

# Greece

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## Introduction

Immigration has emerged during the last two decades, and even more dramatically during the last four years, as a major social issue in Greece, with serious political, social, and economic repercussions.<sup>1</sup> Historically, Greece, since its establishment as an independent country, has been an immigrant “export” country with hundreds of thousands of Greek citizens trying to find and shape a better future for themselves in foreign countries, not only in Europe, but in the United States and Australia as well.

It is estimated that, between 1881 and 1951, 12 per cent of the Greek population immigrated to countries such as the United States, Australia, France, Belgium, and Germany. During recent years, in the course of the financial crisis in Greece, a new immigration “wave” has been recorded, particularly in connection with young people with high education, seeking to enter the work market under more favorable circumstances (known as “brain-drain”).

Immigration to Greece is a rather modern historical phenomenon. Initially, it was the collapse of the Communist regimes in the Balkans and Central and Eastern Europe that caused Greece to experience mass immigration of a clandestine or illegal nature, mainly from the Balkan states. More recently, however, the main immigrant ethnic groups consist of Asian nationalities, with the crises in Syria and, more recently, in Afghanistan, playing a dominant role in this relevance, whereas increases in flows of political asylum seekers have led to the emergence of immigration as a major social and political issue.

With its numerous islands and a coastline of 15,000 kilometers, Greece has become the main point of entry to the European Union (EU) for both refugees and illegal immigrants. The high arrival numbers, in combination with the difficulties in the relocation of immigrants to other EU member states and in the implementation of international treaties concerning the returns of immigrants, practically result in the over-population of transit sites, informal sites and settlements, and reception and identification centers,<sup>2</sup> especially in the eastern Greek islands, which are the main immigration entry points, which, in its turn, raises concerns in relation to the

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1 Thanks to Sotiria Bouranta (Associate in Rokas Law Firm) for her assistance and contribution on the latest update.

2 See <http://www.refworld.org/country,,UNHCR,,GRC,,595253924,0.html>.

public health aspects (particularly currently, in the context of the coronavirus pandemic crisis), raise of criminal indicators, and other sectors of public interest.

In order to deal with the pressing needs of such new social environment caused by the massive rise in the number of illegal immigrants during the last two decades, the Greek Government introduced in the past a number of one-off procedures by virtue of which thousands of illegal immigrants managed to legalize their presence in Greece and obtain legal residency and work permits.

However, such one-off legalization procedures have reached their limits since, from an internal perspective, the integration of first- and second-generation immigrants into Greek society has proven to be problematic. Until recently, the naturalization procedure in Greece had been based solely on *ius sanguinis* (nationality granted by descent) and not *ius soli* (nationality granted by birthplace), a fact that has hindered the role of naturalization as a means of social integration for immigrants and their families in Greece.

In March 2010, Law Number 3838/2010, introducing important changes to the Greek Citizenship Code (Law Number 3284/2004) was passed. The Law signified a major shift in state policy towards immigration due to the fact that it eased the strict naturalization conditions of the past and theoretically gave the chance to legalized immigrants who reside in Greece for more than seven years, as well as children of foreign immigrants who have been born in the country and have attended Greek schools for at least six years, to acquire the Greek citizenship.

This political choice of the Greek Government in 2010 faced strong opposition from other parties of the Greek Parliament. The final stroke, however, as regards the future implementation and the validity of the modification of the Greek Citizenship Code was given by the Council of State, which in a landmark judgment in 2013 (Number 60/2013) declared that the relevant legislative provisions that introduced a *ius soli* (nationality granted by birthplace) element into the Citizenship Code were contrary to the Hellenic Constitution.

Since then, the Greek Citizenship Code has been amended by Law Number 4251/2014, which introduced the Greek Immigration Code,<sup>3</sup> and Law Number 4332/2015, which brought about important changes regarding the immigration policies and Greek naturalization procedures. Furthermore, amendments of minor importance were introduced to the Greek Citizenship Code by virtue of the Law Number 4531/2018 and to the Greek immigration code by Law Number 4540/2018 and Law Number 4652/2020. Finally, less significant changes have been effected on the definitions included in article 1B of the Greek Citizenship Code by Law Number 4452/2017 and article 20 of the Greek Immigration Code by Law Number 4375/2016.

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3 Until the publication of Law Number 4251/2014, Greek immigration issues were regulated by Law Number 3386/2005, which still regulates deportation issues. Refugee issues are currently regulated by Law Number 3907/2011 and Law Number 4375/2016 in compliance with Presidential Decree Number 114/2010 that concerns the procedure for granting refugee status.

As a general, introductory remark, it is also noted that extraordinary provisions have been also established in the context of the COVID-19 pandemic, aiming to address either the spread of the pandemic (*e.g.* providing for additional relevant requirements for entry into Greece), or the results from the restrictive measures that have been in place (*e.g.* providing that any pending visa applications until a certain date are automatically accepted, without the issuance of a relevant decision, and shall be in force 31 March 2022, etc.).

## Visitors

### In General

In this chapter, the terms “foreigner” or “alien” refer to persons who do not hold Greek nationality or hold no nationality, whereas the term “third-country national” refers to any natural person who does not hold Greek nationality or the nationality of another member state of the European Union (EU). Unless otherwise stated, when the terms “foreigner” or “alien” are used, they imply that the “foreigner” or “alien” also is a “third-country national”.

