

*Law 2910/2001*  
*Entry and Stay of Aliens in Greek Territory.*  
*Acquisition of Greek Citizenship by Naturalisation and Other Provisions*  
*(Official Gazette 91, A')*  
*As amended by Law 3013/2002 (Official Gazette 102, A')*  
*As amended by Law 3074/2002 (Official Gazette 296, A')*  
*As amended by Law 3103/2003 (Official Gazette 23, A')*  
*As amended by Law 3146/2003 (Official Gazette 125, A')*

THE PRESIDENT  
OF THE HELLENIC REPUBLIC  
We hereby promulgate the following law passed by Parliament

**CHAPTER A**  
**DEFINITIONS - SCOPE**

**Article 1: Definitions**

For the application of the provisions of this law:

- a. An alien shall be a person not having Greek citizenship or having no citizenship at all.
- b. Refugees shall be aliens meeting the conditions of the Geneva Convention of 1951 on the legal status of refugees and the relevant Protocol of New York of 1967 who have been granted refugee status by the competent authorities.

**Article 2: Scope**

1. The provisions of this law shall not apply to the following categories of persons, unless otherwise specified in the provisions hereof:
  - a. persons whose entry, exit, movement, stay, settling and employment on Greek territory are regulated by the rules of European Community law;
  - b. refugees, who shall be subject to the specific provisions on refugees, unless otherwise expressly specified in the provisions of this law. A refugee shall continue to be under refugee status even if the reasons for which he has been granted such status have ceased to exist provided that, due to his long stay, he has developed strong social, economic and family ties in the country; and
  - c. persons who have applied for refugee status within the meaning of the Geneva Convention of 1951.
2. Persons having more than one citizenships, including Greek, shall be considered Greek citizens and shall have all the obligations and rights of Greek citizens. Persons having more than one citizenships, excluding Greek, shall declare to the aliens' and immigration service their citizenship of preference, provided that they have obtained a passport or another travel document of the state concerned.
3. More favourable special provisions of bilateral or multilateral interstate agreements shall prevail subject to reciprocity.

**CHAPTER B**  
**POLICE CONTROL OF BORDER CROSSINGS**

**Article 3: Points of Entry - Exit**

1. Any person shall be allowed to enter and exit Greek territory only through controlled border crossings.

2. A resolution of the Minister of Public Order, the Minister for Home Affairs, Public Administration & Decentralisation, the Minister of National Defence, the Minister of Foreign Affairs, the Minister of Finance and the Minister of Merchant Marine shall determine the airports, ports and the points on the country's borders where-through the entry and exit of persons shall be allowed.

3. Entry and exit through points other than the border crossings referred to in the preceding paragraph may be allowed on an *ad hoc* basis for exceptional reasons by a resolution of the Minister of Public Order determining the way of conducting control.

#### **Article 4: Police Control**

1. All persons entering or exiting the Greek territory in any manner shall be submitted to police control on their arrival and departure.

2. The police control of persons entering or exiting Greek territory shall belong to the authority of the Minister of Public Order and be conducted by the local police services.

3. A resolution of the Minister of Public Order, the Minister for Home Affairs, Public Administration & Decentralisation, the Minister of National Defence, the Minister of Foreign Affairs, the Minister of Finance, the Minister of Justice and the Minister of Merchant Marine shall determine the subject of police or any other control, the control organs and the procedure for the execution of judicial and administrative acts concerning the entry and exit of persons.

4. A presidential decree, issued upon a proposal from the Minister for Home Affairs, Public Administration & Decentralisation, the Minister of Foreign Affairs and the Minister of Public Order, shall determine the documents to be obtained by aliens not having travel documents, whom the diplomatic authorities of their countries have been unable to furnish timely with travel documents.

### **CHAPTER C GENERAL CONDITIONS ON ENTRY AND STAY OF ALIENS**

#### **Article 5: Visas**

1. An alien entering Greek territory shall be required to have a passport or other travel document recognised by international conventions.

2. These documents shall also bear, if required, a visa.

3. A visa shall be granted by the Greek consular authority of the alien's domicile, which shall first take into consideration reasons related to the country's public order, security and public health. The visa shall be valid for three months, unless otherwise specified by the provisions hereof.

4. Aliens who are not required to obtain a visa may freely enter Greek territory and stay for three months in whole within a time period of six months as from the date of first entry.

5. In exceptional cases, a visa may be granted by the passport control services on the arrival of the alien at the port of entry, pursuant to a decision of the Minister of Public Order.

6. A resolution of the Minister of Foreign Affairs, the Minister for Home Affairs, Public Administration & Decentralisation, the Minister of Finance and the Minister of Public Order shall determine the procedure for granting of visas, the kind, conditions and procedure of granting visas in exceptional cases as well as the stamp duty to be levied in each case.

#### **Article 6: Aliens' Transit**

1. For the application of this law, the presence of an alien in the transit zone of an airport or port of the country with a view to continuing his journey abroad on board the same or another aircraft or ship shall not constitute entry into Greek territory.

2. No visa shall be required for staying in the transit zone. A resolution of the Minister of Foreign Affairs, the Minister for Home Affairs, Public Administration & Decentralisation and the Minister of Public Order may allow, for reasons of public order and security or of general public concern, the imposition of a visa on transit passengers who are citizens of particular countries.

3. An alien staying in a transit zone shall leave at the first opportunity, otherwise he shall board an aircraft or ship under the care of the police authority. The airport or harbour authorities shall assist if so requested.

4. Every person staying in the transit zone may be submitted to any control deemed necessary by the competent police, customs, harbour and sanitary authorities.

5. The Greek control authorities may force any transit alien to leave the country immediately if they ascertain that he has no visa, provided that such visa is required, and ticket to continue his trip both to the country of destination and the intervening countries through the territory of which he needs to pass.

#### **Article 7: Denial of Entry**

1. A consul may refuse, without any justification, to grant a visa. Justification shall be required if the alien is the spouse, minor child or parent of a citizen of a European Union member state.

2. The Greek control authorities may prohibit an alien who has a visa from entering Greece provided that they ascertain that such alien meets at least one of the following conditions:

a. he is included in the list of aliens against whom there is a ban on entry, according to article 49 of this law;

b. his entry may constitute a risk to public security or public health, according to international standards and the World Health Organisation;

c. the passport or other travel document he uses does not ensure his return to the country of provenance or origin or a third country;

d. he comes with the intention of staying in Greece for a purpose for which the issue of a stay permit is required and has not complied with the legal procedure; or

e. he does not have the documents required for justifying the purpose of his trip and the financial resources to support himself. However, a Greek citizen may, by executing a special declaration of reception and filing it as a supporting document to the competent visa issuing or passport control authorities, report the purpose of the alien's travel and guarantee by paying to the Deposits and Loans Fund a sum covering the expenses of turning back or deporting the alien and a sum equal to three salaries of an unskilled worker covering, wholly or partly, the alien's sustenance expenses.

3. An alien having entered Greece through the transit zone and being denied entry into the destination country shall not be admitted for re-entry unless he meets anew the conditions of this law, provided that in the meantime he has entered a third intervening country.

4. A person who is provenly a Greek citizen may not be denied entry into Greece, even if he does not have a passport or other travel document.

### **Article 8: Granting and Renewal of Stay Permits**

1. An alien who has obtained a visa to Greece for any of the reasons provided for by this law may apply for a stay permit for the same reason, provided that he meets the conditions of this law.
2. The stay permit shall be granted for a particular reason, to be mentioned in the application.
3. An alien wishing to be granted a stay permit in Greece shall, at least two months before the expiry of the visa, submit to the municipal or communal authority of his domicile or residence an application for a stay permit.
4. In addition to the application, he shall also submit a photocopy of his passport or other travel document bearing the visa, as well as the other supporting documents provided for by this law.
5. The municipal or communal authority shall examine the completeness of the supporting documents and transmit them along with the application to the competent aliens' and immigration service. This service shall examine the application within one month as from its receipt and, after taking into account reasons concerning the public order and security of the country, shall invite the alien to an interview with the Immigration Committee at a fixed place and time.
6. The invitation to the interview shall be served with return receipt. The alien's failure to appear at the interview shall only be justified for reasons of *force majeure*. In such case, the alien shall be invited again to an interview according to the said procedure. In the event of unjustified failure to appear, the application shall be dismissed.
7. The stay permit shall be granted by resolution of the Secretary - General of the Region, on an opinion from the Immigration Committee.
8. The stay permit shall be renewed according to the procedure provided for by paragraphs 3 - 7 of this article, unless otherwise specified by this law.

### **Article 9: Immigration Committee**

1. In every regional aliens' and immigration directorate a three - member Immigration Committee shall be established, consisting of two employees of the aliens' and immigration service, one of whom shall be its head, and one representative of the police authority. A resolution of the Secretary - General of the Region shall appoint the members of the Committee, both regular and alternate, and the secretary and his alternate. A similar resolution shall appoint as chairman the head of the aliens' and immigration service, as well as a rapporteur, along with his alternate, without voting right, from among the employees of the aliens' and immigration directorate. By resolution of the Secretary General of the Region may be established in every regional aliens and immigration directorate more than one three members Immigration Committees and in any case up to two, provided that they are necessary for the prompt accomplishment of their work. These Committees consist of two employees of the aliens and immigration service and one representative of the police authority. By the same resolution are appointed the members of the Committee, both regular and alternate, and the secretary and his/her alternate. By a similar resolution is appointed as chairman one of the two employees of the aliens and immigration service who are members of the Committee as well as a rapporteur without voting right, from among the employees of the aliens and immigration directorate.
2. The task of the Immigration Committee shall be to opine on whether an alien should be granted or denied the issue or renewal of a stay permit. In order to opine, the Committee shall take into consideration the factors provided for in the provisions of this law and the alien's personality in general.

## CHAPTER D ENTRY AND STAY OF ALIENS FOR STUDIES

### Article 10: Entry for Studies

1. Entry of an alien into Greece for studies in higher education institutions (HEIs), technological education institutions (TEIs), Higher Ecclesiastical Schools and Ecclesiastical School Units, the Higher School of Technologists - Engineers for Education of the School of Educational Functionaries for Vocational and Technical Education (ASETEM / SELETE), the Higher School of Tourist Trades of the National Tourism Organisation (EOT), technical education lyceums (TEEs), Greek language schools at the Universities of Athens or Thessaloniki or the Greek Language Centre of Thessaloniki shall be allowed provided that the alien has already obtained a visa for this purpose. Studies shall include undergraduate and postgraduate studies, as well as residency terms in the case of medical studies.

2. A resolution of the Ministry of National Education and Religious Affairs, to be issued every year, shall set forth the number of posts per faculty, department or educational institution to be occupied by alien students.

3. In order to be granted a visa for studies, an alien should meet the following conditions:

a. he shall have been admitted to one of the educational institutions referred to in paragraph 1; and

b. he shall be capable of covering the expenses of his studies and support in Greece.

4. An alien wishing to enter Greece for studies shall produce to the Greek consulate of his domicile:

a. a passport or other travel document;

b. a certificate from the appropriate Greek educational institution to the effect that it has admitted him for enrolment;

c. a declaration to the effect that he has secured the financial resources required for covering the expenses of his studies and support in Greece; and

d. transcript of criminal record issued by the foreign authorities.

### Article 11: Granting of a Stay Permit

1. An alien who has obtained a visa for studies in Greece may apply for a stay permit for this purpose, provided that the following conditions are cumulatively met:

a. he has enrolled with the appropriate educational institution;

b. he has sufficient resources for covering his stay and studies expenses during the term of the stay permit;

c. he is healthy and insured for hospitalisation and medical treatment expenses; and

d. he has secured accommodation.

2. The alien's application for a stay permit shall be accompanied by:

a. a certificate of enrolment with the appropriate educational institution;

b. evidence of his capacity to meet the stay and studies expenses during the term of the stay permit;

c. evidence that he is insured for hospitalisation and medical treatment expenses or that he has submitted an application to that effect;

d. a declaration containing his accommodation address;

e. a health certificate<sup>1</sup>, issued by a domestic hospital or health centre or infirmary and surgery of the Social Security Foundation (IKA) to the effect that the alien does not suffer from any disease which, according to international standards and the World Health Organisation (WHO), may be a risk to public health. The expenses shall be borne by the alien concerned.

#### **Article 12: Duration of Stay Permit**

The stay permit shall be valid for one year and may be renewed for an equal time period. The total duration of stay may not exceed the total duration of studies provided for by the relevant provisions increased by half. An additional year for learning Greek shall be added to this term.

#### **Article 13 Renewal of Stay Permit**

In order to obtain renewal of the stay permit, the alien shall, at least two months before its expiry, submit to the municipal or communal authority of his residence an application accompanied by a certificate from the appropriate educational institution evidencing his enrolment and participation in the examinations.

#### **Article 14: Vocational Training**

1. For the application hereof, vocational training shall be attendance of a vocational training institute (IEK), according to the provisions of L. 2009 / 1992 (Official Gazette 18 A'), as effective for the time being. Such training may be preceded by one preparatory year for learning Greek at a Greek university's modern Greek language school.

2. An alien's entry into Greece for training at a public or private vocational training institute shall be allowed provided that the alien has been admitted to such institute and a study approval has been issued by the Vocational Training and Education Organisation.

