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**LAW NO. 3386**

**Entry, residence and social integration of third-country  
nationals in the Hellenic Territory.**

THE PRESIDENT OF THE HELLENIC REPUBLIC

We hereby promulgate the following law as passed by the  
Hellenic Parliament:

**SECTION 1  
DEFINITIONS - SCOPE**

**Article 1  
Definitions**

For the purposes of this law:

Foreigner means any natural person who does not hold the  
Hellenic nationality or holds no nationality at all.

Third country national means any natural person who does not  
hold the Hellenic nationality or the nationality of another  
member-state of the European Union according to article 17 par.  
1 of the E.C. Treaty.

Stateless means any natural person who meets the conditions of  
the New York Treaty of 1954 about the status of stateless  
persons, which was ratified by l. 139/1975 (GOVERNMENT GAZETTE  
176 A').

Residence permit means any certification provided by Hellenic  
authorities, according to which a third country national is  
allowed to lawfully reside in the Hellenic Territory, according  
to clauses of article 1 par. 2 case a' of the Regulation (EC)

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no. 1030/2002 of the Council of the 13<sup>th</sup> June, 2002 "laying down a uniform format for residence permits of third-country nationals" (EEL 157/15.6.2002).

Family reunification means the entry and residence of the family members of a third country national, who is a legitimate resident in Greece, in order to maintain the unity of one's family, irrespectively whether family relations have been created before or after the entry of the latter in the Country. Sponsor means any third country national who is a legitimate resident in Greece and submits an application for family reunification in order for the members of his family, as they are defined in the present law, to be allowed to enter and reside in Greece.

Long-term resident means any third country national, who is granted with the above mentioned right, according to the article 67 of the present law.

Student means any third country national who has been admitted by one of the educational institutions, as they are defined by the present law, and who is allowed to enter and live in the territory of the Country, in order to attend a course of study as his main activity.

Unaccompanied minor means any third country national or stateless who has not attained the 18<sup>th</sup> year of his/her age and enters the Hellenic Territory without being accompanied by a person responsible for him/her, according to law or customs throughout the above mentioned status, or was found unaccompanied after his/her entry in the Country.

Victim of trafficking in human beings means any natural person who becomes a victim of the crimes provided for by articles 323, 323 A', 349, 351 and 351 A' of Penal Code, irrespectively of the fact whether the former has entered the Country legally or not.

## **Article 2**

### **Scope**

1) The clauses of the present law are not applied to the following categories of persons, unless otherwise specified in its clauses:

a) European Union nationals, according to article 17 par. 1 of the E.C. Treaty, as amended and currently in force.

b) Accredited employees of Embassies, Consulates or international organizations established in Greece as well as third country nationals who are hired by the above mentioned services as administrative staff, the spouses and minors thereof.

c) Refugees and persons who have lodged an application for recognition of their status as refugees, according to the Geneva Convention of 1951, which was ratified by the l.d. 3989/1959 (GOVERNMENT GAZETTE 201 A'), as amended and currently in force.

d) Persons who are allowed to reside in Greece on the basis of temporary protection or have asked for permit to reside in the Country for such purposes and the relevant decision is pending.

e) Persons who are allowed to reside in Greece on the basis of supplementary forms of protection, according to international obligations and national legislation, or have asked for permission to reside in the Country for such purposes and the relevant decision is pending.

2) Persons who hold more than one nationalities, one of which is Hellenic or of another European Union member-state, are considered to be Greek or nationals of the other member-states respectively and are exempted from the scope of this law.

3) Persons who hold more than one nationalities, none of which is Hellenic, must select a nationality through a statement addressed to the competent Service for Foreigners and Immigration, under the condition that they possess a passport or other travel document of the related state.

4) This law is applicable subject to favorable regulations provided in:

a) Bilateral and multilateral agreements between European Union member-states or the European Union and its member-states on the one hand and third countries on the other.

b) Bilateral and multilateral agreements between the Hellenic Republic and third countries, before the present law came into force, subject to reciprocity.

c) The European Social Charter of the 18<sup>th</sup> October 1961, which was ratified by l. 1426/1984 (GOVERNMENT GAZETTE 32 A').

**Article 3**  
**Establishment of an**  
**Inter-ministerial Committee for Immigration Policy Monitoring**

1) For the coordination of immigration policy in Greece, an Inter-ministerial Committee shall be established, consisting of the Ministers of Interior, Public Administration and Decentralization, Economy and Finance, Foreign Affairs, National Defense, Labor and Social Protection, Justice, Public Order and Merchantile Marine , which shall meet at least twice a year.

2) The task of this committee shall be to elaborate issues on (legal or illegal) immigration based on the progressive course of the phenomenon, the issue of guidelines aiming at the coordination of organizations participating in each case, the monitoring of their work and the proposal of institutional and technical measures towards the direction of an effective solution of the relevant problems. The Committee shall coordinate the conduct and implementation of Integrated Action Plans as mentioned in Article 66, regarding social integration of third country nationals.

3) For the facilitation of its task, the Inter-ministerial Committee shall be supported by a Special Committee, which shall meet at least once every three months, the main task of which shall be to prepare the items examined as well as to suggest the appropriate steps to be taken. The above mentioned Committee shall be established upon decision of the Minister of Interior, Public Administration and Decentralization and shall comprise technocrats, experts and executives of the Ministries mentioned in paragraph 1 herein. Its chairman shall be appointed by virtue of the said decision.

4) Upon decision of the Ministers of Interior, Public Administration and Decentralization, Economy and Finance, Foreign Affairs, National Defense, Employment and Social Protection, Justice, Public Order and Merchantile Marine special issues regarding the operation of the Committee of paragraph 1 of the present article as well as its secretarial support shall be also determined.

**SECTION 2**  
**CONTROL OF BORDER PASSAGE**

**Article 4**  
**Entry - exit points**

- 1) Any person is allowed to enter and exit the Hellenic territory only through the controlled border passages.
- 2) Entry to and exit out of border passages other than those mentioned in the former paragraph can be permitted only in special cases, for extraordinary reasons, upon decision of the Minister of Public Order where the way in which control shall be conducted is also determined.
- 3) Upon decision of the Ministers of Economy and Finance and Public Order, it is possible to define temporary passing points at the borders of the Country, for reasons of public interest, under the condition that the required precondition regarding the conduction of the control of persons' movement will be met. Operation hours and total operation time of the said points are determined according to the special conditions imposed by the need for their creation and under no circumstances may it exceed eight months, unless reasons of public interest they have to operate for longer time.

**Article 5**  
**Conduction of entry control**

- 1) Any person entering into or exiting from the Hellenic territory, is subject to a control upon his/her arrival or departure.
- 2) The control of persons who enter into or exit from the Hellenic territory falls within the competence of the Ministry of Public Order and is conducted by the competent police authorities of each region.
- 3) Upon decision of the Ministers of Interior, Public Administration and Decentralization, Economy and Finance, Foreign Affairs, National Defense, Employment and Social Protection, Justice, Public Order and Merchantile Marine airports, harbors and terrestrial points of the Country borders are determined, through which entry and exit of persons in the

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Hellenic territory is permitted as well as the content of any control, control organs and implementation procedure of judicial and administrative acts related to the entry and exit of persons into and from the Country. Upon a similar decision it is possible to determine a simpler procedure of the control of any person who takes part in a cruise or is on pleasure boats or charter flights as well as the entry and exit procedure for recruited or dismissed mariners.

4) Upon a presidential decree issued following a proposal by the Ministers of Interior, Public Administration and Decentralization, Foreign Affairs and Public Order the documents are defined, which must be possessed by third country nationals, who do not hold any travel documents and may not possibly acquire any in time the diplomatic authorities of their Country.

### **SECTION 3**

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

#### **Article 6**

##### **Visa**

1) Any third country national who enters the Hellenic territory, must hold a passport or another travel document recognized by national agreements.

2) These documents should have a VISA, if this is required by valid international agreements, community law and national regulations.

3) A VISA is provided by the consulate authorities, to which the place of residence of the third country national belongs, after having taken into consideration in particular parameters regarding public order, public health and security of the Country, and can be either a Schengen visa or a visa for long-term residence (national visa).

4) A national visa is issued according to the relevant statutory residence permit regulations and its duration depends in each case on the duration of the provided duration of residence.

5) Third country nationals, who are not obliged to have a VISA, are allowed to enter and reside in the Hellenic Territory up to three months in total or partially within six months from the date of their first entry.

6) In special occasions, a VISA can be provided by passport control services upon the arrival of a third country national at any entry point, upon decision of the Minister of Public Order.

7) Upon decision of the Minister of Foreign Affairs the conditions, the documentary evidence and the procedure for the provision of a VISA are determined.

### **Article 7**

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

3) According to this law, residence of a third country national in the transit zone of an airport or port of the Country in order to continue one's journey abroad, in the same or another airplane or vessel, is not considered as entry in the Hellenic territory.

4) For the stay in the transit zone a VISA is required in the cases provided by community law.

5) Any third country national, who remains in the transit zone, is obliged to depart. If the former does not depart, one shall be forced to board on an airplane or ship by the police. Airport and harbor authorities must assist, if they are asked to.

6) The competent police, toll, harbor and health authorities retain the right to control the persons that are in the transit zone, if they consider it necessary.

7) Hellenic control authorities can force a passing third country national to depart immediately, if they find out that the latter does not have a VISA, when required, or a valid ticket to continue his journey, both for the destination country and the interim countries, through the territory of which he must go.

**Article 8**  
**Rejection of entry**

1) The decision regarding rejections of applications for the provision of a VISA taken by diplomatic and consulate authorities, does not need to be specially justified, except for the cases mentioned in the following categories of third country nationals and subject to reasons of public order and security:

a) Third country nationals, family members of a Greek citizen.

b) Third country nationals, family members of a national of another European Union member-state.

c) Third country nationals, the entry, residence, accommodation and employment of whom in Greece is required according to community law.

d) Recognized refugees and their family members.

e) Third country nationals, who are employed in companies established in another European Union member-state and come to Greece for the conduction of a task or project, within the framework of their relevant contractual obligations.

1) The Greek control authorities can reasonably prohibit the entry of a third country national in Greece, if they find out that the person belongs at least to one of the following cases:

a) Is registered in the record of third country nationals, who are not allowed to enter the country according to article 82 of the present law.

b) His entry may be dangerous for public order and security or public health.

c) The passport or any other documents he possesses do not secure his return to his country of origin or nationality or to a third country.

d) He comes in order to reside in Greece for reasons, for which the issue of a special residence permit is required and he does not have the special VISA required.

e) He does not have the required documents to justify the purpose of his journey as well as the financial means that are necessary for his subsistence. However, it is possible that a national, with a statement of reception which is issued in a specific form and is submitted as a documentary piece of evidence to the authorities that are competent for passport



control, explains the reason of the journey of the third country national and guarantees through the deposit of a specific amount at the Deposit and Loan Fund which covers the expenses for the further journey or the expulsion of the former and an amount that is equal to the income of an unskilled worker for three months in order to cover a part or all of his expenses.

In case of any of the above categories a third country national is given the relevant form of entry rejection provided for by international agreements and regulations.

The Minister of Public Order is able, upon his decision, to allow the entry of a third country national through controlled border passages and temporary passing points, by way of derogation from the prohibition of this paragraph, in case it is necessary due to reasons of public interest or force majeure or in order to facilitate the journey of a Greek vessel, which cannot continue in another way.

3) A third country national, who has entered Greece through the transit zone and is not allowed to enter his destination country, is not allowed to enter the country again, if he does not anew meet the conditions therein, if during his return he entered a third, interim country.

4) Entry in Greece is not prohibited to any person, who is proven to have the Greek nationality or the nationality of a European Union member-state, even if the latter does not have a passport or any other travel document.

5) If the Greek control authorities, upon the entry of a third country national in Greece, who holds a residence permit, find out a reason to withdraw the above permit, the former must immediately inform the competent Service for Foreigners and Immigration in order to proceed to the relevant procedure.

#### **SECTION 4**

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

#### **Article 9**

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

1) A third country national, who has received a VISA for Greece for one of the reasons provided for by the clauses of this law,

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should apply for a residence permit for the same reason, if he/she meets the conditions, required hereby.

2) The following categories of residence permits are defined as well as the types of permits included in the same. The types of residence permits give their holders the right to enter the labor market according to the special regulations of this law:

A) Residence permits for employment:

A1. Salaried employment or service or work rendering

A2. Seasonal employment

A3. Company executives

A4. Temporary shift for service provision

A5. Athletes - Trainers

A6. Members of art groups

A7. Intellectual creators

A8. Members of foreign archeological schools

B) Residence permit for independent financial activity:

B1. Independent financial activity

B2. Development of investment activity

C) Residence permits for special reasons:

C1. Pursuit of studies

C2. Vocational training

C3. Scholars - Special programs

C4. Studies in military schools

C5. Acquisition of medical specialty

C6. Financially self-supported persons

C7. Adult minors of diplomatic employees

C8. Staff or servants of diplomatic delegations

C9. Reporters of foreign press

C10. Ministers of known religions

C11. Athonite School

C12. Mastering in, acquaintance with and exercise of monastic life

C13. Organized Tour Guides

C14. Researchers

D) Residence permits for exceptional reasons:

D1. Humanitarian grounds

D2. Public interest

D3. Victims of trafficking

E) Residence permits for family reunification :

- E1. Family members of a third country national.
- E2. Independent residence permit for the members of the family of a third country national
- F) Residence permit of indefinite duration.
- G) Residence permit of long-term duration.

1) The above permits are issued in the form of residence permits of common type according to the Regulation EC 1030/2002, excluding the permits of E3 type, which are issued in the form of a Residence Permit or Permanent Residence Permit. Upon decision of the Ministers of Interior, Public Administration and Decentralization, Foreign Affairs and Public Order the form and content of the above Statements is determined.

2) Each residence permit records whether its holder is allowed to enter the labor market subject to special regulations of the present law.

#### **Article 10**

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

The right of residence of third country nationals, who legally enter Greece, for one of the reasons of the present law, shall meet the following conditions:

a) They should hold a valid passport or other travel document recognized by international agreements.

b) They should not be dangerous for public order and security.

Examination of the reasons related to public order and security of the Country is a precondition for the initial issue of a residence permit for a third country national, for the inclusion of the latter in the long-term residence status and the issue of residence permit of indefinite duration, according to the provision of par. 2 of article 91. The competent Services for Foreigners and Immigration of the Regions are obliged to send at the end of each month to the police stations of the Hellenic Police Force records that contain the accurate personal data of third country nationals, the residence permits of whom have been renewed. The reasons of public order and security that arise after the issue of the permit, must lead to the withdrawal of the latter.

c) They should not be dangerous for public health. The only diseases that can justify the prohibition of entry or the right for residence are those provided by the World Health Organization as well as other infectious, contagious or parasitic diseases, which lead to measures for the protection of public health. The discovery, after the issue of the initial residence permit, that the person in question suffers from a disease, by which he was infected after his entry in the Country, is not a reason for him not to have his residence permit renewed or to be expelled from the territory of the Country.

d) They should have a full health insurance for all dangers nationals are covered for.

e) They should have the resources to cover the expenses for their return to their Country of origin. In case their return takes place at a public expense, they are obliged to cover it.