### Non-Business Visitors (Tourists)

A third-country national who enters Greece for tourist reasons must hold a passport or another travel document recognized by Greek authorities which has been issued at least within the last decade and is going to be valid for at least three months after the anticipated departure from Greece (or another EU member state).<sup>4</sup>

Such documents must have a visa fixed upon them, enabling the third-country national to enter Greece, if this is required by international conventions in force, EU law, and national regulations. According to international treaties and EU law, citizens of a number of countries are exempted from the obligation to obtain a visa before entering Greece for tourist reasons.

A visa is granted following examination by the Greek consulate authorities in the place of residence of the third-country national applying for it, after having taken into consideration, in particular, various parameters regarding public order, public health, and the security of the Greek State. To be noted that, according to an amendment effected by Law Number 4652/2020, a Greek consulate authority may also examine the visa application from a third-country national not residing within the area of its jurisdiction, if the submission of the application to said consulate authority is duly justified. Third-country nationals who wish to enter Greece for tourist purposes will be granted a Schengen visa that will allow them to visit Greece one or more times, provided that neither the length of a continuous visit nor the total length of successive visits exceeds 90 days in any continuous 180-day period as from the date of first entry.

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<sup>4</sup> Notwithstanding any additional requirements (*e.g.* vaccination, recent negative test, etc.) that may apply from time to time for the purposes of addressing the COVID-19 crisis.

As a general rule, cross-border movement through external Greek borders, even when conducted for tourist reasons, is subject to checks by the competent police authorities. During such checks, entry into Greece of a foreigner for tourist reasons is subject to the foreigner:

- Being in possession of a valid travel document;
- Being in possession of a valid visa if required;
- Submitting documents substantiating the purpose and the conditions of the planned visit and having sufficient financial means of support, both for the period of the planned visit and for the return to the country of origin or to travel in transit in a third state, into which his admission is guaranteed, or being in a position to acquire such means legally;
- Not having been reported as a person not to be permitted entry; and
- Not being considered a threat to public policy, national security, or the international relations of the state.

### **Business Visitors**

The same requirements and conditions as those mentioned above for tourist visitors also are applicable for foreigners wishing to enter Greece for professional or business reasons, i.e., without the intention to establish permanent business residence within Greece.

### **Special Category Visitors**

#### *Students*

Entry of a third-country national into Greece for studies in any Greek university is permitted if the foreigner has been granted a special visa for that purpose. 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/she:

- has been registered or has been admitted for registration to the relevant Greek university;
- possesses sufficient resources to cover the cost of living and studies for the duration of the residence permit; and
- has paid the required registration fees to the educational institution concerned.

Residence permits for the pursuit of studies are valid for one year and can be renewed for an equal period of time, if the holder still fulfills the conditions for the granting of the initial residence permit. If the duration of the course of studies is less than one year, the residence permit is valid only for the duration of the course.

The total period cannot exceed the total duration of studies provided for by the relevant legislation plus four additional semesters for undergraduate students and plus half of such total duration for postgraduate students. An additional year is added to this period in order for the foreigner to learn Greek, if this has been required by the educational institution concerned.

Third-country nationals who have been provided with a residence permit for the pursuit of studies are only allowed to be employed under the status of part-time employment outside their study time according to the provisions of the relevant legislation. In any case, the number of working hours under such part-time employment status cannot be less than 15 hours per week or the equivalent in days or months per year.

#### *Researchers*

Third-country nationals are entitled to reside in Greece in order to participate in research programs provided that the research organization wishing to host such researcher has been approved in advance for that purpose (Greek universities or technical institutions, or public research organizations or other relevant public research bodies or private entities supervised by any public authority, are considered in advance to be approved research organizations for the purposes of the legislation on residency permits; private entities wishing to obtain such approval are entitled to submit certain documentation proving their eligibility, in which case they receive the above administrative approval to conduct research and host foreigners as researchers).

A research organization wishing to host a researcher shall sign a hosting agreement with the latter whereby the researcher undertakes to complete the research project and the organization undertakes to host the researcher for that purpose.<sup>5</sup> Research organizations may sign hosting agreements only if the following conditions are met:

- The foreigner is in possession of a valid visa if required;
- The research project has been accepted by the relevant authorities in the organization, after examination of the purpose and duration of the research and the availability of the necessary financial resources for it to be carried out, and the researcher's qualifications in the light of the research objectives, as evidenced by a certified copy of his qualification;
- During his/ her stay the researcher has sufficient resources to meet his/her expenses, which cannot be less than €900 per month;
- During his/ her stay the researcher has health insurance for all the risks normally covered for Greek citizens;
- The hosting agreement specifies the legal relationship and working conditions of the researchers;

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<sup>5</sup> According to applicable law, such a hosting agreement shall provide at least for: (i) the title or the purpose of the research activity or the research field, (ii) the commitment from the foreigner that he/she will pursue the completeness of the research, (iii) the commitment from the research organization to host the foreigner researcher for the aim of completing the research, (iv) the launch and end date or estimated duration of the research activity, (v) information on any intended movements to one or more other countries, if known at the time the application is submitted, (vi) information on the legal nature of the relationship between the research organization and the foreigner researcher and the employment terms of the latter. Any agreement containing the above minimum content shall be considered to be equivalent to a hosting agreement.

- There is no risk to the public order and safety, and the public health; and
- The necessary fees have been duly paid.

The application is submitted by the researcher accompanied by all necessary documentation. The duration of the residence permit granted is equal to the duration of the hosting agreement.