3. An alien's entry into Greece for attending courses of unclassified educational level at a free studies workshop shall be allowed provided that the alien has been admitted to such workshop and the workshop's certificate of admission and duration of the courses has been certified by the competent service of the appropriate prefectural local authority.

4. Visas and stay permits, as well as renewals shall be granted subject to the conditions provided for by articles 10 to 13 of this law, applying by way of analogy.

#### **Article 15: Change of Subject of Studies**

An alien who has obtained a stay permit for studies in Greece may change subject of studies or vocational training according to the legislation in force and provided that his total duration of stay shall not exceed the time envisaged for the initial studies.

#### **Article 16: Participation in Special Programmes**

Aliens participating in exchange programmes, co-operation programmes financed by the European Union, as well as scholars of ministries, organisations beneficial to the public foundations and the State Scholarships Foundation (IKY) shall be admitted to stay in the country according to the provisions of articles 8 to 13 of this law, applying by way of analogy. A resolution of the Minister of Foreign Affairs, the Minister of Home Affairs, Public Administration & Decentralisation, the Minister of

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<sup>1</sup> Is is not required for the renewal of the residence permit (Law 3146/2003).

National Education & Religious Affairs, the Minister of Labour & Social Security and the Minister of Public Order may regulate the details of the enforcement of this article.

#### **Article 17: Studies at Military Schools**

Aliens who have been admitted for studies at Schools of the Armed Forces, the Security Corps or Merchant Marine Academies shall obtain stay permits for the duration of their studies at such schools.

#### **Article 18: Professional activity of alien students**

Aliens who have obtained stay permits for studies, according to articles 8 to 16 of this law, may only work part - time, after obtaining a part - time work permit from the prefect on producing their stay permit. The provisions of labour legislation on part - time employment shall apply to this case.

### **CHAPTER E ENTRY AND STAY OF ALIENS FOR WORKING AS EMPLOYEES**

#### **Article 19: Granting of Work Permit**

1. An alien may be allowed to enter Greece in order to work for a particular employer and at a particular employment, if he is granted a work permit by the prefect.

2. The Manpower Employment Organisation (OAED) shall prepare at the end of the last quarter of every year a report recording the current needs in manpower throughout Greece and all job vacancies per category and region that may be filled by aliens. During the preparation of the report the interests of the national economy, labour supply by Greek nationals and aliens and labour demand shall be taken into consideration. Based on this report, a resolution of the Minister of Labour & Social Security, the Minister of Home Affairs, Public Administration & Decentralisation and the Minister of Foreign Affairs shall set forth the maximum number of work permits to be granted every year per nationality, prefecture, kind and duration of employment, as well as any other necessary detail. This resolution shall be transmitted to the Greek consular authorities and the employment offices operating abroad and the labour services of the prefectural local authorities.

3. The employment offices abroad shall invite by notices, which may be published in the local mass media, the aliens concerned to submit applications to work in Greece. On the basis of these applications, they shall prepare lists of the names of aliens who wish to work as salaried employees in Greece and transmit them to OAED and the labour services of the prefectural local authorities.

4. In order for an employer to employ staff under an employment agreement, he shall submit an application to the competent labour service of the prefectural local authority.

5. If the posts applied for are not covered by Greeks or aliens staying legally in Greece, OAED may approve the filling of such vacancies by aliens who do not stay in Greece. If OAED approves the filling of these vacancies by aliens domiciled abroad, the employer shall choose from the lists referred to in paragraph 3 of this article the aliens he is interested in and submit an application to the prefect in order for them to be granted work permits.

6. The application shall be accompanied by the following documents:

a. a certificate from the employer to the effect that he shall employ these particular aliens and that he undertakes their support expenses until they obtain a stay permit or, if they are not granted such permit, until they leave the country; and

b. a bank letter of guarantee in an amount at least equal to three salaries of an unskilled worker for covering the expenses of the alien's three month - stay in Greece and an amount covering the expenses for turning back or deporting them to their country of origin, if necessary. In case of employment of fishermen or workers of the land the bank letter of guarantee corresponds to the monthly salary of an unskilled worker.

7. The work permit shall be granted by the prefect on an opinion from the police authority of the prefecture on issues concerning the country's public order and security.

8. The work permit shall be granted for a time period of up to one year and may be renewed from time to time for a time period of up to one year. A necessary condition of renewal shall be the existence of an employment agreement and performance of the tax and social security obligations by the alien. The alien wishing renewal shall, before the expiry of the work permit, submit to the prefect an application for renewal along with the relevant supporting documents. When the employment agreement does not exceed the period of twelve months the first work permit will be granted for one year.

After six years the work permit is granted for two years. After a total stay of ten years in Greece the alien may be granted a work permit of indefinite duration.

9. The prefect shall transmit the work permit to the Greek consulate in order for a visa to be issued and communicate it to the aliens' and immigration service.

#### **Article 20: Visa**

In order for an alien to be granted a visa for working as an employee, the following documents shall be received by the Greek consular authority of his domicile:

- a. passport or other travel document and transcript of criminal record issued by the foreign authorities, to be produced by the alien; and
- b. work permit for the alien in question, to be transmitted by the prefect.

#### **Article 21: Granting of Stay Permit**

1. An alien having obtained a visa to work as an employee in Greece shall be granted a stay permit provided that the following conditions are cumulatively met:

- a. he has a work permit;
  - b. he has entered into an employment agreement according to which his salary is at least equal to the monthly salary of unskilled worker;
  - c. he is healthy and insured for hospitalisation and medical treatment expenses, including labour accident coverage, or has submitted an application to that effect; and
  - d. has secured accommodation.
2. The alien's application shall be accompanied by:
- a. a work permit;
  - b. an employment agreement;
  - c. evidence that he is insured for hospitalisation and medical treatment expenses, including labour accident coverage, or has submitted an application to that effect;
  - d. a declaration mentioning his accommodation address; and
  - e. a health certificate<sup>2</sup>, issued by a domestic hospital or health centre or infirmary and surgery of the Social Security Foundation (IKA) to the effect that the alien does not suffer from any disease which, according to international standards and the World Health Organisation (WHO), may be a risk to public health. The expenses

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<sup>2</sup> It is not required for the renewal of the residence permit (Law 3146/2003)



World Health Organisation (WHO), may be a risk to public health. The expenses shall be borne by the alien concerned.

#### **Article 22: Duration and Renewal of Stay Permit**

1. The stay permit for employment shall be granted for a year and may be renewed from time to time for a time period equal to the term of the work permit. In order to obtain renewal, the alien shall, at least two months before the expiry of the stay permit, submit to the municipal or communal authority of his residence an application and supporting documents proving that:

- a. he has a work permit;
- b. he has discharged his tax and social security obligations provided for by article 21; and
- c. the conditions provided for by article 21 are still fulfilled.

2. After six years have elapsed, the stay permit shall be renewed by a resolution of the Minister of Home Affairs, Public Administration & Decentralisation and shall be valid for two years. After a total stay of ten years in Greece and under the same conditions, a stay permit of indefinite duration may be granted by resolution of the Minister of Home Affairs, Public Administration & Decentralisation. In both these cases the provisions of paragraphs 3 to 6 of article 8 of this law shall apply in all other respects.

3. The alien may enter into an employment agreement with another employer during the term of his work and stay permits. He shall forthwith notify the competent prefect of this change.

#### **Article 23**

1. The provisions of articles 19, 20, 21 and 22 of this law shall also apply by way of analogy to aliens wishing to enter Greece in order to provide independent services or work.

2. For the renewal of the work and stay permits of the aliens referred to in paragraph 1, instead of the contract for provision of services or work, a declaration of the employer may be produced to the effect that he shall employ the alien in a particular job for a particular time period, or a social security booklet evidencing that the alien has completed a number of wages at least equal to half the working days corresponding to the time period from the issue of the work permit to the submission of the application for renewal.

#### **Article 24: Aliens' Seasonal Work**

1. An alien's seasonal work shall be employment in Greece for time periods of up to six months in whole per calendar year in areas of activity connected with seasonal demand, under an employment relation of definite time for a particular employer and kind of employment, provided that the alien is not domiciled in Greece.

2. An employer wishing to employ an alien for seasonal work shall obtain OAED's prior approval according to the provisions of par. 5 of article 19 hereof, after filing an application to the competent labour service of the prefectural local authority at least three months before the commencement of employment. The application shall be transmitted to OAED. In all other respects, entry and stay of aliens for seasonal work in Greece shall be regulated by bilateral or multilateral international agreements.

**CHAPTER F**  
**ENTRY FOR EXERCISE OF**  
**AN INDEPENDENT ECONOMIC ACTIVITY**

**Article 25: Visa**

1. Entry for exercise of an independent economic activity shall be an alien natural person's entry into the country for the purpose of exercising an economic activity independently from any employer.
2. An alien shall be allowed to enter the country for exercising an independent economic activity provided that, cumulatively:
  - a. he has sufficient available resources for exercising the activity; and
  - b. the activity contributes to the development of national economy.
3. The application for a permit to exercise an independent economic activity shall be submitted to the Greek consular authority of the alien's domicile and shall be accompanied by the following documents:
  - a. a feasibility study containing at least the kind and amount of the investment as well as the funding sources;
  - b. a tax clearance certificate issued by the country of origin;
  - c. evidence proving his scientific or technical or vocational education and training, in terms of the activity he wishes to exercise; and
  - d. a transcript of criminal record issued by the foreign authorities.
4. The application and the supporting documents shall be transmitted to the aliens' and immigration service of the region where the municipality or community where the alien intends to exercise the activity he wishes is located.
5. The aliens' and immigration service shall examine the feasibility of the alien's exercising the particular economic activity. The aliens' and immigration service may demand the alien to produce further supporting documents. If the service deems the exercise of the particular activity feasible, it shall transmit the application and the related documents to the competent organ or service, which, after conducting the statutory control, shall grant the alien the permit to practise the particular independent economic activity. If the law does not provide for a permit to exercise the particular independent economic activity, this permit shall be granted by the aliens' and immigration service of the place where the alien intends to exercise this activity.
6. The permit to exercise the independent economic activity shall be transmitted to the Greek consulate, which shall communicate it to the alien.
7. The alien who has been granted a permit to exercise an independent economic activity shall be granted a visa by the Greek consulate of his domicile.

**Article 26: Granting of Stay Permit**

1. An alien who has been granted a visa to enter the country for exercising an independent economic activity shall be granted a stay permit provided that:
  - a. he is healthy and insured for hospitalisation and medical treatment expenses; and
  - b. he has secured accommodation.
2. The alien's application shall also be accompanied by:
  - a. evidence proving that he is capable of covering the expenses of his stay and the activity he is to exercise;
  - b. evidence that he is insured for hospitalisation and medical treatment expenses, or that he has filed an application to this effect;
  - c. a declaration containing his accommodation address; and

d. a health certificate<sup>3</sup>, issued by a domestic hospital or health centre or infirmary and surgery of the Social Security Foundation (IKA) to the effect that the alien does not suffer from any disease which, according to international standards and the World Health Organisation (WHO), may be a risk to public health. The expenses shall be borne by the alien concerned.

#### **Article 27: Duration and Renewal of Stay Permit**

1. The stay permit shall be granted for two years and may be renewed for an equal time period.
2. Renewal shall be granted provided that:
  - a. the activity approved indeed continues to be exercised;
  - b. it is the same activity or a continuation or development of the initial activity; and
  - c. the alien has discharged his tax and social security obligations.
3. The application for renewal shall be submitted at least two months before the expiry of the permit to the municipal or communal authority of the alien's residence and shall be accompanied by:
  - a. the supporting documents proving that he meets the conditions referred to in the preceding paragraph; and
  - b. the supporting documents referred to in par. 2 of article 26.
4. After six years have lapsed, renewal of the permit shall be granted by resolution of the Minister for Home Affairs, Public Administration & Decentralisation and shall be valid for two years. After total stay of ten years in Greece and on the same conditions, a stay permit of indefinite duration may be granted by resolution of the Minister for Home Affairs, Public Administration & Decentralisation. In all other respects, the provisions of paragraphs 3 to 6 of article 8 shall apply in both cases.
5. If the stay permit is revoked or not renewed, the alien may be granted a time limit of up to six months to leave Greece, provided that it is deemed necessary for the liquidation of his business.

### **CHAPTER G ENTRY AND STAY OF ALIENS FOR FAMILY REUNION**

#### **Article 28: Visa**

1. An alien living legally in Greece for at least two years may apply for the entry and settlement of members of his family in the country, provided that:
  - a. the members of his family are to live with him; and
  - b. the applying alien proves that he has steady personal income, sufficient to cover the needs of his family, which may not be lower than the wages of an unskilled employee, as well as the appropriate accommodation and medical treatment insurance that may also cover the members of his family supported by him.
2. Members of the alien's family entering the country for the purpose of family reunion shall be:
  - a. his spouse;
  - b. his single children below 18; and
  - c. single children below 18 of his spouse, provided that he has been awarded custody of the children.

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<sup>3</sup> It is not required for the renewal of the residence permit (Law 3146/2003)

3. The alien shall submit to the municipal or communal authority of his residence an application for a stay permit for family reunion. This application shall be accompanied by:

- a. copy of the stay permit;
- b. copy of the tax review form or the income tax return for the last financial year before the submission of the application;
- c. a recent family status certificate evidencing the family relation; and
- d. a declaration to the effect that the members of the family shall reside with the alien.