#### **Article 11**

#### **Lodging of applications for the issue and renewal of residence permits**

1. A third country national, who applies for the issue of a residence permit in Greece, for one of the reasons of the present law, should, after his entry in the country and before the expiration of his visa, unless otherwise defined by the clauses of the present law, lodge an application for its granting. Competent for the examination of the application is the Service for Foreigners and Immigration of the Region that operates in the prefecture of the place of his accommodation or residence.

The applications for the issue and renewal of residence permits are lodged to the municipality or prefecture of the applicant's place of accommodation or residence.

Municipalities and prefectures examine whether all required documentary evidence have been submitted and forward the relevant file to the competent Service for Foreigners and Immigration of the Region within fifteen days after its lodging.

Regarding residence permits issued by the Ministry of Interior, Public Administration and Decentralization, the relevant

application is lodged to the competent Directorate of the Ministry.

2. Along with the lodging for the issue or renewal of a residence permit, the applicant should also pay a deposit, as defined by article 92 of the present law, and attach the documentary evidence determined upon decision of the Minister of Interior, Public Administration and Decentralization as required in each case. Upon a similar decision the type and content of application, the procedure for the issue of residence permits for eligible persons as well as the type of certificate of the following paragraph are also determined.

3. If all required documentary evidence have been submitted, the competent Directorate of the Minister of Interior, Public Administration and Decentralization as well as the municipalities and the communities, should provide the third country national with the relevant certificate of submission.

4. A third country national, who has lodged in due time an application for the issue or renewal of residence permit along with all required documentary evidence and has received the certificate of the former paragraph, is considered to reside legally in the Country, until the decision of the Administration regarding his application is made. In case of a decision of rejection, the above certificate is no longer valid by operation of law.

## **Article 12**

### **Procedure of the issue and renewal of residence permits**

1) The Region, after having taken into account public order and security of the Country, can invite, according to the regulations of paragraphs 2 and 3 of the present article, a third country national for an interview at a specific time and place, before the Immigration Committee. If the latter does not appear, his application is rejected. The relevant decision is made by the Region within a period of two months starting after the collection of all required supportive documents. Overdue applications are rejected, unless there are proven reasons of force majeure.

2) There is a special certificate proving the invitation of a third country national for an interview before the Immigration

Committee. Failure to appear is only justified for reasons of force majeure. In this case, the third country national is invited again for an interview according to the above procedure and if he does not appear, his application is rejected.

3) The Immigration Committee opines about each case it is asked to by the Secretary General of the Region.

4) The residence permit is issued upon decision of the Secretary General of the Region.

5) During the renewal procedure of a residence permit, it is not permitted to change a permit for employment into a permit for independent financial activity and visa versa, before a period of three years from the date on which the initial residence permit came into force. In case of renewal, according to the above mentioned, the special VISA for this reason is not required.

6) The duration of the initial residence permit, according to special regulations of the present law, is one year and the duration of each renewal two years, until fulfillment of the conditions required for the provision of residence permit of indefinite duration or inclusion in the long-term residence status.

7) In any case, change of purpose for the holders of residence permits is not permitted according to articles 16 to 23, 28, 30, 32, 33, 34, 36 to 43 and 45 of the present law.

### **Article 13**

#### **Consultative Immigration Committee**

1) In each prefecture of the Region a five member Immigration Committee is established, which consists of four employees of the competent Service for Foreigners and Immigration of the Region, one of whom is the head of the service, who presides as well, and one representative of police authorities. As far as the Region of Attica is concerned, a Committee for each competent Service for Foreigners and Immigrations is established. The Committee is established upon decision of the Secretary General of the Region and its regular and deputy members, the secretary and his deputy are determined, as well as an adviser, who holds no voting rights, along with his

deputy. The canvasser and the secretary are employees of the competent Service for Foreigners and Immigration.

2) The task of the Immigration Committee is to opine about the issue or renewal of residence permits for third country nationals. The Committee, in order to form its opinion, takes into account all elements provided for by the clauses of the present law as well as the personality of the third country national in general.

## **SECTION 5 RESIDENCE PERMIT FOR EMPLOYMENT**

### **Article 14**

#### **Procedure for the invitation of a third country national for employment**

3) Entry in Greece for employment purposes is allowed to a third country national who has a relation of dependent employment with a specific employer for specific type of employment, if he has obtained the relevant visa.

4) In the seat of each Region a Committee is established, which consists of:

a) The Secretary General of the Region or the Head of the competent Service for Foreigners and Immigration, as its chairman.

b) The head of the Labor Inspectorate Body.

c) A representative of Prefectural Administrations of Greece

d) A representative of the Office of Employment and Manpower (OAED)

e) A representative of the Employment Center of the seat of the Region

f) A representative of local Chambers

g) A representative of the General Confederation of Agricultural Unions or the Hellenic Confederation of Agricultural Unions, as regular members along with their designated respective alternates.

1) The Committee is established upon decision of the Secretary General of the Region in December of every second year, its term of office is two years and commences on the 1<sup>st</sup> of January of the following year. In case its members are not indicated by

the competent organizations of the former paragraph, within thirty days after the submission of the relevant request, they are indicated by the Secretary General of the Region. The mission of the Committee is to draw up, during the last quarter of each year, a report, which presents current needs for manpower in the Region, the available jobs per specialty, prefecture and employment duration that can be covered by third country nationals. For the composition of the report the Committee takes into account the interests of national economy, job offering from nationals and third country nationals who are legal residents of Greece as well as the demand per specialty. The above report is forwarded to the Ministry of Labor and Social Protection, which precipitates the issue of the common ministerial decision of the following paragraph. The same report is also communicated to the Ministry of Interior, Public Administration and Decentralization.

2) Based on the report of the above paragraph, upon decision of the Ministers of Interior, Public Administration and Decentralization, Foreign Affairs and Employment and Social Protection, the maximum number of residence permits for employment is determined, which is issued every year for third country nationals per prefecture, nationality, type and duration of employment as well as any other relevant detail. This decision is forwarded to the related Regions, OAED and other competent Ministries as well as to the related Hellenic consulate authorities.

3) The decision is posted up on a visible position in the related Hellenic consulate authority. The same authority receives applications all year long and every three months forwards to the relevant Region a nominal list of those, who have lodged relevant applications.

4) Each employer, based on the list of the above paragraph, submits to the municipality or the community of his place of accommodation or residence an application, in order to hire employees with a contract of dependent employment, along with a letter of guarantee of a bank or the Deposit and Loan Fund, which correspond to the amount that is at least equal to the income of an unskilled worker for three months, for the coverage of the cost of living of a third country national in Greece for three months and to an amount determined upon a



joint ministerial decision of paragraph 2 of article 90 of the present law, which covers the expenses for his return or expulsion to his Country of origin. The letter of guarantee which amounts to the income of an unskilled worker for three months is returned to the employer after the issue of the residence permit and not before the completion of a period of three months from the date on which the permit has taken effect. Competent for the examination of the application is the related Service for Foreigners and Immigration of the Region.

5) The Secretary General of the Region issues an act, by virtue of which the employment of a third country national for services provision at a specific employer is permitted, which is also forwarded to the competent Hellenic consulate authority.

6) Upon a presidential decree, issued upon a proposal of the Ministers of Interior, Public Administration and Decentralization, Economy and Finance, Foreign Affairs and Employment and Social Protection there can be, in the seats of embassies and stipendiary consulate authorities, within the framework of bilateral agreements and according to the international obligations of the Country, Employment Services in order for them to determine their competences, provide for organic positions of personnel, define the categories, fields and skills of the personnel in question, the way the above organic positions are held and arrange any relevant issue.

7) Whenever, in the clauses of the present article, there is a reference to the related Hellenic consulate authority, after the formation of the Services of the above paragraph, the above Services are meant thereafter.

#### **Article 15**

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

5) A third country national, who has received a visa in order to be dependently employed in Greece, is provided with a residence permit for dependent employment, if he has a labor contract, which determines that his wage is at least equal to the monthly income of an unskilled worker and submits the required documentary evidence determined by the decision of article 11 par. 2 of the present law.

6) For the renewal of a residence permit for dependent employment, a third country national must, within a time period of two months before the expiration of his residence permit, submit to the municipality or community of his place of accommodation or residence an application and the documentary evidence from which arise the following:

a) fulfillment of his tax obligations.

b) fulfillment of the conditions provided for in the previous paragraph.

c) The minimum number of wages in the related social security institution, as defined by the decision of article 90 par. 1 of the present law.

Competent for the examination of the application is the related Service for Foreigner and Immigration of the region.

1) A third country national is allowed to have a labor agreement with another employer during his initial residence permit, under the condition that the specialty, for which he was granted the permit, and the social security institution do not change. In case the employee changes employer, the former should inform the competent Service for Foreigners and Immigration of the Region within a period of thirty days after the signing of the new contract. The Region informs about the above change the Committee of the article 14 par. 2 of the present law.

2) A holder of residence permit for employment has the right to work in another prefecture of the same or another Region after a period of one year from the provision of the initial permit and if he fulfils the following conditions:

a) his previous labor contract has been terminated and there has been a notification about the reason for its termination and

b) the third country national has signed a new contract with an employer in another prefecture.

3) After the completion of a period of one year after the provision of residence permit for dependent employment, the permit can be renewed for provision of services or work, if a third country national has fulfilled his tax obligations and has the minimum number of wages from the related social security institution, as defined by the decision of article 90 par. 1 of the present law. The residence permit for the provision of services and work issued according to the above

mentioned lasts two years and can be renewed every two years. Any further change of the above permit for provision of services and work into a respective permit for dependent employment is not possible when the latter is in effect, but only during its renewal.

### **Article 16**

#### **Seasonal occupation of third country nationals**

1) Seasonal occupation of a third country national is his occupation in Greece for a time period up to six months, per calendar year, in a field of activity related to temporary occupation of seasonal nature. A seasonal employee is related to a specific employer with a contract of definite term. The relevant contract should clearly mention the kind of occupation.

2) An employer, who wants to employ a third country national for a seasonal occupation and in order for the relevant visa to be issued, should previously receive an approval from the Secretary General of the Region, if the respective jobs are provided in the decision of article 14 of the present law, after an application lodged to the municipality or community of the place of his accommodation or residence, at least three months before the commencement of his employment, according to the procedure of article 11 of the present law, as far as the rest are concerned. Along with the said applications, the employer should also submit a letter of guarantee of a bank or the Deposit and Loan Fund that corresponds to the income of an unskilled worker for one month, which is returned to the employer after the expiration of the residence permit and the departure of the third country national from Greece.

Competent for the examination of the application is the related Service for Foreigners and Immigration of the Region.

1) The renewal of a residence permit issued according to the clauses of the present article, is not permitted for any of the rest reasons of the present law.

2) As far as the rest are concerned, the entry, residence and duration of employment of third country nationals for seasonal occupation in Greece are determined by bilateral or multilateral agreements, which prevail.

**Article 17****Issue and renewal of residence permit for members of boards of directors, managers and company staff**

1) The following persons are allowed to enter the Country after having obtained a special visa:

a) Third country nationals, members of boards of directors, managers and executives (general directors, managers and assistant managers) of subsidiary companies and branches of foreign companies that have a legal commercial activity in Greece.

b) Foreign personnel that is solely employed in companies that have fallen under the provisions of l. 89/1967 (GOVERNMENT GAZETTE 132 A'), l. 378/1968 (GOVERNMENT GAZETTE 82 A') and the article 25 of l. 27/1975 (GOVERNMENT GAZETTE 77 A'), as replaced by article 4 of l. 2234/1994 (GOVERNMENT GAZETTE 142 A') as well as in companies of p.d. 2687/ 1953 (GOVERNMENT GAZETTE 317 A').

c) Third country nationals who are technicians employed in industries or mines under the conditions provided in l. 448/1968 (GOVERNMENT GAZETTE 130A').

d) Foreign personnel that is solely employed in companies, which are established in Greece according to article 26 hereof.

2) Residence permits for employment are issued for a period up to one year and can be renewed every two years.

3) The above third country nationals can be accompanied by the members of their family according to par. 1 of article 54, who are given a personal residence permit that expires along with their sponsors' permit.

4) The relevant application for the issue and renewal of residence permit as well as for family reunification of third country nationals of par. 1 of the present law, is lodged to the Directorate of Foreigners and Immigration of the Ministry of Interior, Public Administration and Decentralization and the related permit is issued by the Minister of Interior, Public Administration and Decentralization. Examination of reasons related to public order and security is not a precondition for the issue of the above permits. If from the investigation of the competent police authority such reasons arise,

irrespectively of the period which they refer to, the permit is withdrawn.

### **Article 18**

#### **Issue and renewal of residence permit for third country nationals who move from a company established in a member-state of the European Union or the European Economic Area, in order to provide services**

1) A third country national, who is legally employed in a company established in a member-state of the European Union or the European Economic Area and has to move to Greece in order to provide specific services, within the framework of the relevant agreement between the above company and the counterpart, who exercises his activities in Greece, is provided with a residence permit, if, in addition to the condition of article 10, the following conditions are fulfilled as well:

- a) He has received a special visa, if the provided period of his residence exceeds the period of three months.
- b) He proves his legal residence in the member-state of the European-Union, which the company he comes from is established in.
- c) The company from which a third country national comes from proves that it legally employs the latter within the territory of the member-state, which it is established in.
- d) The company, which a third country national comes from, has a contract for the provision of the specific service with the respective counterpart in Greece, which refers to the aim and the provided period of his movement, as well as the coverage of his cost of living, Medicare and return.

1) The application for the issue of the residence permit is lodged to the municipality or community of the residence of the counterpart. Competent for the examination of the application is the related Service for Foreigners and Immigration of the Region.

2) Residence permits are issued upon decision of the Secretary General of the Region for the period required for the fulfillment of the contractual obligation by the company and cannot exceed the period of one year. In special occasions and only if this is justified by the need to fulfill the

contractual obligation of the company, the above mentioned residence permit can be renewed for six more months.

3) The above mentioned third country nationals can be accompanied according to par. 1 of article 54 by the members of their family, who are provided with a personal permit that expires along with their sponsors' permit.

### **Article 19**

#### **Issue and renewal of a residence permit for third country nationals who move from a company established in a third country in order to provide services**

1) A third country national, who is employed as specialized personnel in a company, which is established in a third country, and for whom the rendering of specific services is provided, within the framework of a service contract, between the above company and the respective company that exercise its activity in Greece, is provided with a permit if the following conditions are fulfilled:

a) He holds a valid passport and has received a special visa and

b) The company, which the third country national comes from, has a supply contract, which provides for the supply of specific services that are solely referred to the installation, testing and maintenance of the supplied products, the duration of services, the number and the specialty of the persons that will be employed as well as the coverage of their cost of living, Medicare and return.

2) The application for the issue of a residence permit is lodged to the municipality or community, where the local company is established. Competent for the examination of the application is the related Service for Foreigners and Immigration of the Region.

3) Residence permits are issued upon decision of the Secretary General of the Region for a period required for the fulfillment of the contractual obligation by the company and cannot exceed the period of six months in total. In special occasions and only if this is justified by the need to fulfill the contractual obligation of the company, the above mentioned residence permit can be renewed for six more months.