#### *Seasonal Workers*

A seasonal occupation of a third-country national is his/ her occupation in Greece in a field of activity related to temporary occupation of a seasonal nature. A seasonal employee is related to a specific employer with a contract of definite term.

An employer who wishes to employ a third-country national for a seasonal occupation should receive an approval from the Regional Authority concerned, if the job for which such seasonal worker is sought is among the list of jobs for which an administrative approval has been granted allowing the employment of a certain number of foreigners.

Along with the application, the employer should submit a stamp duty for each of the foreigners concerned, a contract of employment which will define the terms and conditions under which the foreigner will provide his/ her services (with the special obligation that the contract must ensure a fee which may not be less than the minimum income of an unskilled worker as defined by the relevant legislation at any time), and a statement which shall include his/ her official commitment to provide shelter for such foreign seasonal workers.

## **Visa Requirements and Procedures**

### **In General**

A foreigner who wishes to enter Greece, be it temporarily or with the aim of establishing residence, must obtain a visa fixed upon his/ her passport or other travel document. The only exception is provided for citizens of third countries for which a visa exemption applies according to international and/or EU law. As mentioned above, a visa is granted by the Greek consulate in the place of residence of the third-country national.

Third-country nationals who wish to enter Greece for tourist purposes will be granted a Schengen visa, whereas those foreigners wishing to enter Greece in order to apply for a residence permit will be granted a visa for long-term residence (national visa).

A national visa is granted according to the relevant statutory residence permit legislation and its duration depends in each case on the duration of the anticipated residence. Citizens of other EU member states are exempted from the obligation to obtain a visa before entering Greece.

A third-country national's stay at the transit zone of an airport or port of Greece in order to continue his/ her journey abroad, in the same or another airplane or

vessel, is not considered as entry into Greece. For the stay in the transit zone, a visa is required only in the cases provided by EU law. Greek authorities can prohibit the entry of a third-country national into Greece holding a valid visa if the person belongs to at least one of the following categories:

- The person is registered in the record of third-country nationals who are not allowed to enter the country according to applicable Greek legislation;
- His/ Her entry may be dangerous to public order and security or public health;
- The passport or any other documents he/ she possesses do not secure his/ her return to the country of origin or nationality or to a third country;
- He/ She comes in order to reside in Greece for reasons for which the issue of a special residence permit is required, and does not have the special visa required; and
- He/ She does not have the required documents to justify the purpose of his/ her journey as well as the financial means that are necessary for his/ her stay.

### **Types of Visas**

The current legislative framework governing the granting of transit, entry, and stay visas is divided into three main categories, namely, Single Visa (Visa C), Restricted Geographical Area Visa (Visa VTL), Airport Transit Visa (AVT) and Long-Term Visa (National Visa - Type D).

### **Immigrants**

#### *In General*

A third-country national who has received a visa for Greece for one of the reasons provided by legislation should apply for a residence permit for the same reason, if he/ she meets the conditions required by law. The following categories of residence permits are recognized by law:

- Residence permits for employment and professional reasons — A1. Salaried employment, service, or work; A2. Employees of special purpose; A3. Investment Activity in Greece; A4. Specialized employment (blue card); A5 Employment in the context of intragroup transfer.
- Temporary Residence — B1. Seasonal employment; B2. Employees in fishing industry; B3. Members of artistic groups; B4. Third-country nationals who enter Greece in order to provide services from an undertaking established in another EU member state; B5. Third-country nationals who enter Greece in order to provide services from an undertaking established in a third country; B5. Leaders of organized travel groups; B7. Third-country nationals who are studying and participate in vocational training; B8. Athletes – Trainers; B10. Australian citizens participating in a specific program according to an MoU between Greece and Australia; B11. Interns, according to Directive (EU) 2016/801 and the transposing Law Number 4666/2020; B12. Scholars of the Fulbright Institution; B13. Reasons of learning Greek in competent educational institutions.

- Residence permits for humanitarian, exceptional, and other reasons — C1. Humanitarian reasons; C2. Exceptional reasons; C3. Public interest; C4. Other reasons; C5. Canadian citizens participating in a specific program according to an MoU between Greece and Canada.
- Residence permits for studies, voluntary service, research, and vocational training — D1. Studies; D2. Voluntary service; D3. Research; D4. Vocational training.
- Residence permits for victims of human trafficking.
- Residence permits for family reunification — F1. Family members of a third-country national; F2. Family members of a Greek or EU citizen; F3. Independent residence permits for the members of the family of a third-country national.
- Residence permits of long-term duration — G1. Residence permit of long duration; G2. Residence permits for persons of second generation; G3. Residence permits of 10 years' duration.

### **Residence Permits**

Residence permits give their holders the right to enter the labour market according to the special provisions of law. The right of residence of third-country nationals who legally enter Greece for one of the reasons defined by law is granted subject to meeting the following conditions:

- The third-country national should hold a valid passport or other travel document recognized by Greek authorities that has been issued at least within the last decade and is going to be valid for at least three months after the anticipated departure from Greece (or another EU member state);
- The third-country national has received a valid visa;
- The third-country national should not pose a risk to public order and security and not be included in the black list of those who are not allowed to enter the country according to applicable Greek legislation;
- The third-country national should not pose a risk to public health;
- The third-country national should have a full health insurance for all risks for which nationals are covered; and
- A third-country national who applies for a residence permit in Greece, for one of the reasons provided by law should, after entering the country and before the expiration of his/ her visa, lodge an application for the granting of the residence permit for which the visa has been granted at the Greek consulate in his/ her country of origin.