4. The municipal or communal authority shall examine the completeness of the supporting documents and transmit them along with the alien's application to the aliens' and immigration service.

5. The Secretary - General of the Region shall decide whether to grant a visa, on an opinion from the police authority on issues concerning the country's public order and security. If his decision is positive, the appropriate Greek consular authority shall grant the members of the alien's family a visa for family reunion, subject to the provisions of article 7 of this law.

#### **Article 29: Granting of Stay Permit**

1. An application of a member of an alien's family for a stay permit for family reunion shall be accompanied by a health certificate<sup>4</sup>, issued by a domestic hospital or health centre or infirmary and surgery of the Social Security Foundation (IKA) to the effect that the member of the family does not suffer from any disease which, according to international standards and the World Health Organisation (WHO), may be a risk to public health. As for minors, the application shall be submitted by the parent having custody of the minor. Expenses shall be borne by the alien concerned.

2. Minor aliens who have completed 14 years of age shall be granted a personal stay permit, expiring at the same time as the stay permit of the parent having custody of the minors. For those who have not reached that age, as well as for children of aliens born in Greece, their stay shall be covered by the stay permit of the parent having custody of the minor.

#### **Article 30: Duration and Renewal of the Stay Permit**

1. The stay permit shall be granted for a time period of up to one year, it may be renewed for a time period of up to one year and shall follow the course of an alien's stay permit.

2. An alien desiring the renewal of a stay permit for family reunion shall, at least two months before its expiry, submit to the municipal or communal authority of his residence an application to that effect. In all other respects, the provisions of article 8 of this law shall apply by way of analogy.

#### **Article 31: Exercise of Professional Activity by Members of the Alien's Family**

Persons admitted for family reunion shall be allowed to work as employees or provide independent services or exercise an independent economic activity. For this purpose, they shall obtain a work permit or a permit to exercise an independent economic activity by producing the stay permit for family reunion. The provisions of paragraphs 6 (i), 7 (i) and 8 (i) of article 66 hereof shall apply by way of analogy to the procedure and the other supporting documents required.

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<sup>4</sup> It is not required for the renewal of the residence permit (Law 3146/2003)

### **Article 32: Independent Stay Permit of Members of an Alien's Family**

1. Persons admitted for family reunion may acquire an independent right to stay in Greece when:
  - a. they become major;
  - b. the alien deceases;
  - c. the alien exercises violence on such persons; and
  - d. a divorce judgement is issued concerning the alien.
2. The application for an independent stay permit shall in particular be accompanied by the certificate of birth or death or the divorce judgement.
3. The duration of the independent stay permit may not exceed one year and may be renewed for one plus another year and in all cases until the age of 21 years old. Further renewal shall only be allowed for reasons provided for by this law. If the aforesaid residence permit is renewed for study purposes the alien may renew it after the accomplishment of his studies for the grounds provided for by this law. If the residence permit is not renewed after a time limit of six months the alien has the obligation to leave Greece.

### **Article 33: Stay Permit of an Alien who is the Spouse of a Greek or European Union Citizen**

1. An alien who is the spouse of a Greek or European Union citizen shall be granted a stay permit of at least five years without the requirement of getting work permit. The aforesaid permit is renewed automatically for a period of at least five years and covers the minor - under 18 years old - not married children of the alien, provided he is entitled to exercise the parental authority.
2. This permit shall not be granted or, if it has already been granted, shall be revoked, provided that it is proved that the marriage has been celebrated with a view to the circumvention of the provisions of this law, in order for the alien to obtain a stay permit or Greek citizenship. The marriage shall be considered to have been celebrated for this purpose in particular if it is impossible for the spouses to live together or to communicate or if either spouse does not know the identity particulars of the other. In such cases, the aliens' and immigration service shall conduct the necessary controls to ascertain the details or other circumstances from which the purpose of the marriage is proved or inferred. These details shall be communicated to the Directorate for Civil and Municipal Status of the Ministry of Home Affairs, Public Administration & Decentralisation.
3. The provisions of the above paragraphs apply to aliens, who are spouses of repatriated Greeks or of alien ethnic Greeks or who are widowed and to their minor children provided that the spouse who died was Greek citizen or European Union citizen or repatriated Greek or alien ethnic Greek.
4. Members of the family of the Greek or of the European Union citizen are considered:
  - a. his spouse;
  - b. his single children below 21
  - c. his parents provided they live with him.
5. The aforesaid aliens may be granted independent stay permit on one of the grounds provided for it this law, provided that they fulfil the following requirements:
  - a. they are older than the age provided in paragraph 4 b) of this article,
  - b. their spouse who is Greek or European Union citizen exercises violence on them,
  - c. a divorce judgement is issued

## CHAPTER H ENTRY AND STAY OF ALIENS FOR OTHER REASONS

### Article 34: Entry and Stay of Alien Athletes and Coaches

1. Entry into the country of alien athletes and coaches of a sport recognised by the Greek sport authorities, for registration with, transfer to, or employment by a recognised sports club, sports corporation or division of salaried athletes shall be allowed upon the approval of the Greek sport federation of the sport concerned and the issue of a visa.

2. The alien athlete or coach desiring to come to Greece for the purpose of registration, transfer or employment shall produce to the Greek consulate of his domicile:

- a. passport or other travel document;
- b. approval of his entry into Greece for registration, transfer or employment by the Greek federation of the sport concerned; and
- c. transcript of criminal record issued by the foreign authorities.

To the aliens who are holders of the above mentioned visa is granted work permit by the Prefect upon presentation of their visa. The work permit is notified to the Aliens' and Immigration Service.

3. An alien athlete or coach who has obtained a visa for registration, transfer or employment may apply for a stay permit provided that, cumulatively:

- a. he has been registered with, transferred to, or employed by a Greek sports club, sports corporation or division of salaried athletes;
- b. he is healthy and insured for hospitalisation and medical treatment expenses; and
- c. he has secured accommodation.

4. The application for a stay permit shall be accompanied by:

- a. a copy of the written collaboration agreement, if the athlete has been registered with, or transferred to an amateur club, or the employment agreement, if the alien is a professional or salaried athlete or a coach employed by a particular sports club or sports corporation or division of salaried athletes, in Greek;
- b. a health certificate<sup>5</sup>, issued by a domestic hospital or health centre or infirmary and surgery of the Social Security Foundation (IKA) to the effect that the alien does not suffer from any disease which, according to international standards and the World Health Organisation (WHO), may be a risk to public health. The expenses shall be borne by the alien concerned;
- c. a declaration containing the address of his accommodation;
- d. evidence that he is insured in Greece for hospitalisation and medical treatment expenses or that he has submitted an application to this effect; and
- e. a certificate from the Secretariat - General for Sport to the effect that the athlete is entitled to register with the sports club, sports corporation or division of salaried athletes or that the coach has the legal qualifications to practise his profession.

5. The term of the stay permit shall be equal to the term of the alien's written collaboration agreement or employment agreement. If the agreement is renewed, the stay permit shall be renewed for an equal term.

6. The aforesaid aliens may be accompanied by the members of their families mentioned in article 28 paragraph 2. The aforesaid family members are granted residence permits provided they submit the certificate provided for in paragraph 4 b) of article 28. These residence permits expire upon expiration of the residence permit granted to the alien athletes and coaches.

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<sup>5</sup> It is not required for the renewal of the residence permit (Law 3146/2003)

### **Article 35: Entry and Stay of Directors, Administrators and Personnel of Companies**

1. The following persons shall be allowed to enter the country after obtaining a special visa:

- a. alien directors, administrators and senior executives (general managers and managers) of affiliates and branches of alien companies legally engaging in business activities in Greece;
- b. alien personnel exclusively employed by companies that have become subject to the provisions of Emergency Law 89 / 1967 (Official Gazette 132 A'), E.L. 378 / 1968 (Official Gazette 82 A') and article 25 of L. 27 / 1975 (Official Gazette 77 A'), as replaced by article 4 of L. 2234 / 1994 (Official Gazette 142 A'), as well as firms referred to in L.D. 2687 / 1953 (Official Gazette 317 A');
- c. alien technicians employed by industries or mines under the terms provided for in E.L. 448 / 1968 (Official Gazette 130 A');
- d. aliens coming from third countries, who are employed by firms established in another member state of the European Union and have been seconded to affiliates or branches of these firms in Greece; and
- e. other categories of aliens that may be determined by resolution of the Minister of Home Affairs, Public Administration & Decentralisation, the Minister of Labour & Social Security and any other competent minister.

2. Aliens wishing to enter Greece for the purpose referred to in par. 1 shall produce to the Greek consulate of their domicile:

- a. passport or other travel document;
- b. a certificate from the company to the effect that they shall be employed by it in Greece. By way of exception, during the first establishment of the companies referred to in case (b) of paragraph 1 and with respect to the visa of their legal representative, instead of a certificate from the company, a certificate from the Ministry of National Economy or the Ministry of Merchant Marine shall be produced, as the case may be, evidencing the appointment of the legal representative; and
- c. a transcript of criminal record issued by the foreign authorities.

With the exception of the cases of passage d) paragraph 1) of this article to the aliens who are holders of the above mentioned visa is granted work permit by the Prefect upon presentation of their visa. The work permit is notified to the Aliens' and Immigration Service.

3. The aliens referred to in paragraph 1 shall be granted a stay permit provided that:

- a. they have signed an employment agreement with the company or, if they are directors or administrators, they can produce a decision of the competent organ of the company certifying their capacity;
- b. they are insured for hospitalisation and medical treatment expenses, without prejudice to par. 11 of article 8 of L. 2166 / 1993;
- c. they produce a health certificate, issued by a domestic hospital or health centre or infirmary and surgery of the Social Security Foundation (IKA) to the effect that the aliens do not suffer from any disease which, according to international standards and the World Health Organisation (WHO), may be a risk to public health. The expenses shall be borne by the aliens concerned. The aforesaid certificate is not required for the renewal of the residence permit.
- d. a declaration containing the address of their accommodation.

4. The stay permit shall be granted for a time period of one year and may be renewed for an equal time period. For the renewal of the residence permit the alien is not required to be interviewed by the Immigration Committee.

5. The said aliens may be accompanied by the members of their families referred to in article 28 paragraph 2, who shall be granted a personal stay permit expiring on the expiry of the aliens' stay permit, provided that they shall produce the certificate referred to in subparagraph (c) of paragraph 3 of this article.

**Article 36: Entry and Stay of Alien Cultural Creators, Members of Artistic Ensembles and Circuses**

1. Alien cultural creators, such as authors, literary writers, directors, painters, sculptors, actors, choreographers, stage designers, as well as members of artistic ensembles and circuses and those working therein shall be allowed to enter the country, provided that they can prove their particular activity and after they have obtained a visa to Greece. To the aliens who are holders of the above mentioned visa is granted work permit by the Prefect upon presentation of their visa. The work permit is notified to the Aliens' and Immigration Service.

2. The aliens referred to in paragraph 1 shall be granted a stay permit provided that the following conditions are cumulatively met:

a. they are healthy and insured for hospitalisation and medical treatment expenses; and

b. they have secured accommodation and have the financial resources to support themselves.

3. The alien's application for a stay permit shall be accompanied by:

a. a copy of the employment agreement or contract for work;

b. a health certificate<sup>6</sup>, issued by a domestic hospital or health centre or infirmary and surgery of the Social Security Foundation (IKA) to the effect that the alien does not suffer from any disease which, according to international standards and the World Health Organisation (WHO), may be a risk to public health. The expenses shall be borne by the alien concerned;

c. a declaration containing the alien's accommodation address;

d. evidence that he is insured in Greece for hospitalisation and medical treatment expenses or that he has submitted an application to this effect; and

e. evidence that he has the financial resources required for supporting himself.

4. The stay permit shall be granted for a time period of up to one year and may be renewed from time to time for terms of up to one year.

5. Members of artistic ensembles coming to Greece within the framework of cultural or educational exchanges under the auspices of the Ministry of Culture or local authorities shall be allowed to enter the country after obtaining a visa, granted for a time period equal to the duration of the events.

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<sup>6</sup> It is not required for the renewal of the residence permit (Law 3146/2003)



### Article 37: Other Cases of Granting Stay Permits<sup>7</sup>

1. An alien who has the resources required for meeting his living expenses may be granted a stay permit for up to one year, which may be renewed for an equal term, provided he is holder of the special entry visa.

For the grant of this special entry visa the alien has to submit to the Greek Consulate of his place of residence the followings documents:

- a. passport or other valid travel document which is recognised by the international conventions;
- b. documents proving that he has enough income for meeting his living expenses without working as employee or independently and that the source of this income is legal;
- c. declaration containing the proof that he has ensured the address of his accommodation;
- d. medical certificate proving that he does not suffer of any transmissible infectious disease;
- e. certificate of insurance for meeting the hospitalisation expenses and the expenses of medical and pharmaceutical care;
- f. a transcript of criminal record issued by the foreign authorities

2. The alien's application for a stay permit shall be accompanied by:

- a. evidence that he has the financial resources required for supporting himself;
- b. a declaration containing the alien's accommodation address;
- c. evidence that he is insured for hospitalisation and medical treatment expenses or that he has submitted an application to this effect; and

d. a health certificate<sup>8</sup>, issued by a domestic hospital or health centre or infirmary and surgery of the Social Security Foundation (IKA) to the effect that the alien does not suffer from any disease which, according to international standards and the World Health Organisation (WHO), may be a risk to public health. The expenses shall be borne by the alien concerned.

