No 215) is hereby amended as follows:

'1. Nationals of Israel or other countries of Jewish descent attested by public documents, who were born

by 9 May 1945 in Greece and are still alive shall be re-granted Greek citizenship if they had Greek citizenship in the past and forfeited in any way.'

#### Article 143

1. Article 1(12)(a) of Law 4065/2012 (Government Gazette, Series I, No 77) is hereby replaced as follows:

'a. The inspection of the committee shall be concluded by 31 December 2014.'

2. Article 3(1)(b)(xx) of Law 3213/2003 is hereby replaced as follows:

'b.ix. Review of the initial statement pertains to verifying the accuracy of its contents with regard to existing assets as at the time of submission. For subsequent years, in addition to verifying the accuracy of contents, the review shall also attest, in all cases, if the acquisition of new assets or the increase of the existing ones can be justified by the amount of all kinds of income, taking due account of the subsistence costs incurred by the declarants. The statement shall not be considered as inaccurate or inadequate in case of minor misstatements of omissions or if, at the request of the inspection body, the lawful nature of the source of income declared can be proven.'

3. The phrase "two years earlier" is deleted from Article 1(2) of Law 4065/2012 and new subparagraphs are hereby added as follows:

"The review shall be carried out based on the submitted statements, the procured documentation and the available tax returns, without prejudice to paragraph 8, if the board considers it necessary. Article 3(1)(b)(i) of Law 3213/2003 shall apply as to the remainder.'

4.a. Article 9(2) of Law 3213/2003 is hereby replaced as follows:

'2. The perpetrator of the offences provided for in Articles 4, 5, 6(2) and 8(2) shall be sentenced to deprivation of civil rights from one (1) to five (5) years in the case of a misdemeanour, and from two (2) to ten (10) years in the case of a felony. Removal of the offender from his public, municipal or community office as a result of deprivation of his civil rights shall take effect automatically once the judgment on conviction becomes final and may not be subject to estoppel subject to Article 64 of the Penal Code.'

b. Article 9(3)(b) of Law 3213/2003 is hereby replaced as follows:

'b. Undeclared property in the case of an offence referred to in Article 6(1) and (2), where Article 2(5) has not applied, shall be confiscated by way of the judgment on conviction, unless the person concerned can prove the lawful nature of its origin.'

c. Article 1(12)(c) of Law 4065/2012 is hereby replaced as follows:

'Specifically, if the review shows unjustified acquisition or increase of property, a relevant report shall be prepared on whether attestation should be made in accordance with the applicable provisions, and shall be forwarded to the General Commissioner of State. If criminal liability is ascertained, the report shall be forwarded to the competent body for criminal proceedings.'

#### Article 144

1. A subparagraph is hereby added after Article 1(G)(1)(4)(d) of Law 4093/2012 (Government Gazette, Series I, No 222), as replaced by virtue of Article 91(2)

of Law 4172/2013 (Government Gazette, Series I, No 167), supplemented by virtue of Article 54(7) of Law 4178/2013 (Government Gazette, Series I, No 174) and Article 12 of Law 4210/2013 (Government Gazette, Series I, No 254) and amended by virtue of Article 44 of Law 4238/2014 (Government Gazette, Series I, No 38), as follows:

'Specifically for the case referred to in Announcement 10/2014 (Government Gazette, Series II, No 479) of the Minister for Administrative Reform and E-Government, the fifteen-day time limit stipulated in the previous subparagraph for the submission of applications-solemn statements by the employees concerned shall be extended from expiry until Friday, 21 March 2014.'

2. The above subparagraph shall be effective from 13 March 2014.

#### Article 145

For the purpose of implementation of Article 5 of decision ΔII- ΠΙΔΔ/Β.2/ΟΙΚ.21634/2013 (Government Gazette, Series II, No 1914) of the Minister for Administrative Reform and E-Government, and in the absence of the evaluation reports provided for in this article regarding employees who were seconded pursuant to Article 92(1) of Law 1943/1991 (Government Gazette, Series I, No 50), if such absence is not at their own responsibility, these reports may be prepared for the years 2012, 2013 and thereafter and duly deposited within two (2) months from entry into force of this law, subject to extension by decision of the above Minister.

Evaluation shall be performed by the persons or bodies to which such persons have been seconded. The criteria, the formalities, the procedure and the relevant rights of evaluated employees as set out in Presidential Decree 318/1992 (Government Gazette, Series I, No 161) shall be modified accordingly in line with the special conditions of their functions by decision of the above Minister, which shall also regulate any other necessary detail for the implementation of this paragraph.

#### Article 146 Article 147(1) Article 86(9)

Article 25(c) of Law 3852/2010 relating to the 'Kallikratis' plan is hereby repealed.

#### Article 147

Article 383(4) of the Code of Criminal Procedure is hereby replaced as follows:

'4. The list shall contain, as far as possible, an equivalent number of names of men and women. It shall contain in total: a) up to 2 400 but not less than 2000 names for Athens, b) up to 1 000 but not less than 600 names for Thessaloniki, Piraeus and Patras, and c) up to 750 but not less than 150 names for other cities.'

#### Article 148

##### Entry into force

This law shall enter into force two (2) months after its promulgation in the Government Gazette, with the exception of the provisions of Articles 138(11) and (12) and 141, 142, 143, 145, 146 and 147, which shall enter into force on promulgation in the

Government Gazette, and of Article 144, which shall enter into force on 13 March 2014

Athens, 31 March 2014

We hereby order the present law to be promulgated in the Government Gazette and executed as law of the land.

THE PRESIDENT OF THE HELLENIC REPUBLIC  
**KAROLOS GR. PAPOULIAS**

DEPUTY PRIME MINISTER AND  
MINISTER FOR FOREIGN  
AFFAIRS  
**EVANGELOS VENIZELOS**

THE ALTERNATE MINISTER  
FOR  
THE INTERIOR  
**LEONIDAS GRIGORAKOS**

CULTURE AND SPORTS  
**PANOS PANAGIOTOPOULOS**

LABOUR, SOCIAL  
SECURITY AND WELFARE  
**IOANNIS VROUTSIS**

THE MINISTERS FOR

FINANCE

**IOANNIS STOURNARAS**

DEVELOPMENT AND  
COMPETITIVENESS

**KONSTANTINOS CHATZIDAKIS**

ADMINISTRATIVE REFORM

**KYRIAKOS MITSOTAKIS**

RURAL DEVELOPMENT  
AND FOOD  
**ATHANASIOS TSAFTARIS**

NATIONAL DEFENCE

**DIMITRIOS AVRAMOPOULOS**

EDUCATION AND  
RELIGIOUS AFFAIRS

**KONSTANTINOS  
ARVANITOPOULOS**

HEALTH

**SPYRIDON-ADONIS GEORGIADIS**

JUSTICE, TRANSPARENCY  
AND HUMAN RIGHTS  
**CHARALAMBOS ATHANASIOU**

*Certified and  
sealed with the*

*Great Seal of State.*

Athens, 31 March 2014

THE MINISTER FOR JUSTICE  
**CHARALAMBOS ATHANASIOUdfg**