

Workshop on legal issues

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“The Implementation of the scientific visa: the Greek example”

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From the Community package to the Greek initiative

- The Background
- The Philosophy
- The Instruments (the Directive and the two Recommendations)
- The main characteristics of the instruments (the definition of the researcher, the hosting agreement, the specific residence permit, the fast track procedure etc...)
- The challenge for the Member States
- The case of Greece

The challenge for the Member States

- To speed up on a voluntary basis the implementation of the Directive
- To facilitate the issue of short stay visas
- To facilitate the issue of multiple entry visas

The Greek National Mobility Centres Network and its role regarding legal mobstacles and the scientific visa in particular

- The identification of the mobstacle
- The distribution of tasks to the Mobility Centres of the Network
- The NHRF as a Mobility Centre for the region of Attica and the horizontal activity for interministerial networking
- Principles of interministerial cooperation (the human factor, the mediation process, the creation of proper conditions for cooperation etc)
- The problem solving mechanisms (on a case by case basis)

The specific example of networking with the relevant Ministries to the Directive and the two Recommendations

- The consultation process with the stakeholders triggered by the Ministry of Development
- The cooperation with the Ministries involved (internal meetings, working groups etc)
- The cross fertilization of all the factors involved

The role of the NHRF as a catalyst

Ministries related to the Directive and the two Recommendations

- Ministry of Development / General Secretariat for Research and Technology
- Ministry of Interior, Public Administration and Decentralization
- Ministry of Public Order
- Ministry of Justice
- Ministry of Education and Religious Affairs
- Ministry of Foreign Affairs
- Ministry of Employment and Social Protection

From the Working Party on Migration and Expulsion of the EU to the Working Group of the Greek Ministry of Interior on the reform of the Greek immigration Law for non –EU workers

- The Philosophy
- The legal text
- The new elements (from “migrant workers” to “mobile researchers etc...)
- The praxis
- The role of Mobility Centres

LAW 3386

Entry, residence and social integration of third country nationals in the territory of Greece



Article 43: *Issue and renewal of residence permit to third country nationals for the purpose of conducting scientific research*

1. A residence permit is granted to a **third country national** who wishes to reside in the territory of Greece **for the purpose of conducting scientific research** in a **public research organization or other equivalent public research bodies or legal entities under private law supervised by a public authority**, provided that the **conditions of the article 10** of this law are met and he/she has entered into a **hosting agreement** with the research organization in which are defined the terms of cooperation, the duration of the research project as well as the undertaking of the costs of living and return of the researcher to be covered by the host organization.
2. The third country national concerned, who has been already granted a researcher's visa, submits to the **municipal or communal authority** of his/her domicile or residence an application for a residence permit. The Aliens' and Immigration service of the Region is competent for the examination of the application. The residence permit is granted by **Decision of the Secretary-General of the Region**, is valid for one year and **can be renewed** on an annual basis and for the same purpose **till the completion of the research activity**.
3. The above third country nationals **may be accompanied by their family members**, as defined at the first paragraph of article 54 of this law, to whom is granted, following their application, an individual residence permit **with the same expiring date as the residence permit of the third country researcher**

From the “letter” of the law to the praxis:

A specific example of a third country researcher entering Greece under the new provisions of the law

What is new



- The recognition of the researcher as a specific category of third country national
- Under the new provisions, the steps to be taken by the researchers are more concrete. The researcher knows exactly what to do and where to address (the kind of documents to submit etc)
- The key role of the hosting agreement
- The objective definition of the researcher: “*Whoever wishes to conduct scientific research*”
- The right of the family members to accompany the researcher is ensured
- The delegation to the regional authorities simplifies residence permit procedures
- The work permits are granted automatically together with the residence permit
- The law entered into force as from 01 /01/ 2006
- Ministerial decision and detailed circular for the implementation of the law specify procedure and justifying documents
- The Decision granting the stay/work permit must be issued in a period of two months since the submission of the totality of the justifying documents

The article does not make provision for:

Private research bodies (in particular SME'S) unless they are supervised by a public authority

- The reasoning
- The consequences
- The possible remedies

The cooperation with the Ministry of Foreign Affairs / Consular & diplomatic authorities with a view to facilitate the issue of short - stay visas

The NHRF has intensified its cooperation with MFA / Direction Γ4 Justice and Home Affairs in order for the Ministry to proceed to the implementation of the Recommendation on short stay visas.

It should be taken into account, though, that when referring to third country nationals we mean those included in the black list (coming from India, China etc). White list nationals (coming from Australia, U.S.A, Argentine, Bulgaria etc) can enter the Schengen area for a 90- days - period without VISA requirements.

It should be also mentioned that irrespectively of the implementation of the Recommendation, MFA applies the rules, concerning uniform short stay and multiple entry visas, set by the Council (Common Consular Circular to the Diplomatic and Consular Authorities 2002/C/313/01).

MFA and longer - term third country researchers

As a consequence to the issue of the recent Greek Immigration Law, a Ministerial Decision (3497.3/550/AΣ4000) defines the conditions, the supporting documents and the procedure to be followed when issuing visas for a period of more than 90 days.

The relevant article of the Minister's Decision adopts the main principles of the Directive and covers together with the third country researcher his/her family members.