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<sup>7</sup> Article 8 par. 4 of the Law 3146/2003 provides for the grant of stay permits to the members of foreign archeological schools. The relevant provisions read as follows: "4. (i) By joint decision of the Ministers of Home Affairs, Public Administration and Decentralization and Culture stay permit may be granted to aliens who are members of foreign archeological schools with scientific activity falling under the inspection of the Ministry of Culture. The stay permit is granted provided that the Greek Consulate of the place of his residence previously grants the alien entry visa for this purpose. The holder of such a permit is entitled to work without further requirement in the context of the activities of the school. The stay permit is granted for one year and can be renewed for one year. The requirements to be fulfilled for the issuance of the entry visa are as follows: a. the alien is admitted as member of the relevant archeological school, b. the alien can meet his living expenses in Greece. (ii) The alien who wants to come to Greece as member of foreign archeological school has to submit to the Greek Consulate of the place of his residence: a. passport or other travel document recognized by Greece, b. attestation that he is admitted as member of the foreign archeological school, c. document proving that he has the means to cover his living expenses in Greece, d. declaration proving that he has ensured the address of his accommodation, e. medical certificate proving that he does not suffer of any transmissible infectious disease, f. certificate of insurance for meeting the hospitalization expenses and the expenses of medical and pharmaceutical care, g. a transcript of criminal record issued by the foreign authorities. (iii) The relevant application together with the documents described above under (ii) is submitted to the Aliens and Immigration Directorate of the Ministry of Home Affairs, Public Administration and Decentralization which examines it after considering the public order and national security grounds.

<sup>8</sup> It is not required for the renewal of the residence permit (Law 3146/2003)

3. After a total stay of ten years in Greece and under the same conditions the alien may be granted, by decision of the Minister for Home Affairs, Public Administration & Decentralisation, a stay permit of indefinite duration. In all other respects, the provisions of paragraphs 3 to 6 of article 8 of this law shall apply.

4. By decision of the Minister for Home Affairs, Public Administration & Decentralisation and of the Minister of Social Security, a stay permit of up to one year, which is renewable from time to time for up to one year, may be granted:

a. to aliens who do not meet the conditions of legal stay and whose departure or removal from the Greek territory is impossible, in particular for humanitarian reasons. The relevant application submitted by the above mentioned persons is examined provided that they did not enter Greece illegally or for tourist purposes. Competent Service for the submission of the application is the Aliens and Immigration Directorate of the Ministry for Home Affairs, Public Administration & Decentralisation. Pending applications are examined in the context of this provision.

b. to aliens who have been forced, for reasons of *force majeure*, to leave their country of citizenship. The permit shall be temporary and shall expire as soon as the reasons for which it has been granted cease to exist;

c. to alien scientists who have been distinguished for their contribution to research and science; and

d. to alien scientists of new technologies and in particular computer science.

The stay permits of this paragraph as well as the stay permits granted according to article 13 of Law 2713/1999<sup>9</sup> that have not expired give their holders the right to work legally without further requirement.

In particular there is no need to pay any of the bonds mentioned in article 71 for the issuance of stay permits granted for humanitarian reasons.

5. By decision of the Secretary General of the Region stay permit up to five (5) years is granted to aliens, parents of Greek citizens or parents of Greek citizens, who acquire the Greek citizenship based on their Greek origin. Upon expiration this stay permit is renewed every time up to five (5). The holder of such a stay permit is entitled to work legally without further requirement.

6. By decision of the Secretary General of the Region stay permit is granted:

a. to aliens recruited to work as administrative personnel or for the provision of cleaning services in diplomatic missions accredited in Greece, as well as to their spouses and minor children.

b. to the adult children of diplomats who are accredited in Greece.

The stay permit is granted for a period equivalent to the period of employment of the alien by the diplomatic mission and it gives its holder the right to work legally in Greece only for the cases of aforesaid passage a) of this paragraph. The application for the issuance of the stay permit of this paragraph is filed with the Aliens' and Immigration Service of the Region of Attica and is processed without implementation of the provisions of article 8 of the present Law.

7a. By decision of the Secretary General of the Region a stay permit may be granted to the correspondents of foreign press accredited to the Ministry of Press and Mass Media as to the members of their families as defined in paragraph 2 of article 28 of the present law. The stay permit is granted for a period up to one year and it is renewed every time for one year. The application for the issuance of the stay permit of this paragraph is filed with the Aliens' and Immigration Service of the aliens place of

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<sup>9</sup> The Law 2713/1999 is repealed by Law 2910/2001. This provision is a transitory one. In fact it will be applied until 30.6.2003, as all stay permits are automatically renewed until this date according to the relevant provisions of Law 3013/2002 and 3103/2003.

residence and is processed without the implementation of article 8 of the present law. The documents submitted with the application are: a) copy of the passport or of the travel document of the alien bearing the entry visa and b) certificate of the Ministry of Press and Mass Media for the professional qualification of the alien and the period of its accreditation.

b. By joint decision of the Ministers of Foreign Affairs and Home Affairs, Public Administration and Decentralisation stay permit may be granted to aliens on grounds of justified national interest. The holder of such a permit is entitled to work legally without further requirement. The stay permit is granted for one year and can be renewed for one year. The application for the issuance of the stay permit of this paragraph is submitted to the Aliens' and Immigration Service of the Ministry for Home Affairs, Public Administration and Decentralisation and is processed without the implementation of article 8 of the present article.

8a. It is allowed the entry of Christian alien for study purposes in the Ecclesiastical Academy of Mount Athos<sup>10</sup> provided he was previously granted entry visa for this purpose. The alien who wants to be granted the entry visa has to submit to the Greek Consulate of the place of his residence:

aa. passport or any other travel document.

ab. Certificate of the Ecclesiastical Academy of Mount Athos that he is admitted to study and that he will be provided food and shelter in its boarding house.

ac. Certificate of one Holy Monastery or institution or private individual person on the exercise of the custody of the alien and the coverage of the studies and living cost in Mount Athos.

ad. Certificate of the Holy Administration or one Holy Monastery or institution or private individual responsible for the custody of the alien that he will cover the hospitalisation and medical treatment expenses, and

ae. Transcript of criminal record issued by the foreign authorities.

b. At least two months before the expiration of the entry visa the alien has to submit to the Holy Administration of Mount Athos application for the issuance of stay permit. In addition to his application the alien has to submit:

ba. A copy of passport or of any other travel document bearing the entry visa,

bb. certificate of registration at the Ecclesiastical Academy of Mount Athos,

bc. Certificate of one Holy Monastery or institution or private individual person on the exercise of the custody of the alien and the coverage of the studies and living cost in Mount Athos.

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<sup>10</sup> Article 11 para. 1 of Law 3074/2002 provides for the issuance of stay permit to aliens who want to visit Mount Athos. The article reads as follows: "1. Following application of any alien who is holder of special entry visa addressed to one of the twenty Holy Monasteries of Mount Athos and upon recommendation of the Holy Administration it is allowed the issuance of stay permit in the area of Mount Athos for study or acquaintance purposes of the monastic life of Mount Athos. The permit is issued by decision of the Minister for Home Affairs, Public Administration and Decentralisation provided that the hosting Holy Monastery certifies that it will be provided to the alien shelter and food and that it will be covered all living as well as hospitalisation and medical treatment expenses. The stay permit is granted for one year and can be renewed for yearly periods. The hosting Holy Monastery refers to the Ministry for Home Affairs, Public Administration and Decentralisation the recommendation of the Holy Administration and the aforesaid application of the alien concerned, to which are attached the following documents: a) a health certificate, issued by a domestic hospital or health centre or infirmary and surgery of the Social Security Foundation (IKA) to the effect that the alien does not suffer from any disease which, according to international standards and the World Health Organisation (WHO), may be a risk to public health. The expenses shall be borne by the alien concerned and b) a transcript of criminal record.

Bd. Certificate of a Holy Monastery or institution or private individual, responsible for the exercise of the custody of the alien, on the coverage of the hospitalisation and medical treatment expenses, and,

Be. a health certificate, issued by a domestic hospital or health centre or infirmary and surgery of the Social Security Foundation (IKA) to the effect that the alien does not suffer from any disease which, according to international standards and the World Health Organisation (WHO), may be a risk to public health. The expenses shall be borne by the alien concerned.

c. The stay permit of the alien is granted by decision of the Secretary General of the Region following the recommendation of the Holy Administration without the implementation of the provisions of paragraphs 5 to 8 of article 8 and of articles 10 to 18 of the present law.

d. The stay permit is granted for the duration of the studies and can be renewed for one more year.

### **Article 38: Entry of Aliens for Stay of a Few Days**

An alien entering the country for tourism, congresses, cultural and sport events and generally for stay of a few days may stay temporarily, without a stay permit, for a time period equal to the term of the consular visa or a time period of three months, if the alien is allowed to enter the country without a consular visa. An extension of the stay time for up to six more months may be granted to the alien on exceptional grounds, mainly for reasons of force majeure, humanitarian, professional or other serious personal reasons, provided that he has sufficient resources to meet his living expenses. The application shall be submitted before the expiry of the visa or the free stay time to the police authority of his residence and it is registered in his passport in the form of stamp.

## **CHAPTER I RIGHTS AND OBLIGATIONS OF ALIENS**

### **Article 39**

1. Aliens staying legally in Greece shall be insured with the appropriate social security organisations and enjoy the same social security rights as Greek nationals.

2. The provisions on social protection of L.D. 57 / 1973 for the time being in force shall apply to aliens staying legally in Greece.

3. Upon entering a detention facility, alien detainees shall be informed, in a language they understand, the main details of their life in the facility, their rights and obligations. Their communication with the diplomatic or consular agents of their State of origin shall be facilitated.

4. The acts described in articles 1 to 3 of L. 927 / 1979<sup>11</sup> (Official Gazette 139 A') shall be prosecuted *ex officio*.

5. An alien staying legally in Greece and temporarily exiting the Greek territory shall be entitled to re-enter provided that his stay permit is still valid at the time of his return.

### **Article 40: Access of Minor Aliens to Education**

1. Minor aliens who stay on Greek territory shall be liable to minimum compulsory education, like Greek nationals.

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<sup>11</sup> This law provides for the prosecution of racist crimes.

2. Minor aliens studying at all educational levels shall have unlimited access to the activities of the school or educational community.

3. For the enrolment of minor aliens with public schools, the supporting documents prescribed for Greek nationals shall be required. By way of exception, the following minor aliens may register with public schools despite lacking complete documentation:

- a. children of aliens protected by the Greek state as refugees and of those protected by the United Nations High Commission;
- b. children of aliens who come from areas with irregular conditions;
- c. children of those who have applied for refugee status; and
- d. children of aliens who stay in Greece although their legal stay in the country has not been settled yet.

4. A joint decision of the Minister for Home Affairs, Public Administration & Decentralisation and the Minister of National Education & Religious Affairs may determine the terms and conditions of recognition of primary and secondary education qualifications obtained in the country of origin and the conditions of classification in the levels of the Greek educational system and enrolment of aliens with public schools without supporting documents. A similar decision may regulate issues of optional teaching of the mother language and culture where there is sufficient number of students concerned, within the framework of support actions of the Ministry of National Education & Religious Affairs, and determine the employment relations and qualifications of the educators who will teach the mother language and culture of the country of origin.

5. Aliens who have graduated from secondary education in Greece shall have access to university education under the same terms and conditions as Greek nationals.

#### **Article 41: Obligations of Aliens**

1. During his stay in Greece, an alien shall declare to the aliens' and immigration service:

- a. any change of residence;
- b. any change in his personal status, in particular change of citizenship, celebration, dissolution or annulment of marriage or birth of children;
- c. loss or renewal or change of passport or other travel documents;
- d. loss of his stay permit; and
- e. any change in his employment, such as change of employer or termination of employment agreement.

The said declarations shall be made within one month as from the said changes.

The aliens' and immigration service as well as the municipal and communal authorities shall keep a register of aliens.

2. Aliens having the custody of minor aliens shall declare to the aliens' and immigration service their alien children who have not completed their 18th year. In the event that they do not stay in Greece, the declaration shall be made by the persons with whom the children live.

3. An alien who holds a stay permit shall leave without further notice on or before the date of its expiry, unless he has applied for renewal before its expiry.

4. An alien who has been denied stay or renewal of his stay permit shall leave the Greek territory immediately without any further formalities.

5. An alien who stays in the country for a time period of up to thirty days after the expiry of the stay permit or violates, for the same time period, the term written on his visa or the free stay time, as well as the stay term prescribed by the SCHENGEN uniform visa or the free stay time in the single area, shall pay on his departure an

amount equal to four times the bond payable for a stay permit of one year. If the time of illegal stay exceeds thirty days, he shall pay an amount equal to eight times the bond payable for a stay permit of one year. A decision of the Minister for Home Affairs, Public Administration & Decentralisation, the Minister of Foreign Affairs, the Minister of Finance and the Minister of Public Order shall determine the way of payment of the said fine and any other detail required for the enforcement of this paragraph.