The application for the issue and renewal of a residence permit is to be lodged with the competent Regional Authority of the applicant's place of accommodation or residence. Without prejudice to any special derogations, the competent authority for the review of the application is the Department for Foreigners and Immigration of the Region that operates in the prefecture of the place of the



foreigner's accommodation or residence, which examines whether all required documentary evidence has been submitted.

Along with the lodging of the application for the issue or renewal of a residence permit, the applicant should also pay a stamp duty. A third-country national who has lodged in due time an application for the issue or renewal of a residence permit, along with all required documentary evidence, and has received a certificate of submission is considered to reside legally in Greece until the final decision regarding his/her application is issued and for a year after the issue of such certificate of submission.

The Regional Authority, after having taken into account public order and security, can invite a third-country national for an interview at a specific time and place before the competent Immigration Committee. If the foreigner does not appear, his/her application is rejected. The decision shall be issued by the Regional Authority within two months from the submission of all required documents.

The residence permit is issued upon decision of the Secretary General of the Regional Authority. The duration of the initial residence permit is two years, and the duration of each renewal three years, until the conditions for the provision of a residence permit of indefinite duration or inclusion in the long-term residence status are fulfilled.

Apart from the above, Law Number 4251/2014 establishes a residence permit for special reasons, which can be issued for third-country residents that have developed strong bonds with Greece. Law Number 4540/2018 amended the conditions for the provision of a residence permit for special reasons, abolishing the substantial criterion of "strong bonds" and requiring objective criteria. Specifically, according to said Law, third-country nationals providing evidentiary documents proving that they have been living in Greece for seven consecutive years or they are parent of a Greek juvenile, are entitled to a residence permit for special reasons. The duration of this residence permit is three years. Further to that, Law Number 4251/2014 also provides for a residence permit for humanitarian reasons, which applies for human trafficking victims, victims and witnesses of criminal actions, victims of domestic violence, third-country citizens that were employed under abusive terms, and child labor victims. Said permit can also be issued for persons under psychiatric treatment, for third-country citizens whose application has been forwarded to the Ministry of Internal Affairs and Administrative Restructuring, and for parents of underage Greek nationals.

### **Investors and Business Persons**

#### *Investors*

Entry of third-country nationals into Greece is permitted in order for such foreigners to make an investment in Greece that will have a positive impact on the national economy. The application granting a residence permit is lodged with the Greek consulate of the place of residence of the third-country national concerned.

The application, along with the required documentary evidence, is forwarded to the Directorate of Foreign Direct Investments of the Ministry of Finance, which issues an official recommendation as regards the expediency of the granting of the residence permits concerned in relation to the proposed investment project. The final decision approving the application for the granting of the relevant residence permit is issued by the Department of Immigration Policy of the Ministry of Interior and Administrative Restructuring.

The residence permit is valid for five years and can be renewed for five years each time, provided that the investment project is still operational. Such third-country nationals can be accompanied by the members of their family, who are provided with a personal permit that expires along with their sponsor permit.

*Members of Board of Directors, Managers, and Directors of Companies*

The following persons are allowed to enter Greece after being granted a special visa:

- Members of boards of directors, managers, legal representatives, and senior executives (general directors, managers, and assistant managers) of subsidiary companies and branches of foreign companies that have a legal commercial activity in Greece and employ at least 25 employees;
- Third-country nationals who are employed by undertakings under special bilateral treaties;
- Executives of undertakings which fall under the provisions of Law Number 27/1975 and operate in the field of oil extraction;
- Foreign personnel solely employed by companies that fall under the provisions of Law Number 3427/2005, Law Number 378/1968, and article 25 of Law Number 27/1975, as replaced by article 4 of Law Number 2234/1994, as well as by companies falling into the scope of Legislative Decree Number 2687/1953; and
- Third-country nationals who are technicians employed by industries or mines under the conditions provided by Law Number 448/1968.

Foreigners who fall under one of the above categories obtain a residence permit for a period of two years that can be further renewed for a period of three years. The above third-country nationals can be accompanied by the members of their family who obtain a personal residence permit that expires along with their sponsors' permit.

The application for the issue and renewal of such residence permits, as well as for family reunification of third-country nationals of the above categories, is to be lodged with the Directorate of Immigration Policy of the Ministry of Interior and Administrative Restructuring.

## Relatives

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 Greece, if the following conditions are fulfilled:

- The family ties are proven;
- The applicant has shelter to provide in order to adequately cover the needs of his/ her family members;
- The applicant proves that he/ she has stable and regular income, sufficient to cover the needs of the family;<sup>6</sup> and
- The applicant has complete health insurance regarding all risks for which Greek nationals are covered which will cover the members of his family.

The third-country national must submit an application to the Regional authority of his/ her place of accommodation or residence for the approval of family reunification. The decision of the Region is forwarded to the related Greek consulate, which provides the family members of the third-country national with the required special visas.

The family members of the sponsor, after their arrival in Greece and before the expiration of their visa, must lodge an application with the competent authority of their place of accommodation or residence in order to be granted residence permits for family reunification purposes. Family members are granted a personal residence permit which has an equal duration with the duration of the residence permit of the sponsor person.