**Article 20****Issue and renewal of residence permit for athletes and trainers**

1) The entry and residence in the Country of third country nationals, athletes and trainers, that has been approved by Hellenic sport authorities, for their registration, transfer or hiring in an accredited sport union, in a Sport S.A. or in a Department of Paid Athletes, is permitted upon the approval of the Hellenic sport federation of the relevant sport and the provision of a special visa.

2) An athlete or trainer who is a third country national and wishes to come to Greece in order to be registered, transferred or hired, lodges an application to the municipality or community of his place of accommodation or residence, if he has been registered, transferred or hired by a Hellenic sport union, a Sport S.A. or a Department of Paid Athletes and fulfils the other conditions required by law. Competent for the examination of the application is the related Service for Foreigners and Immigration of the Region.

3) Residence permits are issued upon decision of the Secretary General of the Region for a period with duration up to one year and can be being renewed, according to the clauses hereof, as long as the written employment agreement or labor contract of a third country national is valid.

4) The above mentioned third country nationals can be accompanied according to par. 1 of article 54 by the members of their family, who are provided, upon an application, with a personal permit that expires along with their sponsors' permit.

5) Entry in the Country is permitted, for training in order to participate in international athletic events, for athletes, third country nationals, trainers and the rest specialized staff that accompanies them, upon approval of the Hellenic federation of the relevant sport, accredited by Hellenic sport authorities. Entry is permitted only if the above mentioned receive a special visa and prove that they are able to cover their cost of living and health insurance.

Residence permits are valid as long as the approval of Hellenic league of the relevant sport is also valid, and cannot last more than a year. They cannot be renewed.

**Article 21****Issue and renewal of residence permits for members of artistic groups**

1) Third country nationals, who are members of artistic groups and employed thereby, are allowed to enter the Country, if they prove their above mentioned status and employment relation and receive a special visa.

2) The third country nationals of the previous paragraph are provided with a residence permit for employment, taking into account the unified structure of an artistic group.

3) Residence permits for employment are issued for a period of one year maximum duration and can be renewed, according to the clauses of the present law, for as long as the performances or events in which they participate are going to last.

**Article 22****Issue and renewal of residence permits for creators**

1) Third country nationals, who are creators, in particular writers, litterateurs, directors, painters, sculptors, actors, musicians, singers, choreographers and stage-designers, are allowed to enter the Country if they have a relevant contract for this reason that lasts more than three months with a company or organization, the subject of which is activities regarding the exploitation and creation of copyright products and they receive a special visa.

2) The third country nationals of the previous paragraph are provided with residence permits for employment that last one year and can be renewed, according to the clauses of the present law, for as long as their contract is being renewed.

**Article 23****Issue and renewal of residence permits for members of foreign archeological schools**

1) Upon decision of the Ministers of Interior, Public Administration and Decentralization and Culture third countries nationals, members of foreign archeological schools, the scientific activity of which is supervised by the Ministry of



Culture, may be granted with a residence permit for employment within the framework of the school's activity, if they have previously received a special visa by the competent Hellenic consulate of their place of residence.

2) The relevant application is lodged to the competent Directorate of Foreigners and Immigration of the Ministry of Interior, Public Administration and Decentralization, if a third country national has been accepted as a member of the related school and fulfils the conditions provided by the present law.

3) The third country nationals of the previous paragraph are provided with residence permits for employment that last one year and can be renewed, according to the clauses of the present law, for as long as their scientific activity lasts.

4) The above mentioned third country nationals can be accompanied according to par. 1 of article 54 by the members of their family, who are provided, upon an application, with a personal permit that expires along with their sponsors' permit.

## **SECTION 6**

### **RESIDENCE PERMIT FOR INDEPENDENT FINANCIAL ACTIVITY AND INVESTMENT PURPOSES**

#### **Article 24**

##### **Exercise of independent financial activity**

1) Entry of a third country national in the Country is permitted, in order for the latter to exercise independent financial activity, if he fulfils the following conditions:

a) He possesses sufficient resources in order to exercise the activity and at least sixty thousand (60,000) euros, deposited in a personal account in an accredited bank institution. After the granting of the special visa, the above mentioned amount must be deposited in a respective institution of the country.

b) The activity contributes to the development of national economy and

c) He holds a special visa.

1) The application for the issue of a residence permit for the exercise of independent financial activity is lodged to the

Hellenic consulate of the place of residence of the third country national along with the respective feasibility study.

2) The application along with the above feasibility study and the submitted documentary evidence, are forwarded to the competent Service for Foreigners and Immigration of the Region, which the municipality or prefecture belongs to, where the person in question is going to be established and exercise his financial activity.

3) The competent Service for Foreigners and Immigration of the region, after approval of the Committee of the following paragraph, approves the exercise of the specific financial activity and forwards the relevant act to the competent Hellenic consulate, which announces it to the person concerned and issues the respective special visa. In case of rejection, a third country national cannot submit a new application within a period of one year.

4) In the seat of each Region a seven member Committee is established upon decision of the Secretary General of the Region, which consists of:

- a) The head of the competent Service for Foreigners and Immigration, as chairman.
- b) A head of department of the same service.
- c) The head of the Directorate of Planning and Development of the Region.
- d) An employee of the Public Financial Service of the seat of the Region.
- e) A representative of Prefectural Administration of the seat of the Region.
- f) A representative of the Local Union of Municipalities and Communities of the prefecture where the Region is established and
- g) A representative of the Chamber of the seat of the Region as regular members along with their indicated respective alternates.

The above Committee opines within a period of one month after the submission of the relative request, regarding the advisability of the exercise of the activity. In particular, it examines completeness and implementation possibilities of the feasibility study, environmental impact, business experience of a third country national, available capital and impact on

employment as well as any specific restrictions imposed by current legislation.

### **Article 25**

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

1) A third country national, after his entry in the Country and within the scope of the special visa for the activities of the previous article, lodges an application for a residence permit to the municipality or community of the place of his accommodation or residence, along with a certified photocopy of his passport. Competent for the examination of the application is the related Service for Foreigners and Immigration of the Region.

The relevant residence permits are issued by the Secretary General of the Region and are valid for two years.

2) The above decision is announced by the General Secretariat of Commerce of the Ministry of Development.

3) Residence permits can be renewed for two years each time, after the approval of the Committee of the previous article, if:

a) The approved activity is still being exercised.

b) It is the same activity.

c) Tax and insurance obligations have been fulfilled and

d) The activity is still being exercised within the borders of the same prefecture.

4) If a residence permit is withdrawn or renewed, upon decision of the Secretary General of the Region, a third country national can be granted with an extension of six months for his departure from Greece, if this is considered to be necessary for the liquidation of his company.

### **Article 26**

#### **Residence permits for the exercise of investment activity**

4) Entry of a third country national in Greece is permitted, in order for the latter to make an investment amounting to three hundred (300,000) euros at least, which is going to have a positive impact on national economy.

5) The application for a residence permit is lodged to the Hellenic consulate of the place of residence of a third country national.

6) The application along with the required documentary evidence is forwarded to the Directorate of Foreign Capitals (Department of Monitoring of Foreign Direct Investments) of the Ministry of Economy and Finance. The above mentioned documentary evidence are determined upon decision of the Ministers of Interior, Public Administration and Decentralization and Economy and Finance.

7) Within a period of twenty days from the date of the arrival of the file at the Ministry of Economy and Finance, the Minister of Economy and Finance forwards to the Minister of Interior, Public Administration and Decentralization a proposal, after a supported recommendation of the Department of Monitoring of Foreign Direct Investments of the Ministry, regarding the advisability of issuing a residence permit for the foreigner, as far as the investment is concerned. The Minister of Interior, Public Administration and Decentralization makes the decision about the approval of the said residence permit.

8) The approval of the Minister of Interior, Public Administration and Decentralization is forwarded to the competent Hellenic consulate, which issues the special visa according to article 8 hereof. In case the approval of the previous paragraph is withheld, no new application can be lodged within a period of one year.

9) The investor is obliged to inform the Department of Monitoring of Foreign Direct Investments about the realization of his investment as well as the annual progress of its implementation respectively. If after a year it is found either that the investment has not been realized or that there has not been the respective progress, the Minister of Economy and Finances, according the procedure of paragraph 4 hereof, forwards a proposal to the Minister of Interior, Public Administration and Decentralization, in order for him to decide if the permit should be withdrawn or not, according to the terms of the present article.

10) Upon decisions of the Minister of Interior, Public Administration and Decentralization and Economy and Finance the

special issues of technical or operational nature related either to the implementation of the investment or the residence permit are regulated according to the terms of the present article.

### **Article 27**

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

1) A third country national, after his entry in the Country and within the scope of his special visa, according to paragraph 5 of the previous article, submits an application for a residence permit to the Directorate of Foreigners and Immigration of the Ministry of Interior, Public Administration and Decentralization, along with a certified photocopy of his passport.

2) The relevant residence permit is issued by the Minister of Interior, Public Administration and Decentralization, is valid for three years and the related decision is communicated to the Minister of Economy and Finance.

3) Residence permits can be renewed for equal periods of time if:

- a) The approved activity is still being exercised
- b) It is the same activity or an extension of the original activity and
- c) Tax and insurance obligations have been fulfilled.

3) If a residence permit is withdrawn or renewed, upon decision of the Secretary General of the Region, the third country national can be granted with an extension of six months for his departure from Greece, if this is considered to be necessary for the liquidation of his company.

4) The above mentioned third country nationals can be accompanied according to par. 1 of article 54 by the members of their family, who are provided with a personal permit that expires along with their sponsors' permit.

**SECTION 7****ISSUE AND RENEWAL OF RESIDENCE PERMITS FOR SPECIAL REASONS****Article 28**

1) Entry of a third country national in Greece for studies in Universities, Technological Educational Institutions (TEI), Higher Ecclesiastical Faculties and Ecclesiastical Schools, the Higher School of Engineers of the School of Education and Technical Training, the Tourist School operated by EOT and Technical Vocational Institutions is permitted if the latter has received a special visa. Postgraduate studies are also included. The term studies covers foundation courses as well, if it is defined by the current legislation as a part of these studies.

2) A third country national, who has received a special visa for pursuing studies in Greece, is eligible to apply for a residence permit, if he fulfils the following conditions:

a) He has been registered or has been admitted for registration to the relevant educational institution.

b) He possesses sufficient resources to cover his cost of living and studies for the duration of his residence permit.

c) He has paid the required registration fee to the educational institution.

Competent for the examination of the application is the related Service for Foreigners and Immigration of the Region.

2) A residence permit for pursuit of studies is not granted to third country nationals who legally live in the Country as employees or exercisers of independent financial activity.

**Article 29****Duration and renewal of residence permits**

1) Residence permits for the pursuit of studies are valid for one year and can be renewed for an equal period of time, if its holder still fulfils the conditions of the previous article. If the duration of the course of studies is less than one year, the residence permit is valid for the duration of the course. The total period of time cannot exceed a total duration of studies provided by the relevant clauses extended by the half

of the initial time. An additional year is added to this period of time in order for the foreigner to learn Greek, if this is required by the related educational institution.

2) For the renewal of a residence permit, the third country national should, at least two months before its expiration, lodge an application to the municipality or community of his place of accommodation or residence along with a certificate of the respective educational institution, which proves his registration and participation in the examinations as well as his grades which present the general progress of his studies.

### **Article 30**

#### **Vocational training**

1) Vocational training, for application purposes of this law, is the attendance in an Institution of Vocational Training, according to l. 2009/1992 (GOVERNMENT GAZETTE 18A'), as applied in each case. A preparative year for the learning of Greek language may precede the training in question, when required, according to the course of study of the required specialty.

2) The entry of a third country national in Greece for training in a public or private Institution of Vocational Training is permitted, if a third country national is admitted by these and given a relevant permission of study by the Organization of Vocational Education and Training. The permit is issued upon decision of the Secretary General of the Region, and after the opinion of the Board of Directors of the Organization of Vocational Education and Training, the terms, conditions and the certifications of the knowledge of the language required for this approval are determined.

3) According to the present law, third country nationals are allowed to enter the country and attend courses of study of no specific level in the Organization for Vocational Education and Training, if the third country national is admitted by those and under the condition that the above programs require full time attendance and are not distance learning courses. The relevant certificate of the institution by which a third country national is accepted as well as the duration of the programs are certified by the competent Service of the Prefectural Administration.

4) The related visa and the respective residence permit as well as its renewal are issued according to the conditions provided in articles 28 and 29 of the present law that apply by analogy.

### **Article 31**

#### **Change of stream of studies**

A third country national, who has received a visa or residence permit for the pursuit of studies or vocational training in Greece, can change educational institution, public or private institution of vocational training or educational center as well as stream of studies or vocational training only once during the first year of his studies, according to current legislation and under the condition that the required time is not going to exceed the time provided for his initially approved studies.

### **Article 32**

#### **Pursuit of studies in a military school**

Third country nationals, who have received a special visa and have been accepted in Schools and Special Schools of Armed Forces, Public Security Forces or Commercial Marine Academies, are exceptionally provided, with a residence permit for the duration of their studies.

The persons that have been accepted as scholars in the above Schools or Special Schools are not obliged to give a deposit.

### **Article 33**

#### **Acquisition of medical specialty**

1) For the acquisition of a medical specialty by a third country national, a special visa is required and a residence permit for one year is issued by the Secretary General of the related Region, which can be renewed every two years until the acquisition in question. A condition for the issue of the residence permit is the submission of a certificate by a medical institution, which, according to the current legislation, has the specialty in question and confirms that he has been accepted for its acquisition.



2) The above mentioned third country nationals can be accompanied according to par. 1 of article 54 by the members of their family, who are provided, upon an application, with a personal permit that expires along with their sponsors' permit.

#### **Article 34**

##### **Participation in special programs**

1) Third country nationals, who participate in exchange programs within the framework of intrastate agreements, in cooperation programs financed by the European Union, as well as scholars of ministries, organizations, institutions of public benefit and State Scholarship Foundation ('IKY'), are accepted for residence in the Country, if they have received a special visa. A special visa is issued, after the submission to the competent Hellenic consulate of a certificate from the organization that runs the respective program or provides the scholarship.

2) The residence permit has the duration of the period required for the program or the scholarship duration. The scholars of the previous paragraph are not obliged to give a deposit.

3) Third country nationals, who are students and participate in programs for practical training on the subject of their studies, within the framework of intrastate agreements, are provided with a residence permit, upon decision of the Secretary General of the related Region, which provides access to the labor market for a period of six months that can be extended for an equal period of time, if the former have received a special visa.

#### **Article 35**

##### **Professional activity of students that are third country nationals**

Third country nationals, who have been provided with a residence permit for the pursuit of studies, according to articles 28, 30, 32 and 34 hereof, according to paragraph 3 of the previous article, are only allowed to have a part time employment, according to the terms of the relevant legislation. Therefore, the third country national in question is given a

respective permit by the Region upon showing of his residence permit. The duration of the above permit is equal to the duration of the residence permit and can be renewed along with it.

### **Article 36**

#### **Issue of residence permit for financially independent persons**

1) Upon decision of the Secretary General of the Region, a residence permit is issued for a third country national for one year, if he has received a special visa and has sufficient resources, regarding his stable annual income in order to cover his cost of living, which can be renewed every year, if the rest conditions are fulfilled, as provided by law. Sufficiency of resources is evaluated by a joint ministerial decision according to par. 2 of the article 90 of the present law.