## **CHAPTER J**

### **RESTRICTIONS - REVOCATION OF STAY PERMIT - DEPORTATIONS**

#### **Article 42: Restrictions on the Movement and Settlement of Aliens**

1. Aliens who have settled in Greece shall have freedom of movement and settlement throughout the Greek territory. A presidential decree, issued upon a proposal from the Minister of Home Affairs, Public Administration & Decentralisation, the Minister of Foreign Affairs, the Minister of National Defence and the Minister of Public Order, may prohibit aliens from staying or settling in specific geographical areas of the country.

2. A decision of the Minister of Home Affairs, Public Administration & Decentralisation and any other competent minister may impose on a specific alien, for reasons of national security, public order or public health, restrictions relating in particular to his settlement, stay, visit to specific places, practice of a particular profession or obligation to report to the police authorities.

#### **Article 43: Revocation of Stay Permit**

1. By a decision of the Secretary - General of the Region, upon a recommendation from the competent services of the Ministry of Public Order or the Ministry of Health & Welfare respectively, a stay permit may be revoked, in addition to the general reasons of revocation according to the legislation in force, for the following reasons too:

- a. reasons of national security and public order;
- b. protection of public health, provided that the alien suffers from a disease that may be a risk thereto, according to international standards and the WHO, and refuses to comply with the public health protection measures prescribed by the medical authorities, in spite of having been adequately informed; and
- c. in the event that the alien violates his obligations arising from this law or submits forged documents.

2. Revocation of the stay permit shall result in compulsory revocation of the work permit or permit to exercise an independent economic activity.

#### **Article 44: Administrative Deportation**

1. Administrative deportation of an alien shall be allowed if:
  - a. he has been condemned finally and irrevocably to a custodial sentence of at least one year or, irrespective of the sentence, for crimes against the constitution, treason against the country, crimes related to trade in and trafficking of narcotics, money laundering, international financial crimes, high technology crimes, crimes against the currency, crimes of resistance, abduction of minors, crimes against sexual life and financial exploitation of sexual life, theft, fraud, embezzlement, extortion, usury, violation of the law on brokerage, forgery, false certification, libel, smuggling, crimes related to arms, antiquities, trafficking of illegal immigrants in the country's territory or facilitation of their transport and trafficking or provision of accommodation to

them with a view to concealing them, provided that his deportation has not been ordered by the competent court;

b. he has violated the provisions of this law; and

c. his presence on Greek territory is dangerous for public health or the security of the country or public order, provided that the alien suffers from a disease that may be a risk thereto, according to international standards and the WHO, and refuses to comply with the public health protection measures prescribed by the medical authorities, in spite of having been adequately informed.

2. Deportation shall be ordered by a decision of the appropriate Police Colonel and, in the case of the General Police Divisions of Attica and Thessaloniki, by the competent Colonel on aliens' issues or a senior officer appointed by the appropriate Colonel, after giving the alien a time limit of forty - eight (48) hours to present his objections.

3. If, according to the general circumstances, it is suspected that the alien may escape or he is considered dangerous to public order the authorities of the above paragraph may order his temporary detention until the issuance, within three days, of a deportation decision. Following the issuance of the deportation decision the detention continues until its execution but it can no way exceed the period of three months. The alien shall be informed about the reasons of his detention in a language he understands. A detainee alien shall be entitled to present his objections to the detention decision before the president of the administrative court of first instance of the region where he is detained, who shall rule on its lawfulness, with analogous application of the procedure provided for in article 243 of L. 2717 / 1999 (Official Gazette 97 A').

4. If it is not suspected that the alien may escape or he is not considered dangerous to public order or the president of the administrative court of first instance disagrees with his detention, the said decision shall set forth a time limit to leave the country, which may not exceed thirty days.

5. The alien shall be entitled to appeal against the deportation decision, within a time limit of five days from its service, to the Secretary - General of the local region, who shall decide within three days as from the lodgement of the appeal. Any lodgement of appeal shall result in suspension of enforcement of the decision. If the deportation decision includes detention too, suspension shall only apply to deportation.

6. The Secretary - General of the Region, on an opinion from the Immigration Committee, may temporarily suspend deportation *ex officio* when this is dictated by humanitarian reasons, *force majeure* or public concern, as when there are reasons related to the life or health of the alien or his family.

7. Deportation of aliens who stay illegally in the country and denounce acts of procurement to prostitution may be suspended, by a decree of the public prosecutor of the misdemeanours' court and with the approval of the public prosecutor of the court of appeal, pending the issue of a final and absolute judgement on the acts denounced. If denunciation proves false, deportation shall be carried out. During the suspension of deportation, the aliens concerned shall be granted, by way of derogation from the provisions hereof, a stay permit by decision of the Secretary - General of the Region.

8. A decision of the Minister of Home Affairs, Public Administration & Decentralisation, the Minister of Foreign Affairs, the Minister of Justice and the Minister of Public Order shall specify the procedure of enforcement of the deportation decisions issued according to the provisions of this law, as well as those ordered by judgements of criminal courts pursuant to articles 74 and 99 of the Penal Code.

#### **Article 45: Obstacles to Deportation**

If the immediate deportation of an alien from the country is not possible, the Secretary - General of the Region, following a recommendation from the competent organ ordering deportation and on an opinion from the Immigration Committee, may issue a decision permitting the alien's temporary stay in the country. A similar decision shall impose restrictive terms on the alien.

#### **Article 46: Prohibition of Deportation**

1. Deportation shall be prohibited provided that the alien:
  - a. is a minor and his parents reside legally in Greece;
  - b. is the parent of a Greek minor whose custody he has or whom he is obliged to support and he indeed performs such obligation; and
  - c. has exceeded his 80th year.
2. Deportation in cases (b) and (c) of the preceding paragraph shall not be prohibited if the alien is dangerous to public order or national security or public health, provided that the alien suffers from a disease that may be a risk thereto, according to international standards and the WHO, and refuses to comply with the public health protection measures prescribed by the medical authorities, in spite of having been adequately informed.

#### **Article 47: Deportation Expenses**

1. The deportation and support expenses shall be borne by the alien. If the alien does not have the required amount, the expenses shall be paid by the State, according to the missing amount. The amount paid by the State shall be certified as public revenue and shall be collected according to the Public Revenue Collection Code. A decision of the Minister of Finance, the Minister of Home Affairs, Public Administration & Decentralisation and the Minister of Public Order shall regulate the procedure and the necessary details for the enforcement of this paragraph.
2. If the alien's entry or stay have been permitted upon the filing of a letter of guarantee by a third person, the deportation expenses, including support costs, shall be borne severally by both the alien and the guarantor. If they refuse to pay, the letter of guarantee shall be forfeited following a written order of the competent authority ordering deportation.
3. An employer engaging an alien without a work permit shall bear his deportation and support expenses.
4. If the alien refuses to board the means of transport by which he is to be removed from the country, he may be removed and escorted by a police force up to his country of origin, by a decision of the Secretary - General of the Ministry of Public Order, provided that the safe departure, stay and return of the accompanying policemen is guaranteed.

#### **Article 48: Aliens' Detention Facilities**

1. An alien meeting the conditions of par. 3 of article 44 shall be detained in the premises of the appropriate police authority. Pending the completion of his deportation procedures, he may stay in special facilities, established by decision of the Secretary - General of the Region and operating under the care of the Region. The said decision shall set forth the standards and terms of operation of such facilities.
2. The Hellenic Police shall be responsible for the custody of these special facilities.



#### **Article 49: Undesirable Aliens**

1. The Ministry of Public Order shall keep a list of undesirable aliens. The criteria and procedure for registration and deregistration of aliens shall be set forth by a decision of the Minister of Public Order, the Minister for Home Affairs, Public Administration & Decentralisation, the Minister of Foreign Affairs and the Minister of Justice.

2. Should an alien being on Greek territory become registered in the list of undesirables, he shall leave the country within such time limit as shall be set from time to time by the Minister of Public Order. In the event of failure to comply, the alien shall be deported.

3. An alien denied entry in the country because he is registered in the list of undesirable aliens shall leave without delay, otherwise he shall be turned back to the country of origin or a third country where he may be allowed entry, under his responsibility and at his expense or the carrier's expense, who shall also pay all other expenses required until his departure. By a decision of the Secretary - General of the Region, a fine ranging from one million to five million Drachmas for each person transported shall be imposed on the above mentioned carriers if they refuse to fulfil their obligations. By the said decision, the means of transport employed shall be retained and returned to them after they have fulfilled their aforementioned obligations and paid the fine imposed, or produced a letter of guarantee from a recognised bank covering the amount of their aforementioned obligations and the fine imposed.

4. An alien who enters the country illegally and is registered in the list of undesirables shall be punished with imprisonment of three months at least and a pecuniary penalty of one million Drachmas. The exercise of any legal remedies shall not suspend enforcement.

### **CHAPTER K GENERAL OBLIGATIONS - SANCTIONS**

#### **Article 50: Illegal Entry into and Exit from the Country**

1. Whoever exits or attempts to exit Greek territory or enters or attempts to enter it without complying with the legal formalities shall be punished with imprisonment of three months at least and a pecuniary penalty of five hundred thousand Drachmas at least. When the person who attempts to leave Greece illegally is wanted by the judicial or police authorities or he does not fulfill any tax or currency exchange or other obligations to the State or is a recidivist, then considering this aggravating circumstance he may be sentenced to imprisonment of six months at least and a pecuniary penalty of one million drachmas.

2. If an alien enters Greek territory or exits it without complying with the legal formalities, the public prosecutor of the misdemeanours' court, upon the approval of the public prosecutor of the court of appeal, to whom he shall report without delay, may refrain from instituting criminal proceedings for this act, whereupon he shall communicate this decision to the commander of the police service or harbour authority that has ascertained the illegal entry or exit, in order for the latter to turn the alien back to his country of provenance or origin by their decision. The approval of the public prosecutor of the court of appeal may be given by telephone message. If it is impossible to turn the alien back immediately, the commander of the police or harbour authority, after preparing a relevant report, shall commit the alien concerned to the competent administrative authority for deportation, according to article 44 of this law. This authority, if deportation is not made within three months, shall inform the competent public prosecutor of the misdemeanours' court to this effect. In that case the public

prosecutor of the misdemeanours' court may revoke his decision to refrain from instituting criminal proceedings, upon the approval of the public prosecutor of the court of appeal, provided that one year has not lapsed from the date of the alien's illegal entry.

#### **Article 51: Obligations of Services and Civil Servants - Sanctions**

1. Public services, legal entities of public law, local authorities, public benefit organisations and corporations and social security organisations shall not provide their services to aliens who do not have a passport or other travel document or visa or stay permit or generally can not prove that they reside legally in Greece, save as otherwise specified in this law, with the exception of hospitals, infirmaries and clinics, as regards aliens who are admitted as a case of emergency and minor children.

2. Governors of prisons and jails shall receive and keep the passports or other documents evidencing the identity of the detained aliens, as well as their stay and work permits. These documents shall be returned on the aliens' discharge. If the alien does not have such documents or does not have a stay or work permit, the said officers shall inform immediately the nearest police authority or the nearest aliens' and immigration service.

3. The employees of the said services and agencies who violate the provisions of paragraphs 1 and 2 shall be subject to disciplinary proceedings and shall be punished according to the provisions of the Penal Code on violation of duty.

#### **Article 52: Obligations of Notaries Public - Sanctions**

1. During the execution of notarial deeds, to which aliens are parties or in which they participate in any manner whatsoever and are personally present or declare that they reside or are domiciled in Greece, notaries public shall ascertain that they have a visa or stay permit and mention it in their deed, with the exception of execution of letters of attorney to lawyers who are to represent aliens before courts and / or other authorities.

2. Notaries public who violate the provisions of the preceding paragraph shall be subject to disciplinary proceedings and shall be punished according to the provisions of the Penal Code on violation of duty.

#### **Article 53: Obligations of Employers of Alien Employees - Sanctions**

1. Hiring and employment of aliens who do not have a stay permit shall not be allowed. If the execution of an employment agreement or a contract for work or for provision of independent services is a condition for granting the stay permit, the granting of such permit shall be a condition precedent to the validity of such agreement or contract.

2. Employers employing alien employees shall forthwith notify the aliens' and immigration service, the employment offices of their domicile and the competent service of the Ministry of Labour and Social Security of any employment of alien and any change in his employment status, such as extension of the agreement, termination of the agreement or withdrawal.

3. In addition to the other sanctions provided for by the legislation, a monetary fine ranging from one million to five million Drachmas per illegal alien shall be imposed by a decision of the Secretary - General of the Region to employers who violate the provisions of paragraphs 1 and 2.

4. Whoever employs an alien devoid of a stay permit shall be punished with imprisonment of three months at least. In case of recidivism, imprisonment of six months at least shall be imposed. If the employer is a legal entity, the said penalties shall be imposed to the managing director or administrator or, generally, the person exercising the management of the legal entity. In addition, the Secretary - General of

the Region may, taking into account the overall circumstances, order the store or business to be closed for a time period from one to six months and three to twelve months in the event of second conviction and, in the case of entertainment clubs, from two to twelve months and from six to twenty - four months respectively. If there is a third conviction, the store or business shall be finally closed down and the same person shall not be granted such licence for a time period of five years.