According to Law Number 4045/2018, a partner in a registered civil partnership with a Greek or EU citizen or a third-country national who legally resides in Greece is included in the scope of the definition of family members. The civil partnership must have been concluded in Greece or before a Greek consulate. Thus, couples in a registered civil partnership, their juvenile children or children up to 21 years old, as well as their parents have the same rights as married couples, meaning they can successfully apply for the relevant residence permits.

Finally, the abovementioned Law introduced a further category of people to whom a residence permit can be granted as family members of a Greek or EU citizen or his/her spouse/partner. It concerns family members who are not descendants or ascendants, however, due to serious health problems are dependent on them for their personal care (*e.g.*, a brother).

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<sup>6</sup> The income cannot be less than the annual income of an unskilled worker, increased by 20 per cent for the spouse and 15 per cent for each minor child. If both parents reside legally in Greece, the above increase by 15 per cent for each child is not required in relation to their reunification with their children.

### **Asylum and Refugee Status**

According to the provisions of Presidential Decree Number 114/2010,<sup>7</sup> “refugee” means a third-country national or a stateless person who fulfils the requirements of article 1A of the Geneva Convention, whereas “refugee status” means the recognition by a member state of a third-country national or a stateless person as a refugee. Article 1 of Law Number 4636/2019 provides that “refugee” means a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom certain provisions of said law do not apply, while the definition of “refugee status” remains the same.

A third-country national or a stateless person is entitled to submit an application for asylum provided that it will be made in person. An application may be made by an applicant on behalf of his/ her dependants. A minor can make an application on his/ her own behalf if he/ she is above 14 years old and the authorities believe that he/ she is mature enough to understand that gratitude of his/ her actions. An application for an unaccompanied minor must be lodged by a representative.

Law Number 4636/2019 which incorporates Directives 2011/95/EU, 2013/33/EU and 2013/32/EU lays down the framework for the recognition and status of third-country nationals or stateless persons as beneficiaries of international protection, the status of refugees or persons entitled to subsidiary protection, the reception of the above applicants, the procedure of granting and revocation of the international protection regime as well as the judicial protection procedure.

Third-country nationals and stateless persons, who enter or reside in the country without legal formalities and do not prove their citizenship and identity with a document of public authority are submitted to reception and identification procedures which are divided into five stages. During the first ("Information") stage, they are informed by the competent authorities, in a simple and accessible way in a language they understand, of: (a) their rights and obligations under the stage of reception and the consequences of non-compliance with these obligations; (b) the possibility for their transfer to other structures, the reasons and consequences of the transfer (c) their ability to seek international protection; (d) their rights and their obligations during the international application review process protection and the consequences of non-compliance with these obligations, (e) the possibility to participate in a voluntary return program, (f) the terms and conditions the rules of procedure of the Center; (g) their rights to in case of restriction of their freedom, and (h) the card issuance procedure for asylum seekers.

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7 By virtue of which the provisions of Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in member states for granting and withdrawing refugee status were transposed into Greek law.

During the second ("Submission") stage, the above-mentioned persons entering the Reception and Identification Center are subject to reception and identification procedures under a restriction regime within the Center. This implies a ban on exiting the Center, according to the terms and conditions of the rules of procedure. During this stage special care is taken for persons belonging to vulnerable groups and in particular for the unaccompanied minors. Applicants for international protection may remain on the premises of the Center for as long as the process of examining their application lasts, provided that period of their stay does not exceed a total of twenty-five days from their entrance to the Center.

The third ("Recording and Medical Examination") stage includes the recording of personal data and the receipt and registration of fingerprints of those who have completed the 14th year of age, the identification and citizenship, medical examination and provision of any necessary care and psychosocial support, care for those belonging to vulnerable groups, in order to provide them with specialized care and protection, special care to meet the special needs of families with children below of 14 years and in particular infants and toddlers, as well as the referral to in case of doubt as to the minority of a third-country national or stateless, in the process of determining minority. In the fourth ("Referral to the procedure for inclusion in the status of international protection") stage, those who wish to apply for inclusion in the status of international protection, are referred to the locally competent Regional Asylum Office.

The fifth ("Further Referral and Relocation") stage includes either referral to the inland Reception and Identification Centers or other appropriate structures, to continue the reception and identification process, referral to the competent services for readmission or return or deportation, or referral of third-country nationals or stateless persons against whom a detention decision has been issued, or further referral of applicants for international protection to appropriate structures for their temporary reception. Regarding the application for international protection, the competent authorities inform the applicant for their duty to submit as soon as possible all the elements needed to substantiate the application for international protection and assess the relevant elements of the application in cooperation with the applicant. The assessment of an application for international protection is to be carried out on an individual basis and includes taking into account:

- All relevant facts as they relate to the country of origin at the time of taking a decision on the application, including laws and regulations of the country of origin and the manner in which they are applied;
- The relevant statements and documentation presented by the applicant including information on whether the applicant has been or may be subject to persecution or serious harm;
- The individual position and personal circumstances of the applicant, including factors such as background, gender and age, so as to assess whether, on the basis of the applicant's personal circumstances, the acts to which the applicant has been or could be exposed would amount to persecution or serious harm;

- Whether the applicant's activities since leaving the country of origin were engaged in for the sole or main purpose of creating the necessary conditions for applying for international protection, so as to assess whether those activities would expose the applicant to persecution or serious harm if returned to that country; and
- Whether the applicant could reasonably be expected to avail himself/ herself of the protection of another country where he/ she could asset citizenship.