2) The above mentioned third country nationals can be accompanied according to par. 1 of article 54 by the members of their family, who are provided, upon an application, with a personal permit that expires along with their sponsors' permit. The condition regarding sufficiency of resources should be fulfilled either by each member of the family or by the family as a whole.

### **Article 37**

#### **Issue of residence permit for adult children of diplomatic employees and third country nationals who render services as staff or servants of diplomatic delegations**

1) Adult children of diplomatic employees who serve in Greece are provided, upon decision of the Secretary General of the Region, with a residence permit for a period of time with duration equal to the time of service of their parents. The above permit does not give them the right to have access to the labor market.

2) Upon decision of the Secretary General of the Region a residence permit is issued for third country nationals, who live abroad and are invited to Greece, in order to work as private servants for members of Diplomatic Delegations, according to article 1 paragraph h' of the Vienna Convention on

Diplomatic Relations, which has been ratified by l.d. 503/1970 (GOVERNMENT GAZETTE 108 A').

3) Residence permits of third country nationals of the previous paragraph are valid for a period that is equal to the duration of their employment relation with the diplomatic delegation member.

### **Article 38**

#### **Issue and renewal of residence permits to foreign press reporters**

1) Upon decision of the Secretary General of the Region a residence permit is issued to foreign press reporters, if the latter hold special visas that have been certified by the General Secretariat for Information. The above mentioned third country nationals can be accompanied according to par. 1 of article 54 by the members of their family, who are provided, upon an application, with a personal permit that expires along with their sponsors' permit.

2) Residence permits are issued for a period of one year and can be renewed for an equal period of time each time. The application for the issue of the residence permit of this paragraph is lodged to the municipality or community of the place of accommodation or residence of the person concerned, along with a photocopy of passport or other travel document of the third country national with the special visa and a certificate from the General Secretariat of Information regarding the above specialty of the said third country national and the duration of his accreditation.

Competent for the examination of the application is the related Service for Foreigners and Immigration of the Region.

### **Article 39**

#### **Issue and renewal of residence permits for ministers of known religions**

1) Upon decision of the Secretary General of the Region the issue of a residence permit is permitted for ministers of all known religions, third country nationals, which lasts one year and can be renewed every two years under the condition that

they have been granted a special visa. The special visa can be provided after the submission of a certificate of the relevant metropolitan bishop, as far as the prevailing religion is concerned or of the relevant representative of the known religion in the Country, to the competent Hellenic consulate that the above ministers will solely exercise their religious duties. The application for the issue of the residence permit should be accompanied by a respective certificate regarding the coverage of their cost of living and their medicare.

2) The above mentioned third country nationals can be accompanied according to par. 1 of article 54 by the members of their family, who are provided, upon an application, with a personal permit that expires along with their sponsors' permit.

#### **Article 40**

##### **Issue and renewal of residence permits for attendance at the Athonide School of the Mount Athos**

1) The entry of third country orthodox nationals denomination for the attendance at the Athonide School of the Mount Athos is permitted, if a third country national has previously received a special visa.

2) A third country national should, at least two months before the expiration of his visa, submit to the Holy Epistasis of the Mount Athos an application for the issue of a residence permit. Along with the application he should also submit:

a) A copy of passport or other travel document with a certified visa.

b) A certificate of registration at the Athonide School.

c) A certificate from a Monastery or institution or individual that the latter undertake his tutelage, his cost of studies and living in Mount Athos.

d) A certificate from the Holy Epistasis, the Monastery or institution or individual, which has undertaken his tutelage, that they are obliged to fully cover the cost of his medicare and hospitalization, as well as

e) A health certificate, issued by local hospitals or health centers or clinics or surgeries of the Social Security Institution that the third country national does not suffer

from a disease which, according to the World Health Organization, can be dangerous for public health.

1) A residence permit for a third country national is issued upon decision of the Secretary General of the Region, after a recommendation of the Holy Epistasis.

2) Residence permit is valid for the duration of studies and can be renewed for one more year.

#### **Article 41**

#### **Issue and renewal of residence permit for study, acquaintance with and exercise of monastic life**

1) a) A third country national, who has been granted with a special visa, is provided with a residence permit for Mount Athos for the pursuit of studies or acquaintance with monastic life of the region, after the submission to one of the twenty Monasteries of the Mount Athos and a recommendation of the Holy Epistasis. The permit is issued upon decision of the Secretary General of the Region under the condition that the hosting Holy Monastery confirms that it is going to provide accommodation and food and cover his cost of living, hospitalization and medicare.

a) The hosting Monastery of Mount Athos forwards to the competent Directorate of the Region the statement of the Holy Community along with the above application of the person in question.

b) The permit is valid for one year and can be renewed for an equal period of time each time.

1) Upon decision of the Secretary General of the Region a residence permit is issued for one year, which can be renewed for an equal period of time, for a third country national who wishes to learn about monastery life or become a monk, if he has obtained a special visa. The special visa is provided, if a certificate of the related Monastery has been submitted to the competent Hellenic consulate to confirm that the person in question has been admitted in order to learn about monastery life or become a monk. The application for the provision of a residence permit should be lodged along with a relevant certificate for the coverage of the medicare expenses.

**Article 42****Issue and renewal of residence permits for Tour Leaders**

1) A special visa is provided to Tour Leaders, after the approval of the competent service of the Ministry of Tourist Development, if the persons concerned submit the relevant application to the competent Hellenic consulate of their place of residence.

2) A third country national should, five days before his arrival at the Country, submit to the municipality or community of his place of accommodation or residence an application for the issue of a residence permit along with the relevant documentary evidence.

Competent for the examination of the application is the related Service for Foreigners and Immigration of the Region.

3) The above residence permit, which gives the right to its holder to exercise the activity for which he came to the Country, is issued upon decision of the Secretary General of the Region for a period of time of eight months and cannot be renewed within the same year.

**Article 43****Issue and renewal of residence permits for third country nationals for the conduction of research programs**

1) A third country national who wants to reside in Greece in order to participate in research programs in a public research organization or other relevant public research bodies or public entities supervised by a public authority, is provided with a residence permit for the conduction of a research program, if he fulfills the conditions of article 10 of the present law and has a labor contract with the research organization, which specifies the terms of cooperation, its duration as well as the coverage of his cost of living and return by the said organization.

2) The third country national concerned, having previously obtained a special visa, lodges an application to the municipality or community of his place of accommodation or residence. Competent for the examination of the application is

the related Service for Foreigners and Immigration of the Region.

The residence permit is issued upon decision of the Secretary General of the Region, lasts for one year and can be annually renewed for the same reason, until the completion of the research program.

3) The above mentioned third country nationals can be accompanied according to par. 1 of article 54 by the members of their family, who are provided, upon an application, with a personal permit that expires along with their sponsors' permit.

## **SECTION 8**

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

#### **Article 44**

##### **Issue and renewal of residence permits for humanitarian grounds**

1) Upon decision of the Ministers of Interior, Public Administration and Decentralization and Labor and Social Protection the issue of residence permit for humanitarian grounds to third country nationals is permitted:

a) Victims of labor accidents and other accidents for the duration of their treatment or if they become pensioners for this reason.

b) Victims of criminal acts, if these arise from a judicial decision and for the duration of their treatment.

c) Persons, who are hosted by public charitable institutions.

d) Minors, the custody of whom is held by Greek families or families of third country nationals who are legal residents of the Country or for whom an adoption procedure is pending.

e) Persons with serious health problems.

The existence of serious health problems as well as the duration of treatment is confirmed by a recent certificate from a public hospital or a hospital of the Social Security Institution. If this health problem concerns an infectious disease the above decision requires the confirmation of the Minister of Health and Social Solidarity that there is no danger for public health. A condition for the issue of the above permit in cases a, b and e is the previous acquisition of a residence permit by the applicant. The permit lasts maximum

one year and can be renewed each time for an equal period of time.

2) In case of reasons not included in the clauses of the previous paragraph and which make residence of a third country national necessary, a residence permit can be issued upon decision of the Minister of Interior, Public Administration and Decentralization, after the approval of the Committee of paragraph 1 of article 89 hereof. The duration of the above permit cannot be more than six months and cannot be renewed for the same reason but only for one of the other reasons provided by the clauses hereof.

3) Competent service for the submission of the above application is the Directorate for Foreigners and Immigration of the Ministry of Interior, Public Administration and Decentralization.

4) In the case of persons of paragraph 1, where the members of their family are holders of a residence permit for family reunification purposes, the renewal of the residence permit is possible for a period of time equal to the duration of the permit for humanitarian grounds. The relevant decision is issued by the Secretary General of the Region. In case the conditions of case c' of article 53 are fulfilled, the permit can be issued by way of derogation from this clause.

5) A residence permit issued for humanitarian grounds can be renewed for one of the other reasons of the present law, if the purposes of its issue do not exist any more or if this is defined in the decision for its issue.

6) Residence permits of the present article assign the right to a third country national to have access to the labor market.

7) Residence permits of paragraph 1 are not subject to a deposit.

#### **Article 45**

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

1) Upon decision of the Ministers of Interior, Public Administration and Decentralization and Foreign Affairs, a residence permit for third country nationals is issued if there is public interest. The above residence permit assigns the right to a third country national to have access to the labor



market. The residence permit lasts for one year and can be renewed for an equal period of time. The application for issue of the residence permit of this paragraph is lodged to the Directorate for Foreigners and Immigration of the Ministry of Interior, Public Administration and Decentralization.

2) The above mentioned third country nationals can be accompanied according to par. 1 of article 54 by the members of their family, who are provided, upon an application, with a personal permit that expires along with their sponsors' permit.

## **SECTION 9**

### **ISSUE AND RENEWAL OF RESIDENCE PERMITS FOR VICTIMS OF TRAFFICKING IN HUMAN BEINGS**

#### **Article 46**

##### **Issue and renewal of residence permits for victims of trafficking in human beings**

1) A third country national, who has been characterized as victim of trafficking in human beings with an act of the competent Public Prosecutor according to case i' of article 1 of the present law and following an application of the victim submitted either personally or through the competent public prosecutor, a relevant residence permit is issued, for which no deposit is required.

2) This permit is issued according to the procedure and the conditions of the following articles.

#### **Article 47**

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

1) In case the competent police or prosecution office speculate that a third country national belongs to the category of victims, as defined according to case i' of article 1 hereof, they inform him that he can be granted a residence permit of limited duration, if he cooperates in order to fight trafficking in human beings. This information can be provided by the competent institution of social support as well, which

are provided in the annex of p.d. 233/2003 (GOVERNMENT GAZETTE 248 A'), as this is applied in each case.

2) In case of third country nationals, who are unaccompanied minors, the competent prosecution office and police take the necessary steps in order to establish their identity and nationality and the fact that they are unaccompanied. They also make the every effort to locate their family as quickly as possible and take the necessary steps immediately to ensure their legal representation including representation in criminal proceedings.

#### **Article 48** **Reflection Period**

1) The persons of the previous clauses are provided, with an act of the competent prosecution office, with a reflection period, in order to recover and be able to get over from 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) This period may not exceed one month. In particular for minors, this period can be extended for one more month upon decision of the competent prosecuting authority and taking into account the interests of the minor.

3) The reflection period itself does not confer the right of residence in the Country. During this period, the above persons are not expelled and any decision for expulsion is withdrawn.

4) Upon decision of the prosecuting authority, the reflection period can terminate before its expiration, in case:

a) The relevant prosecuting or police authority finds out that the above person has resumed with the offenders of the crimes of case i' of article 1 of the present law or

b) for reasons of public order and security.

#### **Article 49** **Treatment granted during the reflection period**

1) During the reflection period, the above persons are provided with appropriate treatment, according to the provisions of article 7 of p.d. 233/2003, as applied in each case.

- 2) The same persons are granted an appropriate standard of living, in case they do not have sufficient resources.
- 3) Competent prosecuting and police authorities ensure, according to priority, the protection and security of these persons, according the relevant clauses. Translation and interpretation services are also provided when the victims do not speak Greek together with any necessary legal aid.

#### **Article 50**

##### **Conditions for the issue and renewal of residence permits**

1) After the expiry of the reflection period or earlier, in case of the case b' of this paragraph, the competent Public Prosecutor examines if one of the following conditions is fulfilled and draws up a relevant report:

- a) If the extension of the stay of the person in question in the Hellenic Territory is considered to be advisable to facilitate the investigations or the judicial proceedings.
- b) If the above person has shown a clear intention to cooperate.
- c) If the same person has severed all relations with those suspected of acts that might be included among the offences of case i' of article 1 of the present law.

1) The examination of the application for the issue of residence permit is conducted according to priority and upon decision of the Minister of Interior, Public Administration and Decentralization. Subject to reasons of public order and security, a residence permit is issued for twelve months, if one of the conditions of the previous paragraph is fulfilled, which is renewed each time for an equal period of time, if the same conditions are still being fulfilled.

2) The above residence permit assigns the right for access to the labor market, only for the period of its duration, to the provisions and treatment of article 49 of the present law, as well as to the conditions of vocational training and education, according to the special provisions of article 6 of p.d. 233/2003.

**Article 51****Non renewal or withdrawal of residence permits**

A residence permit cannot be renewed or can be withdrawn in case one of the following conditions is fulfilled:

- a) The holder is actively and voluntarily reconnected with the alleged offenders of the crimes he has accused.
- b) The competent authority considers that the cooperation or the accusation of the victim is fraudulent and wrongful.
- c) The victim ceases to cooperate.
- d) The relevant procedure is terminated with an initiative of the competent prosecuting or judicial authority.
- e) There is an irreversible judicial decision, which puts an end to the relevant procedure as well.

**Article 52****Change of residence status**

Within one month after the completion of the relevant procedure through the irreversible judicial decision, the holder of a residence permit, in his status as victim of trafficking in human beings, can be provided with a residence permit for one of the reasons and under the respective conditions provided by the present law, upon decision of the Secretary General of the relevant Region.

**SECTION 10****ISSUE AND RENEWAL OF RESIDENCE PERMITS FOR FAMILY REUNIFICATION PURPOSES****Article 53****Conditions for family reunification**

Third country nationals, who legally live in Greece for at least two years, have the right to apply for the entry and residence of their family members in the Country, if the following conditions are fulfilled:

- a) Family ties are proven.
- b) Family members are going to live with them.

- c) They prove that they have stable and regular income, sufficient to cover the needs of their family, which is independent of the system of social assistance of the Country. This income cannot be less than the annual income of an unskilled worker, increased by 20% for the spouse and 15% for each minor child. In case both parents reside legally in the Country, the above increase by 15% for each child is not required, regarding their reunification with their children.
- d) They hold a complete health insurance regarding all dangers Greek nationals are covered for, which can cover the members of his/her family as well.

**Article 54**  
**Family members**

1) Family members of third country nationals that enter the Country, within the framework of family reunification , are considered to be:

a) Spouses, if they have completed the 18<sup>th</sup> year of their age, as well as their single children under 18 years old, including adopted children.

b) The rest minors, under 18 years old, single minors of the sponsor or the other spouse, including adopted minors, if he has the parental care thereof.