5. [This paragraph is repealed by Law 3064/2002 (Official Gazette 248, A') which regulates issues of human trafficking, pornography of minors and more generally of the exploitation of the sexual life. It also provides for the assistance to be ensured to the victims of these crimes]

6. An alien working as an employee or providing independent services or work or practising a profession or exercising an independent economic activity without a stay permit shall be punished with imprisonment.

7. Employment of aliens by natural or legal entities contracted to the Ministry of National Defence for the construction of special infrastructure projects and those provided for by article 12 of P.D. 378 / 1987 (Official Gazette 168 A') shall require the approval of the military authority supervising the project.

#### **Article 54: Obligations of Employees and Other Private Individuals - Sanctions**

1. Leasing of premises to aliens who do not have a passport or other travel document or visa or stay permit shall be prohibited.

2. Managers of hotels, holiday resorts, clinics and infirmaries shall inform the police service or the aliens' and immigration service about the arrival and departure of any aliens they lodge.

3. In addition to the other sanctions provided for by the legislation, a monetary fine from five hundred thousand to one million Drachmas shall be imposed by decision of the Secretary - General of the Region to persons who violate the provisions of paragraphs 1 and 2.

4. The fines referred to in the preceding paragraphs shall also be imposed to persons who submit inaccurate declarations or certificates or do not perform the obligations they have undertaken by the certification or declaration provided for by articles 10 par. 3 case (c), 10 par. 4 case (c), 11 par. 2 case (d), 19 par. 6 case (a), 21 par. 2 case (d), 26 par. 2 case (c), 28 par. 3 case (d), 34 par. 4 case (c), 32 par. 2 case (b), 36 par. 3 case (c) and 37 par. 2 case (b). The same fines shall also be imposed to aliens who do not perform their obligations provided for by paragraphs 3 and 4 of article 41.

5. Whoever facilitates the entry of an alien into Greek territory without his being submitted to the control provided for by article 4 shall be punished with imprisonment of at least three months and a pecuniary penalty of at least five hundred thousand Drachmas.

6. Whoever facilitates the illegal stay of an alien or obstructs the investigations of the police authorities for his location, arrest and deportation shall be punished with imprisonment of three months at least and a pecuniary penalty of five hundred thousand Drachmas at least.

7. Whoever illegally possesses or uses a genuine passport or other travel document of another person shall be punished with imprisonment of three months at least and a pecuniary penalty of at least five hundred thousand Drachmas. The same penalty shall be imposed to whoever retains the passport or other travel document of another person or refuses to surrender it to the competent service. The same penalty shall be imposed to whoever possesses or uses a forged passport or other travel document.

8. The person in charge of a travel or immigration agency or anyone else who submits on behalf of a third party to the competent authority supporting docu-

ments for the issue of a travel document containing particulars that do not correspond with the identity of such party shall be punished with imprisonment of three months at least and a pecuniary penalty of one million Drachmas at least. The same penalty shall be imposed to the person on behalf of whom the supporting documents have been submitted. Final revocation of the operation licence of the agency shall be imposed by decision of the prefect.

#### **Article 55: Obligations of Carriers - Sanctions**

1. Masters or captains of any vessel, means of navigation or aircraft and drivers of any means of transport transporting from abroad to Greece aliens who do not have the right to enter Greek territory or have been prohibited from entering for any reason, as well as those forwarding them inside the country, or facilitating their transport or forwarding, or providing them with accommodation for hiding, shall be punished with one - year imprisonment at least and a pecuniary penalty ranging from one million to five million Drachmas per transported alien. In particular masters or captains of vessels and means of navigation transporting the said aliens under conditions that endanger their lives and safety shall be punished with imprisonment of two years at least per transported person. The same penalties shall apply to those participating in the above mentioned punishable acts. If transport is carried out by profession or for earning illegal profit, or if the culpable person is a civil servant or practices as a tourist or shipping or travel agent or is a recidivist, this shall be considered as an aggravating circumstance and a penalty of two - year imprisonment at least and a pecuniary penalty ranging from five million to eight million Drachmas shall be imposed. Means of transport used for the transportation of persons shall be seized and confiscated by a court order, unless their owner proves that he did not know the purpose of their use. The exercise of legal remedies against the said court order shall not suspend its enforcement.

2. Masters or captains of any vessel, means of navigation or aircraft and drivers of any means of transport shall not accept for transport from and to abroad persons who do not have the necessary travel documents or have not been submitted to regular police control. Violators shall be punished according to the provisions of paragraph 1. The said punishable acts shall be considered as committed, in the case of sea and air means of transport, when the person that boarded clandestinely is found therein at the commencement of the control before sailing off or take off by the competent state organs or after the ship has sailed or the aircraft has taken off, and in the case of other means of transport, when the person departing clandestinely is found therein during the last exit control or nearby the borders. The provisions of paragraph 3 shall also apply to the persons mentioned in this paragraph.

3. Airlines or shipping companies or travel agencies shall not accept for transport and shall take all steps to prevent the transport from abroad to Greece of aliens who are not furnished with the required passports or other travel documents. A monetary fine ranging from five million to ten million Drachmas per transported person shall be imposed by the airport master to airlines violating the said obligations. The same fine shall be imposed by a decision of the Secretary - General of the Region to shipping companies or travel agencies.

4. The persons referred to in paragraphs 1, 2 and 3 as well as travel agencies and the owners of means of transport shall be severally liable for the living expenses and the costs of turning back the said aliens abroad. The same liability shall apply to those who have guaranteed the repatriation of the alien if his entry or stay conditions in the country have been violated. The competent organs to assess the fines, the way of their collection and management as well as any other detail shall be determined

by a joint decision of the Minister for Home Affairs, Public Administration & Decentralisation, the Minister of Finance and the Minister of Public Order.

5. The persons referred to in the first passage of paragraph 1 or the owners of means of transport or their representatives in Greece shall, upon the arrival of the means of transport, deliver to the police passport control services arrival notes or lists of alien passengers they transport with destination to Greece and inversely. They shall be under the same obligation on the arrival of charter flights from third countries. A decision of the Minister of Public Order shall set forth the details of the said notes or lists.

## **CHAPTER I ESTABLISHMENT OF AGENCIES AND CONTROL**

### **Article 56: Establishment of Agencies and Control**

1. A Directorate for Aliens and Immigration shall be established within the Ministry for Home Affairs, Public Administration & Decentralisation. A presidential decree, issued on a proposal from the Minister for Home Affairs, Public Administration & Decentralisation and the Minister of Finance, shall determine the structure of its organic units and the distribution of powers among them, the qualifications of its personnel, as well as the branches from which the heads of its units are to be selected, and shall regulate all other relevant matters.

2. A presidential decree, issued on a proposal from the Minister for Home Affairs, Public Administration & Decentralisation and the Minister of Finance, and an opinion from the Secretary - General of the Region, may establish directorates or departments of aliens and immigration in every prefecture of a Region as its units. In particular in the Region of Attica up to four directorates may be established, whose territorial competence shall be set forth by the said presidential decree. A similar presidential decree shall determine their domicile, the structure of their organic units and the distribution of powers among them, the qualifications of their personnel, as well as the branches from which the heads of organic units are to be selected, and shall regulate all other relevant matters.

A similar presidential decree may establish units exercising powers of the Region on issues of citizenship and alien ethnic Greeks who are subject to the authority of the Ministry for Home Affairs, Public Administration & Decentralisation.

3. A presidential decree, issued on a proposal from the Minister for Home Affairs, Public Administration & Decentralisation, the Minister of Foreign Affairs, the Minister of Finance and the Minister of Labour & Social Security, may establish, at the domiciles of embassies and salaried Greek consular authorities, within the framework of bilateral agreements and subject to the international obligations of the country, Employment Offices and set forth their powers, establish organic posts of personnel and set forth the categories, branches and qualifications of such personnel, as well as the branches from which their heads are to be selected, and regulate any other relevant matters. The civil servants of these offices shall be announced to the foreign authorities as officers of the ambassadorial or consular authority and shall be subject to supervision and disciplinary control by its head. The service council of the Ministry of Foreign Affairs shall be competent to prosecute the disciplinary offences of the said servants. Servants appointed or seconded to employment offices shall receive their remuneration plus a benefit for service abroad and these expenses shall be borne by the budget of their agencies of origin. A joint decision of the Minister for Home Affairs, Public Administration & Decentralisation and the Minister of Finance shall regulate the details of payment of the said benefit.

4. The aliens' and immigration services of the Ministry for Home Affairs, Public Administration & Decentralisation and the Regions, the police, harbour or airport authorities and the control services of the Ministry of Labour & Social Security shall be competent to monitor the enforcement of this law, conduct controls and ascertain violations. A decision of the Minister for Home Affairs, Public Administration & Decentralisation may regulate the details of enforcement of this provision.

5. Whenever in this law reference is made to an "aliens' and immigration service", this shall mean the directorate or department for aliens and immigration referred to in paragraph 2 which is located in the prefecture where the alien has his domicile or residence or intends to settle, save as otherwise specified.

6. Pending the issue of the presidential decrees referred to in paragraphs 1 and 2, the competent services for the enforcement of this law shall be the Directorate for Civil and Municipal Status of the Ministry for Home Affairs, Public Administration & Decentralisation and the Directorates for Self - Administration and Decentralisation or for Administration and Self - Administration of the Regions. The Immigration Committee shall consist, as regards its officers - members, of civil servants of these services.

7. A decision of the Minister for Home Affairs, Public Administration & Decentralisation, the Minister of Public Order and the Minister of Labour shall determine the equipment, records and other data to be delivered by the services of the Ministry of Public Order, the Ministry of Labour & Social Security and the Manpower Employment Organisation (OAED) to the aliens' and immigration services and shall regulate all matters related to delivery.

#### **Article 57: Authorising Provisions**

1. A decision of the Minister for Home Affairs, Public Administration & Decentralisation shall determine the form and contents of the applications referred to in articles 8, 11, 13, 19, 21 to 27, 29, 30, 32 and 34 to 37, and the form and contents of stay permits, as well as the form and contents of the register of aliens.

2. A decision of the Minister for Home Affairs, Public Administration & Decentralisation and any other competent minister may determine the details of the enforcement of articles 5 to 38.

### **CHAPTER M ACQUISITION OF GREEK CITIZENSHIP BY NATURALISATION**

#### **Article 58: Conditions of Naturalisation**

1. An alien desiring to acquire Greek citizenship by naturalisation shall be required to:

- a. be major at the time of submission of the declaration of naturalisation;
- b. not to be subject to any pending deportation decision; and
- c. not to have been finally convicted to a custodial sentence of one year at least or, regardless of penalty, for crimes against the constitution, treason against the country, crimes related to trade in and trafficking of narcotics, money laundering, international financial crimes, high technology crimes, crimes against the currency, crimes of resistance, abduction of minors, crimes against sexual life and financial exploitation of sexual life, theft, fraud, embezzlement, extortion, usury, violation of the law on brokerage, forgery, false certification, libel, smuggling, crimes related to arms, antiquities, trafficking of illegal immigrants in the country's territory or facilitation of their transport and trafficking or provision of accommodation to them with a view to

concealing them, or violations of the legislation on settlement and movement of aliens in Greece.

2. If the alien is not an ethnic Greek, he shall also be required to:

a. have stayed legally in Greece for ten years in whole during the last twelve years preceding the submission of the application for naturalisation. As regards stateless aliens or aliens who have obtained refugee status, stay in Greece for five years during the last twelve years preceding the submission of the application shall suffice. The said time periods for each case shall not include the time spent by the alien in Greece as a diplomatic agent or an administrative officer of a foreign country. This time condition shall not apply to a person who has been born and has resided continuously in Greece, as well as those who are spouses of Greek nationals who live in Greece and have had children. As regards the spouses of Greek diplomatic agents who serve abroad, their time of stay abroad due to their spouses' duties shall count towards the completion of the said time periods, following a recommendation from the Greek ambassador on the formation of Greek conscience by them; and

b. to have sufficient command of the Greek language and knowledge of Greek history and Greek culture in general.

3. The provisions of articles 58 to 64 shall also apply to the persons referred to in article 2 of this law.

#### **Article 59: Supporting Documents**

1. An alien desiring to become a Greek national shall submit to the municipal or communal authority of his place of residence an application for naturalisation addressed to the Minister for Home Affairs, Public Administration & Decentralisation and accompanied by:

a. a declaration of naturalisation, such declaration to be made before the mayor of the municipality or president of the community, in the presence of two Greek citizens as witnesses;

b. a bond in the amount of five hundred thousand Drachmas, adjustable by a decision of the Minister for Home Affairs, Public Administration & Decentralisation and the Minister of Finance, such adjustment not to exceed thirty per cent each time. Aliens of Greek origin are not required to pay the aforesaid bond. The bond accompanying new applications for naturalisation following the rejection of previous application by the Minister for Home Affairs, Public Administration and Decentralisation is reduced to the half of the above mentioned amount;

c. copy of passport or other travel document, translated into Greek if it is not written in Latin script;

d. stay permit or other certificate of legal stay in Greece;

e. certificate of birth or baptism. If the alien is a refugee and is incapable of producing a birth certificate, the decision granting him refugee status shall suffice. This provision shall also apply to refugees whose application for naturalisation is pending on the entry into force hereof;

f. tax review form or copy of the income tax return for the last financial year; and

g. certificate of fingerprint identification by the police station of his residence.