Where the applicant's statements are not supported by documentary or other evidence, those aspects shall not need confirmation when the following conditions are met:

- The applicant has made a genuine effort to substantiate his/ her application;
- All relevant elements at the applicant's disposal have been submitted, and a satisfactory explanation has been given regarding any lack of other relevant elements;
- The applicant's statements are found to be coherent and plausible and do not run counter to available specific and general information relevant to the applicant's case;
- The applicant has applied for international protection at the earliest possible time, unless the applicant can demonstrate good reason for not having done so; and
- The general credibility of the applicant has been established.

In examining whether an applicant has a well-founded fear of being persecuted or is at real risk of suffering harm or has access to protection against persecution or serious harm in a part of the country of origin, the competent authorities shall at the time of taking the decision on the application have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant.

The refugee status shall be granted to a third-country national or a stateless person who qualifies as a refugee in accordance with the conditions set in Law Number 4636/2019.

The competent authorities shall provide beneficiaries of international protection, as soon as possible after refugee status or subsidiary protection status has been granted, with information, in a language that they understand or are reasonably supposed to understand, on the rights and obligations relating to that status. The competent authority of receipt shall issue to beneficiaries of refugee status a residence permit which must be valid for at least 3 years. The permit is renewed by decision of the Head of the Regional Asylum Office, upon request of the interested party, which is submitted to the competent authority of receipt no later than thirty (30) calendar days before its expiration.

This permit is not granted or renewed by decision of the Head of the Regional Asylum Office in case compelling reasons of national security or public order

otherwise require. The family members of the beneficiaries of international protection are granted residence permits for as long as the beneficiary's residence permit is valid, provided that they retain the status of family member of the beneficiary of international protection.

Beneficiaries of refugee status are granted travel documents (*titre de voyage*), in the form set out in the Schedule to the Geneva Convention, for the purpose of travel outside their territory unless compelling reasons of national security or public order otherwise require. Further they have the following rights:

- They are allowed to engage in employed or self-employed activities subject to rules generally applicable to remuneration conditions, access to the social security system, as regards employment or self-employment, as well as working conditions;
- Each minor granted international protection is obliged to join the units of provision of primary and secondary compulsory education of the public education system with the conditions that apply to Greek citizens;
- They are granted the necessary social assistance as provided to Greek citizens;
- They have access to healthcare under the same conditions as Greek citizens;
- They have access to accommodation under equivalent conditions as other third-country nationals legally residing in their territories; and
- They enjoy freedom of movement within their territory, under the same conditions and restrictions as those provided for other third-country nationals legally resident in their territory.

## **Deportation**

### **In General**

The administrative deportation of a foreigner is permitted if:

- He was sentenced to imprisonment of one year or, regardless of the sentence, for certain crimes defined explicitly by law;
- He has violated the provisions of the law on the entry of immigrants into Greece;
- His presence in Greece is dangerous for public order and the security of the country;<sup>8</sup> or
- His presence in Greece is dangerous for public health and he does not conform to the measures determined by medical authorities for the protection of public health, even though he has received the relevant information.

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<sup>8</sup> A foreigner is regarded as being dangerous to public order and the security of the country when there has been an indictment raised against him for an alleged crime committed by him, against which at least three months' imprisonment is provided by the law as a form of punishment.

Deportation is ordered upon decision of the Head of the relevant Police Department, provided that the foreigner was previously served with a notice of at least 48 hours in order to lodge any objections. If the foreigner is considered to be suspected to escape or dangerous for public order or obstructs the preparation of his deportation, his temporary detention is ordered until the issuance, within three days, of the decision regarding his deportation. In addition, a verification of deportation for non-humanitarian reasons must be granted.

Once the above decision is issued, detention continues until deportation, but cannot last more than six months in any case. The foreigner must be informed of the reasons of his detention in a language he understands, and his communication with his attorney-at-law must be facilitated. The foreigner, pursuant to his rights as defined by the Code of Administrative Procedure, also can raise objections against the decision for his detention before the president or the judge of the Court of First Instance in the region of his/her detention.

If the foreigner is not regarded as a suspect to escape or dangerous for public order or in case the president of the Court of First Instance disagrees with his detention, he is given notice of not more than 30 days to depart from the country. The decision ordering the deportation can be revoked if an application for revocation is submitted based on new information.

If it is not possible to directly deport the foreigner from the country for reasons of *force majeure*, the Substitute Minister of Citizen Protection or the authorized body is entitled to suspend the implementation of the deportation. Deportation expenses and board costs must be covered by the foreigner. If the foreigner does not have the required amount of money, the latter is paid by the Greek State to the extent it is not covered by the liable person.

If the entry and residence of the foreigner was permitted upon the submission of a letter of guarantee issued by a third person, deportation expenses are completely covered by the foreigner and the person who submitted the letter of guarantee. If the latter refuses to pay, the letter of guarantee becomes due after a written order of the authority that is competent for deportation.

An employer who employs a foreigner without the required residence permit covers the deportation expenses and the boarding costs of the foreigner concerned. If the foreigner refuses to leave Greece, his trip to the destination country can take place under police escort, after a decision of the Ministry of Citizen Protection and provided that the secure transport, stay, and return of the police escort can be guaranteed.

### **Administrative Review**

A foreigner has the right to appeal against the decision for deportation within five days from its announcement before the Substitute Minister of Citizen Protection or any other public body authorized by the latter. The decision is issued within three working days from the lodging of the appeal. The submission of an appeal leads to the suspension of the deportation. Where the decision for deportation is accompanied by a decision for detention, the suspension relates only to the deportation.