2) In the event of a polygamous marriage, where the sponsor has already a spouse in Greece, family reunification of a further spouse is not authorized.

By way of derogation from paragraph 1 case b', family reunification of the sponsor's minors under 18 and a further spouse is not permitted, except for the minors under 18 years old he has with the spouse, with whom he has been reunited in the Country, according to the clauses of the previous article.

**Article 55**  
**Lodging and examination of an application for family  
reunification**

1) The sponsor submits an application to the municipality or community of his place of accommodation or residence for the approval of family reunification. Competent for the examination

of the application is the related Service for Foreigners and Immigration of the Region.

2) The application is accepted, if the conditions of articles 53 and 54 of the present law are fulfilled. The Secretary General of the Region must previously consult with the related police authority about issues related to public order and security of the Country as well as the competent Hellenic consulate in order to confirm the family relationship. The above opinions are given within two months after the related request.

3) The decision of the Secretary General of the Region, upon which the application for family reunification is approved, is forwarded to the related Hellenic consulate, which provides the family members of the third country national with the required special visas, subject to the clauses of article 8 hereof.

#### **Article 56**

##### **Issue of residence permits**

1) Family members of the sponsor, after their arrival in the Country and before the expiration of their visa, lodge an application to the municipality or community of their place of accommodation or residence in order to be granted with residence permits for family reunification purposes. Competent for the examination of the application is the related Service for Foreigners and Immigration of the Region.

During the examination of an application of the present and the following article special attention is paid to the interests of minors under 18 years old.

2) As far as minors under 18 years old are concerned, the application is lodged by the person who holds the parental care and the former are provided with a personal residence permit. For this permit and until the completion of the fourteenth year of their age no deposit is required.

3) The required residence permits are issued upon decision of the Secretary General of the related Region within nine months after the lodging of the relevant applications and the required documentary evidence.

**Article 57****Duration and renewal of residence permits**

- 1) Family members are granted with a personal residence permit for one year, which can be renewed every two years.
- 2) The family member, who wants to renew a residence permit for family reunification purposes, should, at least two months before its expiration, lodge an application to the municipality or community of his/her place of accommodation or residence. Competent for the examination of the application is the related Service for Foreigners and Immigration of the Region. Otherwise, the clauses of article 11 of the present law apply by analogy.
- 3) For the renewal of a residence permit, when the sponsor does not have sufficient resources independent from the Country's social assistance system, as mentioned in paragraph 1 case c' of article 53 of the present law, the contribution of family members to the total family income is taken into account.

**Article 58****Withdrawal of residence permits**

- 3) Residence permits for family reunification purposes are not issued or renewed and are withdrawn, except for the cases mentioned in article 75 of the present law in the following cases:
  - a) The sponsor and his family members do not lead a real married or family life.
  - b) It is found out that the family relation, in particular marriage, adoption or affiliation of minor children, has been established in order to circumvent the clauses of the present law for the provision of a residence permit. A family relation is considered to have been established for this reason if family members do not live together or they are not able to communicate or if one spouse ignores information regarding the personal status of the other spouse.
  - c) The sponsor's residence terminates and the member of his family is not eligible to reside in the Country independently, according to article 60 of the present law.

1) The competent Services for Foreigners and Immigration of the related Region, which operate in the prefecture of his/her place of accommodation or residence, conduct the appropriate relevant controls, in particular through personal interviews with the sponsor and his family members, both for the initial issue and the renewal of residence permits. Controls can be conducted in any case noticed by the above services and for any incident that can justify the withdrawal of a residence permit.

2) Before the rejection of an application, the withdrawal or the rejection to renew the residence permit or in case of taking a measure regarding the removal of the sponsor or his family members, the character and the stability of the family bonds of the person, the duration of his residence in the Country as well as the existence of family, cultural and social bonds with his/her country of origin are taken into account.

#### **Article 59**

##### **Rights of family members of a third country national**

The sponsor's family members have, respectively, the right for:

a) Access to education;

b) Access to salaried employment and independent financial activity.

These access rights, during the twelve month period of residence from the issue of the initial permit, according to paragraph 1 article 57 of the present law, are subject to the terms and conditions to be determined by the joint ministerial decision of paragraph 1 article 90 of the present law.

a) Access to vocational orientation, basic and further training as well as retraining.

#### **Article 60**

##### **Independent residence permits for family members**

1) A person, who has been accepted for family reunification purposes, is eligible for an independent residence permit in Greece in the following cases:

e) Expiration of a five-year period from the issue of a residence permit for family reunification, if no residence



permit has been granted for one of the other reasons of the present article.

f) Becoming an adult.

g) Sponsor's death, if his family members reside in the Country at least one year before his death.

h) In case of divorce or cancellation of marriage or proven interruption of marital life, if:

- i. The marriage has lasted, until the commencement of the trial for the divorce or cancellation of marriage or proven interruption of marriage life, at least three years, one of which has been spent in the Country.
- ii. Particularly difficult situations concur, as for example that a member of the family has become a victim of domestic violence, during the marriage.

2) The duration of an independent residence permit should not be more than one year. Its further renewal is permitted according to the clauses of the present law.

3) In the above case, the right of minors under 18 to reside in the Country depends on the respective right of the parent, who holds parental care.

4) As far as children are concerned, the duration of an independent residence permit cannot be more than one year and can be renewed every year and in any case until the completion of the 21<sup>st</sup> year of their life. Its further renewal is permitted according to the clauses of the present law. If its renewal is not conducted within a period of one year, the third country national is obliged to leave the Hellenic territory. In case the above independent residence permit is renewed for the pursuit of studies, the residence permit of a third country national can, after the completion of his/her studies, be renewed according to the provisions and conditions of the present law.

5) Spouses of repatriated nationals, who are third country nationals, are provided with residence permits which have a duration equal to the period of the legal residence of the other spouse. Widows and minors under 18, are granted with an independent residence permit for five years, under the condition that the dead spouse was a repatriated national. Residence permits of the present paragraph are issued upon decision of the Secretary General of the Region, can be

renewed, each time, for an equal period of time and are not subject to any deposit.

## SECTION 11

### RIGHT FOR RESIDENCE FOR THIRD COUNTRY NATIONALS WHO ARE FAMILY MEMBERS OF GREEK OR E.U. NATIONALS

#### Article 61

##### Residence Permits for third country nationals, family members of Greek or another E.U. member-state nationals

1) Family members of a Greek national or a national of another member-state of the European Union, who are third country nationals and accompany or want to meet him/her, if he/she legally resides in the Country and the duration of their residence is more than three months, are granted with a Residence Permit. This Permit for the family members of the next paragraph, which is personal, is issued upon decision of the Secretary General of the relevant Region, subject to the examination of public order and security reasons and the conditions of paragraph 4 of the present article. The above permit has duration of five years or the provided period of residence of the national of the member-state of the E.U., if the latter lasts less than five years. The permit holder is eligible for employment.

2) Family members of a Greek or national of another E.U. member-state are considered to be:

a) Spouses as well as their children who are under 21 years old, including those adopted, or regardless of age, if they depend on them.

b) The rest children of a Greek national or a national of another E.U. member-state or of one of the spouses, who have not completed their 21<sup>st</sup> year of their life, including adopted children, if he holds their parental care, or regardless of age, if they depend on them.

c) The direct ascendants of a Greek national or a national of another member-state of the E.U. and the other spouse that depend on them.

1) If it is for a national of another E.U. member-state, who resides in the Country for the pursuit of studies, members of

his family are considered to be only the spouse and his dependent children.

2) A family member of a Greek national or a national of another E.U. country who wants to be granted with a permit, according to paragraph 1, should lodge an application to the municipality or community of his place of accommodation or residence within three months from the date of his arrival in the Country, if:

- a) He holds a valid passport.
- b) He confirms in writing his family relation with the Greek national or the national of another E.U. member-state
- c) He confirms the legal residence of the national of another E.U. member-state in the Country.
- d) He confirms in cases b and c of paragraph 2 that he is a dependent member.

If there are relevant serious indications, competent authorities ask for the person in question to go through some medical examinations free of charge, in order to certify the fact that he is not infected by any disease provided by the World Health Organization as well as any other infectious, contagious or parasitic diseases, which lead to measures for the protection of public health. Competent for the examination of the application is the related Service for Foreigners and Immigration of the Region, which also issues a Residence Permit at the latest within six months after the lodging of the relevant application.

1) A Residence Permit is not issued or renewed and is withdrawn, except for the cases mentioned in article 75 of the present law, in the following cases:

- c) The Greek national or the national of another E.U. member-state and his family members do not lead a real married or family life.
- d) It is found out that the family relation, in particular marriage, adoption or affiliation of minors, has been established in order to circumvent the clauses of the present law for the provision of a Residence Permit. A family relation is considered to have been established for this reason if family members do not live together or they are not able to communicate or if the one spouse ignores information regarding the personal status of the other spouse. These data are communicated to the Directorate of Civil and Municipal

Record of the Ministry of Interior, Public Administration and Decentralization.

### Article 62

#### **Conditions for the maintenance of the right for residence of third country nationals, family members of a Greek or another E.U. member-state national**

Members of the family of a Greek or another E.U. member-state national are personally eligible for residence if:

A Greek or another E.U. member-state national dies and the members of his/her family have lived in Greece at least one year before his death.

A divorce is issued and the marriage has lasted for at least three years, one of which in Greece and the children's care has been legally awarded to one of the spouses, who is a third country national.

There are particularly difficult situations, as for example that a member of the family has become a victim of domestic violence, during the marriage.

One of the spouses is eligible to communicate with a minor child under 18, under the condition that the relative verdict or the written agreement between the spouses the visits should take place in Greece, for as long as required.

Before the acquisition of the right for permanent residence, according to the following article, the right for residence continues to be valid under the condition that the nationals of another E.U. member-state prove that they have an income from their activity in the Country or have sufficient resources for themselves and their family members so as not to depend on the system of social assistance and have a full insurance cover.

In case a Greek or national of another E.U. member-state leaves the country or dies, his children and the spouse who has their parental care, are still eligible for residence, if the children are registered in an educational institution, for as long as required for the completion of the course of studies they pursue.

**Article 63****Certificate of permanent residence for third country nationals, family members of a Greek or another E.U. member-state national**

1) Family members of a Greek or another E.U. member-state national, who legally reside in the Country along with a Greek or another E.U. member-state national, for a continuous period of time of five years, are eligible for permanent residence in the Country. In this case, upon decision of the Secretary General of the Region and subject to reasons of public order and security, a Certificate of permanent residence is issued, which is automatically renewed every two years and provides its holder with the right to have access to the labor market.

2) By way of derogation from the previous paragraph, if a national of another E.U. member-state acquires the right for permanent residence before the completion of the continuous period of five years, the members of his/her family that live with him/her acquire the right for permanent residence.

3) A family member of a Greek or another E.U. member-state national, who wants to be granted with a Certificate of permanent residence, according to paragraphs 1 and 2 of the present article, should lodge a relevant application two months before the expiration of his/her Residence Certificate.

4) An interruption of residence, which does not last more than two years, does not influence the validity of the Certificate of permanent residence.

5) In case a national of another E.U. member-state dies, while still working, but before the acquisition of the right of permanent residence in Greece according to paragraph 2, the members of his/her family who live with him/her in the Country, are eligible for permanent residence in Greece, under the conditions that:

a) The said national of another E.U. member-state has resided in the Country until his death for two consecutive years or

b) His death has been caused by a labor accident or disease.

Subject to paragraphs 2 and 5 of the present article, the family members of a Greek or another E.U. member-state national, who are covered by paragraph 1 cases a and b of the previous article and fulfill the relevant conditions, acquire the right

for permanent residence if they have resided in the Country for five consecutive years.

#### **Article 64**

##### **General provisions about Residence Permits of third country nationals, family members of a Greek or another E.U. member-state national**

The validity of a Residence Certificate, as well as the continuity of residence, is neither influenced by temporary absences not exceeding six months annually nor by absences of a greater duration for obligatory military services or by a twelve month period of absence for serious reasons, in particular regarding pregnancy and maternity, serious health problems, pursuit of studies or vocational training or move to another E.U. member-state or a third country.

Issue of Residence Certificates and Certificates of permanent residence is not subject to any deposit.

#### **SECTION 12**

##### **SOCIAL INTEGRATION**

#### **Article 65**

##### **Scope**

Social integration aims at providing third country nationals with rights, which ensure on the one hand their analogous equal participation in the financial, social and cultural life of the country and on the other aim at the obligatory respect of the fundamental rules and values of the Hellenic society, in order to meet the objectives of integrated programs, according to the provision of paragraph 4 of next article, while retaining their national identity.

Actions of social integration can be applied for all third country nationals, whose legal status of entry and residence is determined according to the clauses hereof, and firstly for those, whose employment is not of a temporary nature, as well as for their family members, who are accepted within the framework of regulations regarding family reunification. Successful completion of actions depends on their being

conferred with specific rights equal to those of natives. These actions of social integration can also be beneficial to third country nationals of second or third generations, who are born in our Country as well as refugees and persons who are under international protection.

Within the framework of actions of social integration some beneficial measures can be included, which are able to contribute to the development of their country of origin, in case they return thereto.

### **Article 66**

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

For the smooth adaptation and integration of third country nationals, who legally reside in the Country, and based to their diversification and cultural peculiarities, the Ministry of Interior, Public Administration and Decentralization in cooperation with other competent ministries, Services and organizations, implements an Integrated Action Plan.

The basic principles that characterize the above Program and are bounding for all participating organizations are the following:

avoidance of any discrimination against third country nationals due to sex, race, color, nationality or social origin, sexual characteristics, language, religion or belief, political or other beliefs, status of a member of a national minority, property, disabilities, age or sexual orientation.

Equal treatment in every aspect of financial, social and cultural life, regardless of racial or national origin, aiming at the promotion of economic and social cohesion.

Respect of their fundamental rights, as these are ensured by national law and order, regarding the protection of cultural and religious peculiarities.

Support and promotion of their personal contribution to broader social, financial and cultural activities as well as of their efforts to serve themselves and personally participate in the improvement of their quality of life.

Support of their family cohesion and enhancement of existing supportive social networks, in which they participate.

Enhancement of their real participation, as partners, in the planning, implementation and evaluation of social integration policies and development of stable consulting structures towards this direction.

The Integrated Action Plan is structured into sub-plans per field of integration of third country nationals into the Hellenic society, such as sub-programs for the provision of information and facilitations, promotion of employment, learning of the Greek language, cultural support, provision of social services, awareness raising of public opinion etc.

Within the framework of the above sub-programs, the Ministry of Interior, Public Administration and Decentralization takes the appropriate measures and sees, in cooperation with other competent Ministers and institutions, to take actions and measures regarding both institutional interventions and the development of the necessary infrastructure and services. Upon decision of the Ministers of Interior, Public Administration and Decentralization, Economy and Finance and the competent Ministers all necessary details are determined for the application of the clauses of the present article.

The actions and measures taken within the framework of the Integrated Plan aim at the successful integration of third country nationals into the Hellenic society and mainly cover the following fields:

certified knowledge of the Greek language,  
successful attendance of introductory courses about history,  
culture and lifestyle of the Hellenic society,  
integration in the Hellenic labor market and  
active social participation.