#### **Article 60: Naturalisation Procedure**

1. The municipal or communal authority shall examine the completeness of the documentation and transmit the application along with the supporting documents to the competent service of the region on citizenship issues. These directorates shall examine whether the conditions of paragraphs 1 case (a) and 2 case (a) of article 58 are met, in order for the Minister for Home Affairs, Public Administration & Decen-

tralisation to further examine the application. If these conditions are not met, the Secretary - General of the Region shall dismiss the application.

2. If these conditions are met, the competent directorate of the Region shall request a Form A´ transcript of criminal record, a certificate of non - deportation and, furthermore, such details as it may judge necessary in order to form an opinion about the knowledge of the language, the morality and the personality of the alien. Subsequently, the file of the case shall be transmitted to the Ministry for Home Affairs, Public Administration & Decentralisation, along with the documentation required and the opinion of the police authority of the prefecture on issues concerning the public order and security of the country.

3. Following the examination of the file, the competent service of the Ministry for Home Affairs, Public Administration & Decentralisation shall invite the alien to an interview at a fixed place and time before the Naturalisation Committee, in order for the Committee to express to the Minister for Home Affairs, Public Administration & Decentralisation its opinion on whether or not to grant the application. The invitation to an interview shall be sent to the alien with return receipt. Failure of the alien to appear shall only be justified by *force majeure*. In the event of unjustified failure to appear, the application shall be dismissed.

#### **Article 61: Naturalisation Decision**

1. Naturalisation shall be made by a decision of the Minister for Home Affairs, Public Administration & Decentralisation, to be published in the Official Gazette.

2. The decision to dismiss an application for naturalisation shall not be required to be justified. Submission of a new application for naturalisation shall be allowed after one year has lapsed from the rejection of the previous one.

#### **Article 62: Oath - Taking**

1. Greek citizenship shall be acquired after the alien has taken an oath, to be done within one year as from the publication of the naturalisation decision in the Official Gazette.

2. The oath to be taken shall be as follows: "I swear to be loyal to the Country, comply with the Constitution and the laws of the State and conscientiously perform my duties as a Greek citizen". The naturalisation decision shall be revoked if the oath is not taken within the one - year time limit.

3. The oath shall be taken before the Secretary - General of the Region. A decision of the Minister for Home Affairs, Public Administration & Decentralisation may stipulate that the oath shall be taken before another organ.

#### **Article 63: Naturalisation of Alien Ethnic Greeks Residing Abroad**

1. Applications for naturalisation of ethnic Greeks residing abroad shall be submitted to the Greek Consul of their area of residence, who shall forward them to the Minister for Home Affairs, Public Administration & Decentralisation along with his report. The following documents shall also be submitted together with the application:

- a. a declaration of naturalisation, such declaration to be made before the consul, in the presence of two Greek citizens as witnesses;
- b. copy of passport or other travel document, translated into Greek if it is not written in Latin script;
- c. certificate of birth or baptism; and
- d. transcript of criminal record issued by the foreign authorities.

2. The competent service of the Ministry for Home Affairs, Public Administration & Decentralisation, after examining the data of the ethnic Greek's file and studying the opinion of the Ministry of Public Order on issues concerning public order and security, shall recommend to the Minister for Home Affairs, Public



and security, shall recommend to the Minister for Home Affairs, Public Administration & Decentralisation whether or not to grant the application for naturalisation.

3. The provisions of articles 61 and 62 of this law shall also apply to naturalisation according to this article.

#### **Article 64: Naturalization Committee**

1. A five - member Naturalisation Committee shall be established within the Ministry for Home Affairs, Public Administration & Decentralisation, consisting of:

a. the head of the Directorate - General for Administrative Support of the Ministry for Home Affairs, Public Administration & Decentralisation as Chairperson;

b. the head of the Directorate for Civil and Municipal Status of the Ministry for Home Affairs, Public Administration & Decentralisation;

c. the head of the 2nd Department for Citizenship of the Ministry for Home Affairs, Public Administration & Decentralisation;

d. a member of the faculty of a higher education institution specialising in Sociology, nominated by the president of the relevant department along with his alternate; and

e. a member of the faculty of a higher education institution specialising in Psychology, nominated by the president of the relevant department along with his alternate.

2. The Committee shall be appointed by a decision of the Minister for Home Affairs, Public Administration & Decentralisation. A similar decision shall also appoint the alternates of the Chairperson and the members of the Committee. Duties of Secretary of the Naturalisation Committee shall be discharged by an administrative officer of higher education serving in the Directorate for Civil and Municipal Status of the Ministry for Home Affairs, Public Administration & Decentralisation, appointed along with his alternate by the said decision. The officer handling the case shall participate in the committee as rapporteur, without the right to vote.

3. The members of the Naturalisation Committee shall hold office for two years.

4. A decision of the Minister for Home Affairs, Public Administration & Decentralisation and the Minister of Finance shall set forth the remuneration of the members of the Committee, the secretary and the rapporteur. This expenditure is covered by the bonds provided for in case (b), paragraph 1 of article 59 of the present law.

## **CHAPTER N TRANSITIONAL PROVISIONS**

#### **Article 65: Pending Applications for Visas and Stay Permits Stay Permits and Green Cards Which Have Not Expired**

1. Applications for visas to Greece pending at Greek consulates on the entry into force of this law shall be examined according to the provisions of this law.

2. Applications for stay cards of limited duration (green cards) pending on the entry into force of this law, according to the provisions of P.D. 359 / 1997, as effective today, as well as appeals against the decisions of the competent organs of the Manpower Employment Organisation (OAED) before the special committee referred to in article 5 of the said presidential decree shall be examined according to the provisions of the said decree. After the completion of this examination, P.D. 358 / 1997 and P.D. 359 / 1997 shall be repealed, with the exception of paragraph 3 of article 2 of P.D. 359 / 1997, which shall be repealed on the entry into force hereof. Cards that have been re-

voked under the said repealed provision shall be granted anew, provided that there is no risk to public order and security.

3. Applications for granting or renewal of stay permits, except for stay cards of limited duration (green cards), pending on the entry into force of this law, shall be transmitted to the competent services according to this law. Likewise, applications for work permits or permits to exercise an independent economic activity or for stay permits of aliens who hold entry permits shall be submitted to the competent services according to this law. These applications shall be accompanied by the supporting documents provided for by the provisions that were in force until the entry force of this law. If no such supporting documents were provided for, they shall be accompanied by the supporting documents provided for by this law. In all other respects, the provisions of this law shall apply to the granting and renewal of stay permits, work permits or permits to exercise an independent economic activity.

4. Stay cards of limited duration (green cards) that are valid on the entry into force of this law and green cards to be issued according to paragraph 2 of this article shall be considered as work and stay permits to which the provisions of this law shall apply. These permits, provided that they expire until 31 - 12 - 2001 at the latest, shall be extended by operation of law for another semester as from their date of expiry. Those expiring after the said date shall be renewed according to the provisions of this law. Likewise, green cards for which applications of renewal are pending on the entry into force of this law shall be extended by operation of law, on the entry into force hereof, until 30 - 6 - 2002 and shall thereafter be renewed according to the provisions hereof.

5. Other stay permits that are valid on the entry into force of this law and expire until 31 - 12 - 2001 at the latest shall be extended by operation of law for another semester as from their date of expiry. Those expiring after the said date shall be renewed according to the provisions of this law.

6. The provisions of paragraphs 2 and 3 of article 19 of this law shall not apply during the first year of effect of this law.

#### **Article 66: Illegal Aliens**

1. Stay permits may be granted to aliens who reside illegally in Greece on the entry into force of this law provided that:

a. they hold a stay card of limited duration (green card) that has expired without having submitted an application for renewal or the application for renewal has been dismissed, or they hold a temporary stay card (white card) or stay card that has expired without having submitted an application for renewal, and provenly reside in the country after their expiry; or

b. they have lodged an appeal against the decisions of the competent organs of OAED to the special committee referred to in article 5 of P.D. 359 / 1997 and wish to waive the appeal in order to become subject to the procedure of this article; or

c. they have submitted an application for a stay card of limited duration (green card) for serious humanitarian reasons to the special committee referred to in article 5 of P.D. 359 / 1997 because they did not meet certain of the legal conditions for being granted a green card; or

d. they can prove that they have lived in the country, either legally or illegally, for one year until the entry into force of this law.

2.i. Aliens referred to in cases (a) and (d) of par. 1 of this article shall, within a deadline of two months from the entry into force of this law, submit to the municipal or communal authority of their residence an application with two photographs accompanied by:

a. a certified copy of passport or other travel document or certificate of birth or family status or identity card;

b. as for the aliens referred to in case (a) of par. 1:

aa. the original green card, white card or stay permit that has expired; and

bb. if the passport or other travel document does not prove the time of stay of the alien in Greece, documents specifically dated or bills of the Public Power Corporation, Hellenic Telecommunications Organisation, Water Supply Corporation and mobile phone companies, as well as insurance policies, proving that they have stayed in the country for at least one year before the entry into force hereof. In order for the alien's time of stay to be ascertained, the documentation produced shall not be required to cover continuously the entire time of the year. Reasonable intervals may be presumed; and

c. as for the aliens referred to in case (d) of paragraph 1, if the passport or other travel document does not prove the time of stay of the alien in Greece, documents specifically dated or bills of the Public Power Corporation, Hellenic Telecommunications Organisation, Water Supply Corporation and mobile phone companies, as well as insurance policies, proving that they have stayed in the country for at least one year before the entry into force hereof, or decisions of the municipal or communal council of municipalities or communities whose population does not exceed 20,000 inhabitants, certifying the time of stay of the alien in their district. In order for the alien's time of stay to be ascertained, the documentation produced shall not be required to cover continuously the entire time of the year. Reasonable intervals may be presumed.

ii. The aliens referred to in paragraph 1 may obtain recognition of previous service for purposes of mixed social security for the required time period of one year with minimum number of days two hundred and fifty, without any increase for such period.

iii. The municipal or communal authority shall examine the completeness of the supporting documents and forward them along with the alien's application to the service exercising the powers of aliens' and immigration service, in order for the stay permit to be granted.

3. The aliens referred to in case (b) of par. 1 of this article shall submit to OAED within a deadline of two months as from the entry into force of this law a waiver of the appeal and an application with two photographs for the granting of the stay permit provided for by paragraph 5 of this article, accompanied by a certified copy of their passport or other travel document or birth certificate or certificate of family status or identity card. OAED shall, within a reasonable time, forward to the service exercising the powers of aliens' and immigration service the application submitted by the alien along with the waiver of the appeal and the other supporting documents, after examining their completeness.

4. As from the entry into force of this law, the applications of aliens referred to in case (c) of par. 1 of this article shall be considered as dismissed and new applications of this kind may not be submitted. The aliens falling within this case shall submit to OAED, within a deadline of two months as from the entry into force hereof, an application with two photographs for the stay permit provided for by paragraph 5 of this article, accompanied by a certified copy of their passport or other travel document or birth certificate or certificate of family status or identity card. OAED shall, within a reasonable time, forward to the service exercising the powers of aliens' and immigration service the application submitted by the alien along with the other supporting documents, after examining their completeness.

5. The service exercising the powers of aliens' and immigration service shall examine the applications referred to in the preceding paragraphs according to the provisions of paragraphs 5, 6 and 7 of article 8 of this law. The stay permit shall be

granted regardless of the reason why the alien wishes to stay in Greece and shall be valid for six months.

6.i. An alien who has been granted the six - month stay permit provided for by the preceding paragraph may obtain a permit to work as an employee according to the provisions of this law, provided that until the end of the semester he shall produce to the competent labour service of the prefectural local authority an application for a work permit and renewal of the six - month stay permit. The application shall be accompanied by:

a. the six - month stay permit;

b. form A' transcript of criminal record. This document is issued upon the submission of the aliens' application to the Labor Department of the Prefecture which is forwarded to the Ministry of Justice. The Ministry of Justice sends the transcript directly to the Prefecture. The aliens submits together with the application a Declaration of the Law 1599/1986 declaring that he has not committed any crime. The submission of the application for the issuance of the transcript of criminal record and of the aforesaid declaration suffices for the issuance of the work permit. If it comes out from the transcript of criminal record that the alien concerned has committed a crime, then the work and residence permit are revoked.

c. a health certificate, issued by a domestic hospital or health centre or infirmary and surgery of the Social Security Foundation (IKA) to the effect that the alien does not suffer from any disease which, according to international standards and the World Health Organisation (WHO), may be a risk to public health;

d. a declaration containing the address of his accommodation;

e. evidence that he is insured and that he has performed his social security obligations for covering the expenses of hospitalisation and medical treatment, including coverage of labour accidents; and

f. employment agreement or notice of employment to OAED or declaration of the employer that he will employ the alien for a fixed term and that, in the event of discontinuance of the employment relation, he shall inform the aliens' and immigration service and the prefect. The statement of Law 1599/1986 is enough for the aliens employed in the rural economy.

ii. The work permit along with the relevant file shall be officially forwarded by the prefect to the service exercising the powers of aliens' and immigration service, which shall renew the stay permit according to the provisions of this law.