### **Employment and Work Permits**

As mentioned above, the Greek law on entry, residence, and social integration of third-country nationals establishes certain categories of residence permits. Some of the residence permits provide their holders with the right to enter the labor market according to the relevant provisions. To that effect, each residence permit records whether its holder is allowed to enter the labor market.

The two most common types of residence permits granting the right to enter the labor market are the residence permits for the provision of salaried employment and for the provision of seasonal salaried employment (*see*, in this relevance, above). A third-country national who has received a visa in order to be employed in Greece is provided with a residence permit for salaried employment if he has a contract of employment which determines that his wage is at least equal to the monthly income of an unskilled worker and submits the required documentary evidence.

A third-country national is allowed to enter a contract of employment with an employer during his initial residence permit, provided that the specialty for which he was granted the permit and the social security institution do not change.

A holder of a residence permit for employment has the right to work in another Prefecture of the same or another Region and change his specialty after a period of one year from the date of the initial permit. After the renewal of the residence permit for employment, the permit can provide access for provision of services or work, if a third-country national has fulfilled his/her tax obligations and has the minimum number of wages, as defined by the applicable legislation.

Seasonal occupation of a third-country national is allowed for up to six months, per calendar year, in a field of activity related to temporary occupation of seasonal nature. A seasonal employee is employed for a definite term, and the relevant contract should clearly mention the kind of occupation.

An employer who wants to employ a third-country national for a seasonal occupation should file a relevant invitation to the competent authorities. After the third-country national enters Greece, the Secretary General of the Region might order a health control for reasons of public health. After the completion of the period of occupation, the third-country national must immediately depart Greece. If he does not comply, he cannot re-enter the country for a period of five years from the date he was obliged to leave Greece.

Finally, a residence permit is provided for third-country nationals who enter and reside in Greece, in the context of an intra-corporate transfer as managers, specialists, or trainee employees. An intra-corporate residence permit is granted for the period of transfer and up to one year, renewable up to three times.

Beyond the general prerequisite of valid passport, social security, and sufficient resources during his/her stay to maintain himself/herself and his/her family, a third-country national shall provide the Greek authorities with additional documentary evidence concerning his/her employment status. Specifically, the

applicant shall provide documentation proving that the local entity (to which the applicant is being transferred) and the third-country undertaking (from which the applicant is being transferred) belong to the same undertaking or group of undertakings, and that the applicant has been working there for at least a year prior to his intra-corporate transfer. Moreover, the third-country national has to submit to the competent authorities his/her employment agreement and the assignment letter by his/her employer indicating his/her position as a manager/specialist/trainee employee, the duration of transfer, the remuneration, as well as evidence that after the completion of the intra-corporate transfer the employee will be further transferred to a third country.

During the intra-corporate transfer period, all conditions in law, regulations, or administrative provisions and/or collective agreements applicable to posted workers in a similar situation in the relevant occupational branches are met also for the intra-corporate transferees, with regard to terms and conditions of employment other than remuneration. However, the remuneration granted to the third-country national during the term of his/her intra-corporate transfer cannot be less favorable than the remuneration granted to Greeks occupying comparable positions in accordance with applicable laws or collective agreements or practices where the host entity is established.

## **Ownership of Property**

### **In General**

A third-country national who has entered the country legally with a visa and has full ownership and possession of real estate in Greece can be granted a residence permit for five years, subject to renewal. In the case of joint ownership of property worth €250,000, the right to a residence permit is provided only if the owners of the property are spouses holding the property undivided. In all other cases of joint ownership, the residence permit is granted only if the percentage of ownership of each co-owner is worth €250,000.

The third-country national can have full ownership and possession of real estate in Greece, through a legal entity whose shares are fully owned by him. The minimum value of the property must be determined at €250,000 and must be fully paid upon the conclusion of the contract.

The above third-country national/real estate owner can lease his property. He also can be accompanied by members of his family who are granted, upon request, individual residence permits that expire concurrently with the permit of the sponsor. The above residence permit may be renewed for the same duration each time, if the property remains in the ownership and possession of the third-country national. The residence permit does not establish right of access to any form of work.

### **Ownership of Real Property or Shares in Border Areas**

All EU citizens have equal rights concerning the purchase or sale of real property in Greece. In general, non-EU citizens also are free to purchase or sell property in

Greece. However, special permission is required for the acquisition of real estate situated in border areas, even by Greek residents (as regulated by Law Number 1892/1990, amended by Law Number 3978/2011 and Law Number 4278/2014).

For Greek and EU residents, permission is granted by a special committee (its members being the General Secretary of the relevant county and one representative from the Ministries of Defense, Foreign Affairs, Finance, Citizen Protection, and Agriculture, respectively), following an application by the prospective buyer. Permission requires a majority vote of the Committee members that must include the positive vote of the representative of the Ministry of Defense.

For non-EU residents, the definition of border areas is expanded, and the procedure and conditions for obtaining permission (which in such cases is granted by the Minister of Defense) is more cumbersome. An application to lift the prohibition for non-EU residents should be accompanied by various documents related both to the prospective buyer (*e.g.*, curriculum vitae, passport, birth certificate, criminal record, company profile, and other company details and documents) and to the real estate (*e.g.*, detailed description, purpose of purchase, survey plan, and plan of larger area). On the contrary, there are no restrictions on foreign participation in domestic companies which purchase and own real estate properties in border areas.