### **SECTION 13**

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

##### **Article 67**

##### **Conditions for the acquisition of long-term resident status**

An adult third country national who legally resides in Greece during the last five years can acquire the long-term resident status. The respective right is of personal nature. The above



period must be uninterrupted, subject to paragraph 4 of the present article. For the acquisition of the above status the following conditions should be fulfilled:

He should possess for himself and his dependent family members stable and regular resources, which are evaluated according to their nature.

He should have for himself and his dependent family members a complete sickness insurance.

He should have an accommodation that meets the required specifications for hygiene.

The criteria of the following article should be met.

The clauses of this section do not apply in the following cases:

- a) Holders of special residence permits for studies, acquisition of medical specialty as well as vocational training.
  - b) Holders of residence permits, which are of a temporary nature by definition, such as in cases of articles 16, 18, 19 and 30 par. 5.
  - c) Persons that are subject to the Treaty of Venice of 1961 regarding diplomatic relations, which was ratified by l. 90/1975 (GOVERNMENT GAZETTE 150 A').
- 1) Periods of residence for the reasons mentioned in the previous paragraph are not taken into account for the calculation of the five year period.
  - 2) Periods of absence, if they last less than six successive months and not exceeding in total a period of ten months within five years, are taken into account for the calculation of the five years period.
  - 3) The competent body for the issue of residence permit for long-term residents is the body that has renewed the residence permit before the fulfillment of conditions and criteria for the acquisition of residence permit for long-term residents.

#### **Article 68**

#### **Criteria for the acquisition of the long-term resident status**

1) In order to acquire the long-term resident status, the following criteria should be met:

a) Appropriate Greek language proficiency.

b) Knowledge of elements of the Hellenic history and culture.

2) Upon decision the Ministers of Interior, Public Administration and Decentralization and National Education and Religion the organizations and the procedure for the certification of the appropriate Greek language proficiency as well as the knowledge of elements of the Hellenic history and culture are determined. Confirmation regarding the meeting of criteria of the previous paragraph is made by the Committee of article 13 hereof. Therefore, the Committee consists of two more members who are teachers of secondary education and are designated by the Director of secondary education of the prefecture.

#### **Article 69**

##### **Regulation of special issues regarding long-term residents**

By virtue of a presidential decree, issued upon a proposal of the Ministers of Interior, Public Administration and Decentralization, Economy and Finance, Foreign Affairs, National Education and Social Security and Public Order and within the framework of the provisions of Direction 2003/109/EC of the Council of the 25<sup>th</sup> November, 2003, all special issues regarding the required documentary evidence and the procedure for the ascertainment of the long-term resident status are regulated as well as the respective issues concerning issues of withdrawal or loss of the above status, ensuring the rights arising from this, definition of the right for mobility and special conditions for the protection from expulsion.

#### **SECTION 14**

##### **RESIDENCE FOR FEW DAYS**

#### **Article 70**

##### **Entry of third country nationals for residence of few days**

1) A third country national who enters the Country for tourism, conferences, cultural or sport events and for a few days in

general, can provisionally reside without a residence permit, for as long as his visa lasts or for a period of time of three months, if he is a third country national who is allowed to enter the country without a visa.

2) An extension of the period of his residence can be granted to a third country national for exceptional reasons, in particular due to force majeure, humanitarian grounds, professional or serious personal reasons, if he has sufficient resources to cover his cost of living. The application is lodged, before the expiration of his visa or the free time of residence, to the police authority of his place of residence and is recorded to his passport in the form of a relevant seal.

3) Upon decision of the Ministers of Economy and Finance, Foreign Affairs and Public Order the level of the required exchange currency for each day of residence of a third country national in Greece is determined. Upon a similar decision this can be readjusted.

## SECTION 15

### RIGHTS AND OBLIGATIONS OF THIRD COUNTRY NATIONALS

#### Article 71

##### Rights

1) Third country nationals who live in Greece are insured by the relevant social security institutions and enjoy the same rights as natives.

2) The clauses of p.d. 57/1973, as applied in each case, also apply to third country nationals who legally reside in Greece.

3) Detained third country nationals, are informed, in a language they understand, directly after their entry in a penitentiary institution, about its rules as well as about their rights and obligations. Communication is also facilitated by diplomatic or consulate employees of the State of which they are nationals or from which they come from, as well as by attorneys-at-law.

4) Actions provided by articles 1 to 3 of l. 927/1979 (GOVERNMENT GAZETTE 139 A') are ex officio prosecuted.

5) A third country national, who legally resides in Greece and departs from the Hellenic territory temporarily is eligible to

enter the Country again if his residence permit is still valid when he enters the Country again.

## Article 72

### Access of third country minor nationals to education

1) Third country minor nationals, who live in the Hellenic Territory, are subject to obligatory school attendance, such as Greek nationals are.

2) Third country minor nationals, who attend all grades of education, have, without any restriction, access to school or educational community activities.

3) For the enrollment of third country minor nationals at public schools the same documentary evidence are required as for the natives. By way of exception, even without all required documentary evidence third country minor nationals can enroll at public schools, if:

a) They are protected by the Hellenic State in their status as refugees and those under the protection of the United Nations High Commissioner for Refugees.

b) They come from areas with violent disturbances.

c) They have lodged an application for asylum.

d) They are third country nationals, who live in Greece, even if their legal residence status is still pending.

1) Upon decision of the Minister of National Education and Religion the terms and conditions for the recognition of qualifications of primary and secondary education acquired in their Country of origin and the conditions for the enrollment in grades of the Hellenic educational system as well as for the enrollment of students, who are third country nationals, in public schools can be determined. Upon a similar decision issues of optional teaching of their mother tongue and culture, where there are enough students interested in this, within the framework of supporting actions of the Ministry of National Education and Religion can be arranged and the labor relation and the skills of the teachers who are going to teach the minors their mother tongue and the elements of the culture of their Country of origin can be further determined.

2) Third country nationals, who have completed secondary education in Greece, have access to universities under the same terms and conditions, just like natives have.

**Article 73**  
**Obligations**

1) A third country national is obliged to personally lodge the application for the issue of his residence permit as well as for its renewal. In any other case, the relevant authorization is evidenced in writing by the certification of signature of the authorizing person by the police and subject to paragraph 1 of article 84 of the present law. The submission of any document or documentary evidence for the issue or renewal of a residence permit through a bailiff or a telefax is not permitted.

2) A third country national, during his residence in Greece, is obliged to declare to the competent Services for Foreigners and Immigration the following information:

- a) Any change in his address.
- b) Any change in his personal status, in particular change in nationality, solemnization, dissolution or cancellation of a marriage.
- c) The loss or renewal or change of his passport or any other travel document.
- d) The loss of his residence permit.
- e) Any change regarding his employer or the type of his employment.

In particular, the change in address is notified to the relevant police station as well.

The above declarations are made within a period of one month after the relevant incidents.

1) A third country national, holder of a residence permit, must depart without any other notice by the last day of the permit's expiration, unless he has lodged an application for renewal and he has been given the certificate of paragraphs 3 and 4 of article 11 hereof before expiration.

2) A third country national, whose residence permit's issue or renewal has not been approved as well as in case of withdrawal

of the above permit, is obliged to leave the Hellenic territory without any further notice.

3) A third country national, who resides in the Country for a period of up to thirty days after the expiration of his residence permit or violates, for an equal period of time, the duration of the permitted time of residence that is written on his visa or the free time of residence he is eligible for, or the duration of stay according to SCHENGEN or the free time of stay in the Transit Zones, is obliged upon his departure to pay an amount of money four times higher than the deposit required for a residence permit of annual duration. If the duration of the illegal stay is more than thirty days, he is obliged to pay an amount of money eight times higher than the deposit required for a residence permit of annual duration. The procedure regarding the confirmation and payment of the above fine is determined upon decision of the Ministers of Interior, Public Administration and Decentralization, Economy and Finance and Public Order. Minors and repatriated nationals are excluded from fines.

## **SECTION 16**

### **RESTRICTIONS - WITHDRAWAL OF RESIDENCE PERMITS**

#### **EXPULSION**

#### **Article 74**

#### **Restrictions to the movement and settlement of third country nationals**

Third country nationals who legally reside in the Country are free to move and settle throughout the Territory. Upon a presidential decree, issued after a proposal of the Ministers of Interior, Public Administration and Decentralization, Foreign Affairs, National Defense and Public Order, for reasons of public interest, the stay or residence in specific geographical areas of the Country may be prohibited.

**Article 75**  
**Special regulations**

1) A residence permit is neither issued nor renewed and withdrawn, if:

a) The conditions of the present law are not or are no longer fulfilled.

b) It is confirmed through a judgment or arises from an irrevocable order of the competent judicial council that untrue or misleading information, false or falsified documents have been used or that any fraud has been committed or any other illegal means have been used.

c) The clause of article 1 par. 2 of l. 2503/1997 (GOVERNMENT GAZETTE 107 A') about the lodging of an appeal against actions of the Secretary General of the Region, according to the respective application of article 8 of l. 3200/1955 (GOVERNMENT GAZETTE 97 A'), does not apply for the decisions of the Secretary General of the Region, issued subject to the present law.

**Article 76**  
**Conditions and procedure of administrative expulsion**

The administrative expulsion of a foreigner is permitted if:

He has been sentenced to imprisonment of one year, or regardless of the sentence, for crimes regarding the offence of the regime, betray of the Country, trading and trafficking of drugs, legalization of proceeds from illegal activities, international economic crimes, crimes through the use of high technology, currency crimes, resistance, kidnapping of minors, crimes against sexual freedom and promotion of prostitution, theft, fraud, economic crimes, blackmail, usury, against the law on mediators, forgery, false certification, libelling, smuggling, crimes regarding guns, ancient things, promotion of illegal immigrants in the Country or facilitation of their transfer or promotion, acquisition of accommodation for them for their dissimulation, since his expulsion has not been ordered by any competent court.

Has violated the provisions of the present law.

His presence in the Hellenic Territory is dangerous for public order and security of the country.

His presence in the Hellenic Territory is dangerous for public health and he does not conform with the measures determined by medical authorities for the protection of public health, even though he has received the relevant information.

Expulsion is ordered upon decision of the relevant Police Director, and as far as General Police Directorates of Attica and Thessalonica are concerned, of the Police Director or senior Officer who is competent for issues of foreigners, defined by the related general Police Director, if the foreigner has previously been given a deadline of at least forty eight hours in order to lodge his objections.

If the foreigner, according to the present situation, is considered to be a suspect for escape or dangerous for public order, upon decision of the bodies of the previous paragraph, his temporary detention is ordered until the issue, within three days, of the decision for his expulsion. Once the above decision is issued, detention still continues until expulsion, but cannot last more than three months in any case. The foreigner can be informed about the reasons of his detention in a language he understands, and his communication with the attorney-at-law is facilitated. The foreigner in question, along with his rights according to the Code of Administrative Procedure, can also express objections against the decision for his detention before the president or the judge of the court of the first instance defined by the latter, in the Region of his detention.

In case the foreigner who is going to be deported, is not found suspect for escape or dangerous for public order or the president in the court of first instance disagrees with his detention, with the same decision he is given a deadline for departure, which cannot be more than thirty days.

The decision according to paragraphs 3 and 4 of the present article can be withdrawn upon an application of the litigant parties, if the application for withdrawal is based on new information, subject to article 205 par. 6 of Administrative Procedure Code (l. 2717/1999).



**Article 77****Appeal against administrative expulsion**

A foreigner has the right to appeal against the decision for expulsion within five days from its announcement, to the Minister of Public Order or the body authorized by the latter. The relevant decision is issued within three working days from the lodging of the appeal. The appeal leads to the reprieve of the appeal. In case the decision for expulsion is valid for the detention as well, reprieve concerns only the expulsion.

**Article 78****Reprieve of expulsion**

If it is not possible to directly deport the foreigner from the Country for reasons of *force majeure*, the Minister of Public Order or the authorized body is able, upon its decision, to reprieve the implementation of expulsion. In a similar decision, restricting rules are imposed to the foreigner.

**Article 79****Protection from expulsion**

1) Expulsion is prohibited, if the foreigner:

- a) Is a minor and his parents or the persons who hold his parental care reside legally in Greece.
- b) Is a parent of a Greek minor and has his parental care or must provide alimony and he actually does so.
- c) Is over 80 years old.
- d) Has been recognized as a refugee or has sought for asylum, subject to articles 32 and 33 of the Geneva Convention of 1951.
- e) Is a minor, who has been subject to reformatory measures upon decision of the Minor Court.

Prohibition of expulsion also includes pregnant women during their pregnancy and six months after they give birth.

1) Expulsion is not prohibited in case b and c of the previous paragraph, if the foreigner is dangerous for public order or national security or public health.

**Article 80****Expulsion expenses**

1) Expulsion expenses and board costs burden the foreigner. If the foreigner does not have the required amount of money, the latter is paid by Hellenic State to the extent it is not covered by the liable person. The amount paid by the Hellenic State is certified as a public expense and is collected subject to provisions of the Code for Collection of Public Revenues.

2) If the entry and residence of the foreigner has been permitted upon the submission of a letter of guarantee by a third person, expulsion expenses are completely covered by the foreigner and the person who has submitted the letter of guarantee. If the latter denies paying, the letter of guarantee is no longer valid, after a written order of the authority which is competent for expulsion.

3) An employer, who employs a foreigner without the required residence permit, covers the expulsion expenses and the boarding costs of the latter.

4) If the foreigner denies boarding the means of transport, in order to leave the Country, his course to the destination country can take place under police escort, after a decision of the Ministry of Public Order and if the secure transport, stay and return of the police escort is guaranteed. This clause also applies in case of denial of boarding when entry is prohibited, according to clauses of article 8 of the present law.

**Article 81****Special premises for the detention of foreigners**

1) A foreigner, who fulfils the conditions of paragraph 3 of article 76 of the present law, is detained in the related police station. Until the completion of the procedure for his expulsion he stays in some special premises, which are founded upon decision of the Ministers of Interior, Public Administration and Decentralization, Economy and Finance, Health and Social Solidarity and Public Order. Upon the same decision the terms and conditions for the operation of these premises are determined.

2) The Hellenic Police is responsible for the guarding of these special premises.

**Article 82**  
**Undesirable foreigners**

The Ministry of Public Order holds a record of undesirable foreigners. The criteria for registration and unregistration of foreigners in and from this record are determined upon decision of the Ministers of Interior, Public Administration and Decentralization, Foreign Affairs, National Defense, Justice and Public Order.

A foreigner who is in the Hellenic territory is obliged to leave the Country, once he is registered to the record of undesirable foreigners, within a deadline determined by the Minister of Public Order in each case; if he does not conform, he is expelled .

A foreigner, who is not allowed to enter the Country because he is registered in the record of undesirable foreigners, should leave immediately, otherwise he is immediately sent back to his country of origin or a third country, which he can enter on his own or the person's who transported him responsibility and expenses, who are also liable for the coverage of any other necessary cost required until his departure. To the transporters who deny fulfilling their obligations, upon decision of the Secretary General of the Region, a fine that amounts from three thousand (3,000) euros to fifteen thousand (15,000) euros is imposed, for each transferred person. Upon the same decision the used means of transport are held and given to them only after the fulfillment of the above obligations and the payment of the imposed fine or the submission of a letter of guarantee certified by a bank, which covers the amount of the above obligations and the fine imposed.