### **Taxation of Foreign Visitors and Immigrants**

Greek law stipulates different tax treatment for the Greek and non-Greek tax residents irrespective of their nationality. Whether an individual resides for tax purposes in Greece or not will be determined in relation to his true intention to establish a place of permanent residence in Greece. Thus, nationality does not play a role in whether a person must be subjected to Greek tax legislation.

Tax compliance requirements cease to exist after a person permanently leaves Greece. However, third-country nationals, who have been transferred to Greece to perform a certain task and have received income for services rendered in Greece (which is taxable in Greece), have the obligation to submit an income tax return for this income and pay the corresponding tax. For short-term assignments, there are normally tax treaties defining that the resident of another country will not be subject to income tax in Greece where the following are cumulatively met:

- The individual is present in Greece for 183 days or less in any tax year;
- The remuneration is received from an employer who is not a resident of Greece; and
- The remuneration is not deducted as an expense of a permanent establishment that the employer has in Greece.

### **Citizenship and Nationality**

The child of a Greek father or mother will acquire the Greek nationality by birth. A person born in Greece will acquire Greek nationality by birth, provided that one

of his parents has been born and resides in Greece since his birth, or such person born in Greece does not acquire any foreign nationality by birth and cannot obtain such foreign nationality by means of a relevant declaration before the competent foreign authorities, if the law of the parents' nationality demands such declaration to be submitted, or such person born in Greece is of unknown nationality, provided that the inability to establish any possible nationality being obtained by birth is not due to the lack of cooperation on behalf of the parents. Apart from the above, a foreign child born in Greece can acquire the Greek nationality under the following conditions:

- He was registered in the first grade of the Greek primary school, which must be verified by the relevant Greek school upon submission of the application and he continues to attend classes in a Greek school or a school that abides by the compulsory Greek education and teaching program, upon submission of the application;
- One of his parents was lawfully a resident in Greece for at least five years prior to his/her birth. If the child was born prior to the completion of the five-year period, the right to acquire Greek nationality is based on the completion of the ten-year legal residence period of the parent; and
- His parents are lawfully residents in Greece and they held at least one of the residence permits at the time of filing the application.

A foreign minor residing permanently and legally in Greece establishes the right to acquire Greek citizenship by attending a Greek school or a school that follows the compulsory Greek education and teaching program, after he successfully attends nine primary and secondary education classes or six secondary education classes. The attendance at kindergarten is not taken into account. Successful completion of the required course of studies is evidenced by a relevant attestation by the competent authority.

A foreigner residing permanently and legally in Greece, who is a graduate of a Department or School of a Greek University or Technological Institution, establishes the right to acquire the Greek citizenship if he holds a secondary school education degree from a Greek school in Greece or a school that abides by the compulsory Greek education and teaching program. The application must be submitted within three years from the date of graduation.

A foreigner born out of wedlock, but lawfully recognized as the child of a Greek father, acquires the Greek nationality at the time of acknowledgement, if he is a minor at that time. A foreigner adopted when he was a minor acquires Greek nationality at the time of adoption.

Foreigners may become Greek citizens by virtue of naturalization if they fulfill the following conditions:

- They are adults at the time of the application for naturalization;
- They have not been irrevocably sentenced in the last 10 years before the application for naturalization to a freedom-depriving sentence of at least one

year or at least six months, irrespective of the time of delivery of the sentencing judgment, for a number of specifically defined crimes, such as crimes against the regime, treason against the country, intentional homicide and dangerous physical injuries, crimes relating to drug dealing and trading, money-laundering, international financial crimes, crimes using high-technology devices, crimes against the currency, resistance to authority, child abduction, crimes against sexual freedom and financial exploitation of sexual life, theft, fraud, defalcation, extortion, usury, violations of the law on intermediaries, forgery, false statement, slandering, smuggling, crimes relating to weapons, antiquities, entry of illegal immigrants into the country or facilitating their transport or entry or finding accommodation for them, and misprision or violations of the legislation on the establishment and movement of aliens in Greece;

- There are no pending judgments for deportation against them;
- They have lawfully resided in Greece for a total of seven consecutive years before the application for naturalization, or have at least five consecutive years of legal residence in the country completed on 24 March 2010, or at least three years of residence in Greece if the person concerned: a) is a national of an EU Member State, b) is a Greek or Greek spouse with a child, c) has parental responsibility for a child of Greek nationality, or e) is already a recognized refugee aboriginal.
- They legally reside in Greece and hold one of the following legal residence permits: (1) long-term residence permit or second-generation leave; (2) a certificate or other residence permit issued to nationals of Member States of the EU or EFTA countries; (3) residence permit issued to members of the family of a Greek citizen or citizen of an EU Member State or to parents of a minor; (4) a certificate of recognized refugee or subsidiary protection status or a family member of a holder of such a card; (5) travel documents or a special card issued in accordance with the provisions of the New York Convention on the status of stateless persons; (6) residence permit of indefinite duration; (7) residence permit of 10 years; (8) residence permit for investor activity; (9) residence permit for owner of real estate; and (10) permanent residence permit of investor;
- They have adequate knowledge of the Greek language;
- They have smoothly integrated within the economic and social life of the country; and
- They have the potential to actively participate in the political life of the country respecting its material principles.

The fulfillment of the above conditions is reviewed by the competent Naturalization Committee that is established in each Administrative Region. As a general rule, foreigners who wish to acquire Greek citizenship may not pose any threat to public order or national security.