An imprisonment for at least three months and a fine amounting from three thousand (3,000) to ten thousand (10,000) euros is the sentence for each foreigner, who illegally re-enters the Country and is registered in the record of undesirable foreigners. Exercising of legal means does not have suspending results.

Upon decision of the Ministers of Justice and Public Order the special procedure for the execution of expulsion decisions is determined, issued according to the clauses of the present law as well as those that are determined upon decision of criminal court, according to articles 74 and 99 of the Criminal Code.

## SECTION 17

### GENERAL OBLIGATIONS - SANCTIONS

#### Article 83

#### Illegal entry to and exit from the Country

1) A third country national, who exits from or attempts to exit from the Hellenic territory or enters or attempts to enter to it without the legal formalities being followed, is sentenced to imprisonment of at least three months and a fine amounting to least one thousand five hundred (1,500) euros. It is an incriminating case and an imprisonment of at least six months along with a fine amounting to at least three thousand (3,000) euros, if the person, who attempts to exit from the Country, is wanted by judicial or police authorities or has tax or any other obligations towards the Hellenic State or is a recidivist.

2) If a third country national enters the Hellenic territory or exits from it without the legal formalities being followed, the public prosecutor of the magistrate court, after the approval of the public prosecutor of the court of appeal, whom he informs respectively without any delay, can abstain from prosecution for this action, and then immediately announces this decision to the commander of the police or harbor authority, which has found out the illegal entry or exit, in order for him, upon his decision, to send back the third country national to his country of origin. Approval of the public prosecutor of court of appeal can be given by any means. If the third country national cannot be sent back immediately, the commander of the police or harbor authority, having composed a relevant report, forwards the third country national to the authority, which is responsible for expulsion, according to article 76 of the present law. This authority, if expulsion does not take place within three months, announces it to the

competent public prosecutor of the magistrate court. In this case, the public prosecutor of magistrate court can revoke his decision regarding abstention from prosecution, after the approval of the public prosecutor of the court of appeal, under the condition that one year from the day of the illegal entry of the third country national in the Country has not elapsed yet.

#### **Article 84**

##### **Obligations of services and employees - Sanctions**

1) Public services, public entities, organizations of local administrations, institutions and companies of public utility and social security institutions are bound not to supply their services to third country nationals, who do not hold a passport or another travel document recognized by international agreements, a visa or residence permit or generally do not prove that they have entered and reside legally in the Country. Hospitals, health centers and clinics are excluded, regarding third country nationals who need to be hospitalized or minors. Especially for cases in which, within the framework of the renewal of a residence permit, a third country national is not able to submit a valid passport or other travel document, the renewal of the above permit is possible upon decision of the Secretary General of the Region, if the former invokes special and objective inability due to special conditions or situations prevailing in his country and this fact is certified by the Ministry of Foreign Affairs.

2) Excluded from the clauses of the first section of the previous paragraph is the case of certification of the signature of foreigners under detention for the authorization of lawyers, in order to be represented before the court and under the condition that their personal data are proven by any public document.

3) Principals of prisons and detention premises are obliged to receive and retain passports or other documents that prove the legality of residence as well as the identity of third country nationals who are under detention. These documents are returned upon the release of the third country nationals. If a third country national does not hold the above documents, the above

employees must immediately inform the respective police authority or Service for Foreigners and Immigration.

4) Employees of the above services or bodies, who violate the clauses of paragraphs 1 and 2 of the present article are prosecuted and punished, according to the provisions of Criminal Law, for violation of office.

#### **Article 85**

##### **Obligations of notaries - Sanctions**

1) During the composition of notarial deeds, in which third country nationals are counter parts or participants in any possible way, who are personally present or declare accommodation or residence in the Country, notaries are obliged to find out if they hold a visa or a residence permit and mention it in their deeds. Cases of authorizations for lawyers for the representation of third country nationals before the court are excluded.

2) Notaries, who violate the clauses of paragraphs 1 and 2 of the present article are prosecuted and punished, according to the provisions of Criminal Law, for violation of office.

#### **Article 86**

##### **Obligations of employers and employees of third country nationals - Sanctions**

Hiring and employment of third country nationals is not permitted, if the latter do not have residence permits or the certificate of paragraph 3 of article 11 of the present law that they have submitted the required documents for its issue. If a contract of employment, provision of services or work is subject to the issue of a residence permit, the validity of the contract is subject to the annulling clause of the issuance of a residence permit.

Employers, who have third country nationals as employees, should immediately inform the competent Service for Foreigners and Immigration of the Region for any hiring of a third country national and any change in his employment status, as for example an extension of his contract and notice of its termination.

Employers who violate the clauses of paragraphs 1 and 2 of the present article, apart from other sanctions provided for by law, are sentenced, upon decision of the Secretary General of the Region, to a fine that can amount from three thousand (3,000) euros to fifteen thousand euros (15,000) for each illegally employed third country national.

Anyone who employs a third country national, who does not have a residence permit, is sentenced to imprisonment for at least three months. In case of recidivism, imprisonment for at least six months is imposed. In case the employer is a legal entity, the above sentences are addressed to its legal representative. The Secretary General of the Region, taking into account the general circumstances, orders the closure of the store or the company for a period of time from one to six months and in case of recidivism, up to six months. In case of night clubs, the above interruption of operation lasts from two to twelve months and in case of recidivism up to twenty four months. If there is a third sentence, regarding all the above stores or companies, their operation is definitely terminated upon decision of the Secretary General of the Region. The same person cannot be granted a new operation license for a period of five years.

When violation of the clauses of the present article takes place for the promotion of third country nationals to prostitution, a sentence of imprisonment for at least two years and a fine of at least six thousand (6,000) euros are imposed. In case the victim is a male or female minor, the punishment for the violation is imprisonment up to ten years and a fine amounting from ten thousand (10,000) euros to fifty thousand (50,000) euros. Imprisonment and fine amounting from fifty thousand (50,000) euros to one hundred thousand (100,000) euros is imposed to offenders if the crime was conducted: a) against a person younger than fifteen years old, b) by deceitful means, c) by the ascendant relative by blood or by affinity or by a step parent, spouse, guardian or other person who is responsible for the minor's upbringing, teaching, supervision or protection, even of temporary nature, d) by an employee, who in exercising of his duties or taking advantage of his status, commits or participates in any way in the action. The above crimes are considered to be flagrant in any case. The issue of a verdict is communicated by the competent public prosecutor's

office to the Secretary General of the Region within one month after its issue. The latter is obliged, within one month from the announcement of the verdict, to withdraw the operation license of the store or the company, where the crime was committed, for a period of time of at least twelve months, and he can also, taking into account the general circumstances, proceed to the permanent withdrawal of the operation license.

A third country national is also sentenced to imprisonment, when he is a dependent employee, provides services or work or exercises independent financial activity without a residence permit.

For the employment of third country nationals by natural and legal entities that enter into contracts with the Ministry of National Defense, as applied, the approval of the military authority is required.

#### **Article 87**

#### **Obligations of other individuals and employees**

#### **Sanctions**

Renting of real estates to third country nationals, who do not hold a passport or other travel document recognized by international agreements or a visa or residence permit is prohibited.

Managers of hotels and holiday centers should inform the police and the competent Service for Foreigners and Immigration about arrival and departure of the third countries nationals they host.

Persons, who violate the clauses of paragraphs 1 and 2, in addition to the penalties provided by law, are imposed, upon decision of the Secretary General of the Region, with a fine amounting from one thousand five hundred (1,500) euros to three thousand (3,000) euros.

The fines of the previous paragraph are also imposed to the persons who submit inaccurate declarations or certificates provided by the present law and to the authorized regulatory acts issued. The same fines are also imposed to third country nationals who do not fulfill the conditions provided by paragraphs 2 and 4 of article 73 of the present law.



Whoever facilitates the entry to or the exit from the Hellenic territory of a third country national, without the required control provided by article 5, is sentenced to imprisonment of at least six months and a fine of at least three thousand (3,000) euros.

Whoever facilitates the illegal residence of a third country national is sentenced to imprisonment of at least six months and a fine of at least three thousand (3,000) euros.

Whoever illegally holds or uses a valid passport or other document of another person, is sentenced to imprisonment of at least six months and a fine of at least three thousand (3,000) euros.

The same sentence applies also to anyone who retains a passport or other travel document of another person or denies submitting it to the competent authority. The same sentence applies also to anyone who holds or uses a fake passport or other travel document.

The manager of a travel agency or a service for immigration or anyone else, who submits on behalf of a third person to the competent authority documentary evidence for the issue of a travel document that contains data that do not correspond to the identity the person in question, is sentenced to imprisonment of at least six months and a fine of at least six thousand (6,000) euros. The same sentence is also valid for the person, on behalf of whom the documentary evidence are submitted.

### **Article 88**

#### **Obligations of transporters - Sanctions**

Captains of ships or other vessels or airplanes and drivers of any means of transportation who transfer into the Country third country nationals from abroad, who do not have the right to enter the Hellenic territory or whose entry has been prohibited for any reason, as well as those who promote them through the passing points, outer or inner borders, in the Hellenic Territory and visa versa to the territory of a member-state of the E.U. or third country or facilitate their transportation or promotion or provide them with accommodation for concealment are sentenced to:

a) Imprisonment for at least one year and a fine amounting from five thousand (5,000) euros to twenty thousand (20,000) euros for each transferred person.

b) Imprisonment for at least two years and a fine amounting from fifteen thousand (15,000) euros to fifty thousand (50,000) euros for each transferred person, if transportation is conducted as a professional occupation or if the offender is a public servant or tourist, marine or travel agent.

c) Incarceration and a fine of at least one hundred thousand (100,000) euros, if the activity can be dangerous for human lives.

d) Life imprisonment and a fine of at least five hundred thousand (500,000) euros, if in the case c' a death has been involved. After the issue of the final verdict the means of transport used for the transportation of the persons are confiscated, unless their holder proves that he was not aware of the aim, which they were used for. The deadline for the exercise of legal proceedings does not suspend enforcement of the verdict. For the hearing of the crimes provided in cases c' and d' the Three Member Court of Appeal is competent and the procedure provided in articles 20 and 21 of 1.663/1977 (GOVERNMENT GAZETTE 215 A') is applied, as in force.

1) Captains of ships or other vessels or airplanes and drivers of any means of transportation are obliged to deny transferring any person, who does not hold the required travel documents or has not gone through the normal police control. Offenders are punished according to clauses of paragraph 1 of the present article. The above offence is considered to be committed, regarding sea and air means of transport, if the person who has illegally boarded is on them upon the starting of the control conducted by the competent state instruments before the setting off and take-off of the airplane or after the setting off and take-off of the airplane, and as far as other means are concerned, the person who illegally departs is on them during the last control or near the borders. Penalties mentioned in paragraph 3 hereof also apply to the persons mentioned in the present paragraph.

2) Airlines or shipping companies or travel agencies are obliged to deny transportation and take any measure that prevents the transfer of third country nationals from abroad into the Country, if the latter do not hold the required passports or other travel documents. To airlines that do not fulfill the above obligation upon decision of the airport-master a fine amounting from fifteen thousand (15,000) euros to thirty thousand (30,000) euros for each transferred person is imposed. As far as shipping companies and travel agencies are concerned the same fine is imposed upon decision of the Secretary General of the Region.

3) The persons mentioned in paragraphs 1, 2 and 3 as well as travel agencies and the owners of the means of transport are fully responsible for the cost of living and the expenses for the return of the above persons abroad. Responsible are also those who have guaranteed the repatriation of third country nationals, if entry and residence conditions are violated. The procedure for confirmation and payment of the above fine takes place according to provisions of Code of the Collection of Public Revenues.

4) The persons mentioned in the first section of paragraph 1 or the owners of the means of transport or their representatives in Greece are obliged, directly after the arrival of the means of transport, to submit to the services of the police control passports, certificates of arrival or records of their passengers, who are third country nationals, who are transferred and directed to Greece and visa versa. They also have this obligation upon the arrival of charter flights from third countries. Upon decision of the Minister of Public Order the data of the above certificates or records are determined.

5) The above penalties do not concern cases of rescue of men over boat as well as transportation of persons, who need international protection, according to international maritime law.

## **SECTION 18 OPERATIONAL ISSUES**

### **Article 89**

#### **Operational restructure and supervision of enforcement**

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

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Service de Traductions du Ministère des Affaires Etrangères de la  
République Hellenique, Athenes

HELLENIC REPUBLIC, MINISTRY OF FOREIGN AFFAIRS  
Translations Service

1) In the Ministry of Interior, Public Administration and Decentralization a three-member Immigration Committee is established, which opines about the cases forwarded to it when the residence permit is issued or renewed upon decision of the Minister of Interior, Public Administration and Decentralization or a joint ministerial decision. The Committee is established upon decision of the Minister of Interior, Public Administration and Decentralization and consists of:

a) The president in the Legal Council of the State in the Ministry of Interior, Public Administration and Decentralization, as president in the Committee, along with his alternate.

b) The Head of the related General Directorate of the Ministry of Interior, Public Administration and Decentralization.

c) The Head of the Directorate of Foreigners and Immigration of the Ministry of Interior, Public Administration and Decentralization, along with his alternate.

The Head of the competent Department of Residence Permits of the Directorate of Foreigners and Immigration of the Ministry that deals with the case participates as adviser in the Immigration Committee, with no voting rights, as well as an employee of the same Directorate as secretary along with their alternates.

2) During the first implementation of the present law and for a period of five years, the organic positions established by article 76 par. 13 of l. 2910/2001 (GOVERNMENT GAZETTE 91 A') and are vacant, are solely covered through transferences or detachments of employees from public services, public entities and Prefectural Administrations after an application of the interested persons. Detachments of the present paragraph last for three years and can be renewed for three more years. The relevant detachments or transferences are conducted upon decision of the Minister of Interior, Public Administration and Decentralization, after the approval the competent or supervising Minister in each case, and do not require the approval of any official council. Organic positions held by employees, who are transferred, are abolished.

Permanent employees and employees with a labor contract of indefinite term, who are employed in public services, public entities and Prefectural Administrations are detached to the Directorate for Foreigners and Immigration of the Ministry of Interior, Public Administration and Decentralization as well as to the Directorates of Civil Status and Foreigners and Immigration, can, by way of derogation from the relevant clauses, be transferred to those services through a parallel transfer of their organic position, upon decision of the Minister of Interior, Public Administration and Decentralization and after the approval the competent or supervising Minister in each case.

3) With a presidential decree issued upon a proposal of the Ministers of Interior, Public Administration and Decentralization and Economy and Finance, up to totally four Directorates of Foreigners and Immigration can be established in the Region of Attica. With a similar decree an extra directorate of Foreigners and Immigration can be established in the Prefecture Thessalonica. In the same decrees their seat, the structure of operational units, the allocation of responsibilities between them, as well as the fields by which heads of organic units are selected and any other related issue are regulated.

4) Competent for the monitoring and evaluation of the application of the clauses of the present law as well as for the coordination the other competent bodies and the representation of the Country abroad at European and international level regarding issues related to the entry, residence and integration of third country nationals in Hellenic Territory, is the Ministry of Interior, Public Administration and Decentralization.

5) Services of Foreigners and Immigration of the Ministry of Interior, Public Administration and Decentralization and of the Regions, police, harbor and airport authorities and control services of the Ministry of Labor and Social Protection are competent for the monitoring of the application of the present law, for control and confirmation of violations. Upon decision of the Minister of Interior, Public Administration and Decentralization and the competent Minister in each case,

issues concerning the way in which controls and confirmation of violations are conducted can be regulated.

**Article 90**  
**Authorizing clauses**

1) Upon decision of the Ministers of Interior, Public Administration and Decentralization and Economy and Finance and Labor and Social Protection the minimum number of wages or the minimum period of social security per year and security institution for the fulfillment of the relevant obligation within the framework of the renewal of residence permits hereof are determined, along with the required, in each case, relevant documentary evidence as well as the terms and conditions for access to the labor market of case b of article 59 of the present law.

2) Wherever in the clauses hereof the acquisition of sufficient resources is considered to be a condition, the amount of these resources and the way they are confirmed is determined upon decision of the Ministers of Interior, Public Administration and Decentralization and Economy and Finance and the competent Minister in each case. The same decision defines any kind of expenses for return.

3) Upon decision of the Ministers of Interior, Public Administration and Decentralization and Labor and Social Protection and the competent Ministers in each case other categories of permits of third country nationals can be also determined, as well as the special conditions, the procedure and the type of residence permit subject to the clauses of the present law.

4) Upon decision of the Ministers of Interior, Public Administration and Decentralization and Economy and Finance payment of those who participate in the Committees of articles 3 par. 3, 13, 14 par. 2, 24, 26, and 89 par. 1 of the present law is determined.

5) Upon decision of the Ministers of Interior, Public Administration and Decentralization and the competent Ministers in each case, whenever required, any special issue regarding the application of the clauses of the present law can be determined.

6) With a presidential decree issued upon a proposal of the Ministers of Interior, Public Administration and Decentralization and Economy and Finance the services, to which applications of third country nationals are lodged for the issue or renewal of residence permits, the related procedure can be defined and any related detail can be regulated.

## **SECTION 19**

### **TRANSITORY PROVISIONS**

#### **Article 91**

##### **Transitory regulations**

1) For the fulfillment of conditions for the acquisition of the status of long-term resident according to regulations of the present law a five-year period of legal residence in the Country from the acquisition of the residence permit is required according to l. 2910/2001.

2) A third country national who holds a residence permit when the present law takes effect, if he completes a ten-year uninterrupted legal residence in the Country is eligible for a residence permit of indefinite duration, according to the conditions provided by the relevant regulations of l.2910/2001. The permit is issued after an application of the person concerned and a decision of the Secretary General to the Region and can also refer to dependent employment or the exercise of independent financial activity or the provision of services or work.

3) As far as residence permits that expire after 1.1.2006 are concerned, the conditions and their renewal procedure are subject to the regulations of the present law. Applications for the issue and renewal of residence permits that expire after 1.1.2006 are examined according to the provisions of l.2910/2001 by the competent services, according to the above law. This procedure cannot last more than three months after their expiration.

4) Collective organs provided for by l. 2910/2001, continue to operate until their restructuring. At the first application of the present law, the Committee of article 14 par. 3 is

established and composes a relevant report during the last quarter of the current year.

5) Residence permits for humanitarian grounds, which have been issued according to article 37 par 4 of l.2910/2001 and are valid, enable the third country national to have access to the labor market.

6) Certificates and temporary residence permits provided by the provisions of paragraph 6 of article 76 of l. 2910/2001 are replaced by temporary residence permits of six-month duration, which provide access to the labor market, if the persons, to which the certificates of the above paragraph are granted, are considered to be third country nationals and continue to reside in Greece. The renewal of the above residence permits is conducted according to the conditions and the procedure of regulations of the present law.

7) Pending cases, under article 31 par. 2 of l. 3202/2003 (GOVERNMENT GAZETTE 284 A'), are examined according to the regulations of the present provision. The certificates issued subject to it are no longer valid, when third country nationals are granted passports and therefore are covered by the provisions of the present law.

8) Third country nationals who, during their legal residence in the Country have been employed in order to work as servants for a diplomatic delegation or as members of the latter and have been granted with residence permits according to the provisions of article 37 par. 6 of l. 2910/2001, will renew it for one of the reasons hereof. Until the present law enters into effect and the submission of a relevant application, the above third country nationals will be considered to be legal residents in the Country.

9) Third country nationals, who have ask for a Special I.D. for Greeks who reside abroad until l. 2910/2001 enters into force, and their request has been rejected, because they have not proved their status as Greeks living abroad, can be subject to the provisions hereof, if they submit the relevant application along with the required documentary evidence within a deadline of three months starting when the law enters into force.

10) a) Residence permits, which have been extended until 30.06.2004 according to article 25 of l. 3242/2004 (GOVERNMENT GAZETTE 102 A') as well as residence permits



that have expired before the above date and have not been renewed, are ex officio extended, until 31.12.2005 without the obligation for the issue of a confirmative act.

Third country nationals, who are subject to the above regulation, submit an application for the issue of a work permit from the publication date of the present law until 31.10.2005. The Directorates of Employment of Prefectural Administrations are obliged to issue the permits within a deadline of two months after the submission of the relevant application and in any case by 31.12.2005.

The applications for the renewal of residence permits are lodged to the related municipalities or communities within one month from the date of the acquisition of work permits. In case where a work permit has been issued and the respective application for renewal of the residence permit has been rejected as overdue or is pending, such application is ex officio reexamined, by the related Region. In any of the above cases a work permit has been issued but an application for renewal of the residence permit has not been lodged to the competent Region or a work permit is not required, the application for the issue of a residence permit is lodged until 31.10.2005, the above permits are issued according to the provisions of 1.2910/2001 and have a duration equal to the duration of the work permit.

b) Applications for the acquisition of a residence and work permit must be accompanied by the documentary evidence provided for, in each case, by the provisions of 1.2910/2001, as in force. In particular for the fulfillment of insurance obligations, regulated by the same law for the period from 1.7.2003 until the date of the submission of the application for a work permit, an insurance of one hundred and fifty days per year suffices. Those of the above who do not fulfill the above mentioned condition can pay themselves the fees required for an insurance of one hundred and fifty days per year to the competent social security institution in an one-off payment without any extra charges.

c) Par. 12 of article 32 of 1.3202/2003 (GOVERNMENT GAZETTE 284 A') for the submission of an application for the issue of residence and work permits is also valid for the present regulation.

1) Upon decision of the Secretary General of the competent Region residence permits for third country nationals who resided in Greece until 31.12.2004 and are not considered to be dangerous for public order and security are issued. Confirmation of their residence is effected through a relevant visa for the country or the date of the submission of an application for the issue of residence permit for humanitarian grounds or through the provision of a VAT number or through a certificate of a social security institution for the submission of employment stamps. In particular, in cases where a request for asylum has been rejected, the stay mentioned in the first section is proven by the date of issue of the respective decision of rejection. The above residence permit stands for work permit as well and lasts for one year. The relative applications are lodged to the related municipalities during the period from 1.10.2005 to 31.12.2005. Municipalities, within a deadline of two months from the submission of the application, are obliged to forward the respective file to the competent Region.

To the regulations of the previous paragraph are also subject, ex officio, the spouses of the above nationals as well as their minor children, under the condition that they live with their parents. Spouses and minors above fourteen years old are provided with a personal permit.

For the issue of residence permit the following documentary evidence are required:

A solemn statement, according to the provisions of l. 1599/1986, which mentions a specific occupation as the reason for residence in Greece. The same solemn statement includes the family members according to case b' who live with the applicant as well as a confirmation that the applicant has not committed any crime. If the applicant does not have a specific occupation, he should mention a special reason for his residence in the Country.

Passport or travel document, excluding those who have asked for asylum and their request has been rejected.

Payment of a deposit in the form of a B' type note.

Health certificate that confirms that the third country national does not suffer from any disease dangerous for

public health. The only diseases that can justify the prohibition of entry or the right for residence are those provided by the World Health Organization as well as other infectious, contagious or parasitic diseases, which lead to measures for the protection of public health.

A certificate for the purchase of contributions from the related security institution according to the statement of case c i', for an insurance of one hundred and fifty days, excluding family members who do not have a respective obligation.

A proof for the submission of an application for the issue of health booklet.

A certificate of family status, regarding minor children.

The issue of a VAT number is not a precondition for the purchase of stamps.

Upon decision of the Minister of Interior, Public Administration and Decentralization the possibly required documentary evidence can be determined. For special categories of persons, the same decision can also rearrange the related documentary evidence.

Registrations in the record of undesirable persons, only for reasons of illegal entry, exit, employment and residence in the Country as well as similar pending expulsions are not an obstructive reason for the issue of a residence permit. Any existing registrations in the record of undesirable persons are considered to have been, ex officio, cancelled.

Renewal of the above residence permits is effected for one of the reasons of the present law, without the requirement for a special visa. For the above renewal the submission of a certificate of criminal record of type A'.

## **SECTION 20 FINAL PROVISIONS**

### **Article 92 Deposits - Readjustment of fines Certifications**

1) The application for the issue and renewal of a residence permit is accompanied by a deposit, which if for reasons of reciprocity is not otherwise defined, is defined as follows:

- a) For permits with a duration of up to one year one hundred and fifty (150) euros.
- b) For permits with a duration of up to two years three hundred (300) euros.
- c) For permits with a duration of up to three years four hundred and fifty (450) euros.

Deposits of the present article are collected only after a receipt of type B' has been issued by the service which is competent for the submission of the application.

1) The deposit paid upon the submission of an application for the acquisition of the status of long-term resident amounts to nine hundred (900) euros. Those who already have a residence permit of indefinite duration and want to acquire the long-term resident status do not have to pay the above deposit. The issue of a residence permit of indefinite duration is also subject to the same deposit.

2) Fines and deposits provided for by the present law are collected on behalf of the State and are readjusted upon decision of the Ministers of Interior, Public Administration and Decentralization and Economy and Finance and Public Order.

3) Foreign public documents required by the provisions hereof should be certified with the Apostille of the Hague Convention, when required. In case this is not required, these documents should have a certified signature of the foreign body by a Hellenic consulate of the Hellenic Ministry of Foreign Affairs.

4) Employees who hold organic positions or are detached to Services of Foreigners and Immigration of the Regions are given a special allowance, the level and the payment of which is annually determined upon decision of Ministers of Interior, Public Administration and Decentralization and Economy and Finance.

5) A rate of 30% of the collected amount from the deposits of paragraph 1 is transferred to an account in the Deposits and Loans Fund under the title "Income from deposits of residence permits on behalf of Local Government Organizations of A' grade". The amount of the account is distributed to LGOs upon

decision of the Minister of Interior, Public Administration and Decentralization. 1/3 of the above amount is given in the form of an allowance to employees of the related services of LGOs for the services they provide to third country nationals. The amount of the allowance per category of municipal and communal employees and the way it is given is annually determined upon decision of Ministers of Interior, Public Administration and Decentralization and Economy and Finance. 2/3 of the above amount is given for the coverage of operational costs of the services themselves.

a) A rate of 25% of the income from the deposits of paragraphs 1 and 2 is given for the coverage of expenses of Ministries, Regions and legal entities which deal with issues of immigration policy as well as for the financing of the Institute of Immigration Policy. The same resources also cover the expenses for the indemnity of the members, the secretary and the adviser of the collective organs provided by the provisions hereof. The relevant credits are recorded in the budget of the Ministry of Interior, Public Administration and Decentralization and are allocated upon common decisions of the Ministers of Interior, Public Administration and Decentralization and Economy and Finance. A similar decision determines the details for the enforcement of this case as well.

7. Applications for the issue of residence permits who are hosted by any institute or legal entity of public interest are lodged by the appointed representative of the institute or legal entity.

### **Article 93**

#### **Integrated information system - Record keeping**

1) Upon decision of the Ministers of Interior, Public Administration and Decentralization and Economy and Finance, Foreign Affairs and Public Order a single information system is organized and a single register number is provided for all third country nationals who enter the Country legally.

2) Until the issue of a common ministerial decision of the previous paragraph, competent Services of Foreigners and Immigration are obliged to keep a record of third country

nationals. Upon decision of the Minister of Interior, Public Administration and Decentralization, issued after the approval of Personal Data Protection Act and always according to provisions concerning its competence, the personal data of third country nationals who live in Greece are determined, which can be collected, kept and processed by the competent Services of Foreigners and Immigration as well as by municipalities and communities of the Country so as to keep a record of third country nationals and meet other needs regarding the application of relative legislation, according to the regulation of paragraph 1 of article 41 of l. 2910/2001. Upon the same decision the procedures and the bodies that collect, keep and process these data, the conditions for their announcement to the eligible natural persons concerned, as well as the procedure and the conditions of file interlink are also determined.

#### **Article 94**

##### **Parents of Greek minors**

Upon decision of the Secretary General of the Region it is permitted to issue the residence permits of paragraph 1 of article 61 of the present law and according to the terms of section 11 to parents of Greek minors.

#### **Article 95**

##### **Stateless Persons**

The provisions of the present law apply also by analogy to stateless persons.

#### **Article 96**

##### **Documentary evidence - conditions**

1) Where, in the provisions of the present law, the submission of an application for the issue or renewal of a residence permit is required, the documentary evidence are determined upon decision of the Minister of Interior, Public

Administration and Decentralization, according to par. 2 of article 11 of the present law.

2) Where special conditions are clearly required for the issue and renewal of a residence permit, general conditions are also valid, as they are defined in article 10 of the present law.

**Article 97**  
**Abrogated provisions**

When the present law takes effect, any general or special provision which does not conform with the provisions hereof or regulates issues that belong to its scope in a different way, is abrogated.

**Article 98**  
**Effect**

The present law takes effect on 1.1.2006, excluding paragraphs 2 and 3 of article 89, paragraphs 3, 4, 7, 10 and 11 of article 91 and paragraph 5 of article 92, which shall take effect on the date of their publication in the Official Gazette.

We hereby order publication of these presents in the Official Gazette and their enforcement as a law of the State.

Athens, 18 August, 2005

THE PRESIDENT OF THE HELLENIC REPUBLIC  
KAROLOS GR. PAPOULIAS

THE PRIME MINISTER AND MINISTER OF CULTURE  
CONSTANTINOS KARAMANLIS

THE MINISTERS OF			
INTERIOR, PUBLIC ADMINISTRATION AND DECENTRALIZATION	ECONOMY AND FINANCE	FOREIGN AFFAIRS	NATIONAL DEFENSE
P. PAPAIOPOULOS	G. ALOGOSKOUFIS	P. MOLIVIATIS	SP. SPILIOPOULOS

Μεταφραστική Υπηρεσία Υπουργείου Εξωτερικών, Αθήνα

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AGRICULTURAL	JUSTICE	TOURIST	TRANSPORTATION PUBLIC ORDER
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			<b>G.</b>
			<b>VOULGARAKIS</b>

Certified and sealed with the Great Seal of the State

Athens, 18 August, 2005

THE MINISTER OF JUSTICE

**A. PAPALIGOURAS**

Certified exact translation of the attached greek original

Athens, 27.11.2005

The translator

E. Assimaki