7.i. An alien who has been granted the six - month stay permit provided for by paragraph 5 may obtain a permit to provide independent services or work, provided that until the end of the semester he shall produce to the competent labour service of the prefectural local authority an application for a work permit and renewal of the six - month stay permit. The application shall be accompanied by:

a. the supporting documents referred to in subparagraphs (a), (b), (c), (d) and (e) of par. 6 (i); and

b. an agreement for provision of independent services or a contract for work or a notice of employment to OAED or declaration of the employer that he will employ the alien for a fixed term and that, in the event of discontinuance of employment, he shall inform the aliens' and immigration service and the prefect, or finally, a personal book of labour stamps issued by a social security organisation proving that the alien has completed a number of wages equal to at least half the working days corresponding to the time period from the date when the six - month stay permit was granted to the date of submission of his application for the work permit.

ii. The work permit along with the relevant file shall be officially forwarded by the prefect to the service exercising the powers of aliens' and immigration service, which shall renew the stay permit according to the provisions of this law.

8.i. An alien who has been granted the six - month stay permit provided for by paragraph 5 may obtain a permit to exercise an independent economic activity according to the provisions of this law, provided that until the end of the semester he shall produce to the municipal or communal authority an application for a permit to exercise an independent activity and renewal of the six - month stay permit. The application shall be accompanied by:

a. the supporting documents referred to in subparagraphs (a), (b), (c), (d) and (e) of par. 6 (i);

b. evidence that he is insured and that he has performed his social security obligations for covering the expenses of hospitalisation and medical treatment;

c. a feasibility study containing at least the kind and amount of the investment and the funding sources, as well as evidence proving his scientific or technical or vocational education and training, in terms of the activity he wishes to exercise; and

d. official evidence of sufficient financial resources for covering his stay expenses and the costs of the activity he intends to exercise.

ii. The municipal or communal authority shall examine the completeness of the supporting documents and transmit them along with the application to the service exercising the powers of aliens' and immigration service. This service shall grant the permit to exercise an independent economic activity, according to par. 5 of article 25, and renew the stay permit according to the provisions hereof.

9. It is without legal effect and it is automatically deleted from the List of Undesirable Persons any alien who being holder of the residence permit provided for in paragraph 1 of this article was registered in it due to deportation ordered by the administration or to any other ground, for illegal entry, residence, exit or work in the greek territory, provided that the registration was based on events which took place before the issuance of aforesaid residence permit.

Residence permits that have expired or that will expire are automatically extended until 31.12.2002<sup>12</sup>.

#### **Article 67: Family Reunion**

1. An alien who holds a stay permit or stay card of limited duration (green card) on the entry into force of this law and has lived in Greece for at least two years before the entry into force of this law shall submit an application for a stay permit for the members of his family for family reunion, provided that the members of his family have lived with him until the said date and do not have a visa or stay permit. The application shall be accompanied by the supporting documents referred to in paragraph 3 of article 28 and a statutory declaration as per L. 1599 / 1986 by the alien to the effect that the members of his family have lived with him until the said date.

2. Stay in Greece of the members of the family of the alien who has obtained the six - month stay permit according to paragraph 5 of the preceding article shall be covered by the same permit, provided that they have lived with him until the entry into force hereof. The alien shall, until the end of the semester, submit an application for a stay permit for the said members of his family for family reunion. The application shall be accompanied by the six - month stay permit, the supporting documents referred to in subparagraphs (c) and (d) of paragraph 3 of article 28 and par. 1 of article 29 and a statutory declaration as per L. 1599 / 1986 by the alien to the effect that the members of his family have lived with him until the said date. The stay permit for family reunion shall be granted simultaneously with the renewal of the alien's stay permit, according to the preceding article.

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<sup>12</sup> According to article 23 of Law 3103/2002 the validity of the residence permits is extended automatically until 30.6.2003.

3. In all other respects, the provisions of articles 28 par. 2, 29 par. 2, 30, 31 and 32 hereof shall apply.

#### **Article 68: Prohibition of Deportation**

Aliens submitting the applications provided for by articles 65 to 67 of this article, as well as the members of their families may not be deported due to lack of a stay permit pending the issue of the decision to grant or deny the stay permit.

#### **Article 69: Pending Applications and Declarations of Naturalisation Special Cases of Citizenship Ascertainment**

1. Pending applications for naturalisation submitted until 15 - 11 - 2000 shall be examined according to the provisions that were in force before the entry into force of this law. Pending applications for naturalisation submitted after the said date shall be examined according to the provisions hereof. Pending applications of naturalisation not accompanied by declarations of naturalisation and submitted before the said date shall not be taken into consideration.

2. New applications for naturalisation to be submitted following rejection of a previous application for naturalisation according to the previously effective article 4 par. 2 of L. 2130 / 1993 (Official Gazette 62 A') shall be examined according to the provisions of this law.

3. A decision of the Secretary - General of the Region shall ascertain whether or not persons requesting their citizenship to be determined according to the provisions of the Code of Greek Citizenship (L.D. 3370 / 1995 - Official Gazette 258 A'), as effective, as well as its previously effective provisions and international conventions and treaties, are entitled to Greek citizenship. Wherever in the Code of Greek Citizenship, as effective, reference is made to the "Prefect", this shall henceforth mean the Secretary - General of the Region.

4. A Greek woman who has forfeited Greek citizenship due to her marriage to an alien may recover it, if she declares her wish to the Secretary - General of the Region or the Greek consular authority of her domicile or residence.

5. An alien woman who has acquired Greek citizenship due to her marriage to a Greek and has maintained the citizenship she had before the celebration of the marriage shall forfeit Greek citizenship if she declares her wish to the Secretary - General of the Region or the Greek consular authority of her domicile or residence.

6. A child born before 8 - 5 - 1984 of a mother who was Greek at the time of delivery or celebration of the marriage of which the child was born shall become Greek if it declares its wish to the Secretary - General of the Region or the Greek consular authority of its domicile or residence.

7. A child born of a Greek father and an alien mother before the entry into force of L. 1250 / 1982, provided that it is considered genuine according to the provision of article 7 par. 3 of the said law, shall become a Greek if it declares its wish to the Secretary - General of the Region or the Greek consular authority of its domicile or residence.

8. If the child is minor, the declaration referred to in paragraph 6 shall be submitted by the mother and the declaration referred to in paragraph 7 shall be submitted by the father.

9. Renunciation of Greek citizenship shall be allowed if the person concerned is major, declares that he no longer has any genuine bond with Greece and lives abroad. A declaration of renunciation shall be submitted to the Greek consul of the residence of the person concerned and an application shall be submitted to the Minister for Home Affairs, Public Administration & Decentralisation. The application shall be granted, following the consent of the Citizenship Council, by a decision of the Min-

ister for Home Affairs, Public Administration & Decentralisation, published in the Official Gazette. The time of approval of the application shall be the time of forfeiture of citizenship.

10. Children of persons who acquire the Greek citizenship according to the provisions of paragraphs 6 and 7 of this article become Greeks provided that on the date of declaration they have not reached the age of maturity.

11. The child born from Greek mother who lost the Greek citizenship due to legalization or recognition by his foreigner father can acquire the Greek citizenship if he declares his relevant will to the Secretary General of the Prefecture or to the Consular Authority of his place of residence or sojourn.

#### **Article 70: Declarations - Sanctions**

1. The declarations provided for by the provisions of articles 65 to 67 hereof shall bear legalisation of the signature.

2. The fines referred to in paragraph 3 of article 54 of this law shall also be imposed to persons who submit inaccurate declarations or certificates or do not perform the obligations they have undertaken by a declaration or certificate provided for in article 66 par. 2 (i) (c), par. 6 (i) (e) and (f), par. 7 (i) (a) and (b), par. 8 (i) (a) and article 67 par. 1 and 2 hereof.

3. For the enforcement of articles 65 to 67, the supporting documents required by the Greek public services shall be issued by way of derogation from the provisions of this law and the other laws in force.

### **CHAPTER O FINAL PROVISIONS**

#### **Article 71: Bonds - Adjustment of Fines - Certifications**

1. Applications for granting and renewal of stay and work permits shall be accompanied by a bond, whose amount is set forth as follows, unless otherwise specified for reasons of reciprocity:

- a. for permits of up to one year, fifty thousand Drachmas;
- b. for permits of one year to two years, one hundred thousand Drachmas;
- c. for permits of two to six years, one hundred and fifty thousand Drachmas; and
- d. for permits of over six years, three hundred thousand Drachmas.

2. Fines and bonds provided for by this law shall be collected in favour of the Greek State and adjusted by a joint decision of the Minister for Home Affairs, Public Administration & Decentralisation, the Minister of Finance and the Minister of Public Order.

3. Foreign public documents required by the provisions of this law shall be certified by the Hague Convention Apostille, where required. In the cases where no apostille is required, these documents shall bear legalisation of the foreign officer's signature by the Greek consular authority or the Ministry of Foreign Affairs.

4. The visas provided for by this law and granted to citizens of third countries for non - tourist purposes shall be national visas.

5. Percentage 25% of the revenue of the bonds of paragraph 1 of this article covers the expenditure of the Ministries and legal entities of public law dealing with migration issues and the allowances of the Regional Development Funds and of the Institute of Migration Policy as well. This budget covers also the expenditure for the remuneration of the members of the Immigration Committees, the Secretary and the Rap-

porteur who are appointed by joint decision of the Ministers for Home Affairs, Public Administration and Decentralisation and the Minister of Finances.

The relevant credits are registered in the budget of the Ministry for Home Affairs, Public Administration and Decentralisation and are distributed by joint decisions of the Ministers for Home Affairs, Public Administration and Decentralisation. The same decision provides for the details of implementation of the first passage of this paragraph.

#### **Article 72: Repealed Provisions**

As from the entry into force of this law, the following provisions shall be repealed:

- a. articles 1 - 4, 6 - 8, 10 - 16, 18 - 23, 26 - 33, 34 par. 1 - 3 and 35 of L. 1975 / 1991 (Official Gazette 184 A'), as amended and supplemented by L. 2452 / 1996 (Official Gazette 283 A') and L. 2713 / 1999 (Official Gazette 89 A');
- b. articles 5, 6, 7 and 9 of L.D. 3370 / 1955 (Code of Greek Citizenship), as amended by Emergency Law 481 / 1968, L. 1438 / 1984 (Official Gazette 60 A') and L. 2130 / 1993 (Official Gazette 62 A'), and paragraphs 1 and 2 of article 7, article 8 and paragraphs 1 and 2 of article 9 of L. 1438 / 1984 (Official Gazette 60 A');
- c. paragraph 3 of article 4 and paragraphs 3 and 4 of article 8 of L. 2130 / 1993 (Official Gazette 62 A'), paragraphs 1 and 2 of article 9 of L. 2307 / 1995, as well as paragraph 8 of article 1 of L. 2790 / 2000;
- d. article 2 of Royal Decree 339 / 1965 (Official Gazette 82 A');
- e. article 4 of L. 927 / 1979 (Official Gazette 139 A');
- f. any general or specific provision contravening the provisions of this law or regulating differently the issues that constitute its subject matter.

#### **Article 73**

1. By presidential decree issued upon proposal of the Minister for Home Affairs, Public Administration and Decentralisation it is established a legal entity of private law named "Institute of Migration Policy". The same decree provides for its resources. This legal entity is supervised by the Minister for Home Affairs, Public Administration and Decentralisation and will have its seat in Athens.

2. The object of the aforesaid Institute is the research and the elaboration of studies for the planning and the implementation of the migration policy.

3.a The Institute of Migration Policy is administrated by Board of Directors consisting of President, Vice President and seven more members, who are appointed for a three year term.

b. The President, the Vice President and the members of the Board of Directors are appointed by decision of the Minister for Home Affairs, Public Administration and Decentralisation and are chosen among professors of University and Technical Educational Institutions, high ranged officials of the Ministry for Home Affairs, Public Administration and Decentralisation, directors of scientific institutes, scientists and renowned personalities having experience on migration issues.

c. The General Director of the Institute is recruited following decision of the Board of Directors under agreement of work lease of fixed term which can be renewed and he is supervising the Institutions departments.

d. In order to complete its functions the Institute may, following relevant approval of the Board of Directors, conclude agreements with scientific institutions and individual scientists of Greece and abroad.

e. By decision of the Minister of Finances and of the Minister for Home Affairs, Public Administration and Decentralisation is established the regulation of structure and function which defines the structure, the organization, the number of the func-



tional posts, the structure, the staffing and the operational capacity of the Institute, the salaries of the of its administrative personel and its personel, the required qualifications for the post of the General Director and any other necessary details.

#### **Article 74**

The provisions of Act of Cabinet No. 19 / 8 - 2 - 1990 (Official Gazette 16A'), ratified by article 6 of L. 1878 / 1990 (Official Gazette 33A') and articles 2 and 3 of L. 1895 / 1990 (Official Gazette 116A'), as amended by article 39 of L. 1968 / 1991 (Official Gazette 150A') and supplemented by the provisions of article 20 par. 6 of L. 2386 / 1996 (Official Gazette 43A') and article 32 of L. 2190 / 1994 (Official Gazette 28A'), concerning secondment of civil servants from the greater public sector to the Secretariat - General of Public Administration of the Ministry of Home Affairs, Public Administration and Decentralisation and their allocation to offices of MPs and Greek MEPs for the secretarial support of their work, shall also apply to the secondment of civil servants to the offices of parties represented in the Hellenic Parliament or the European Parliament. The number of civil servants that may be seconded for the said purpose to the political offices of parties shall be calculated as follows:

a) For the parties that are represented in Parliament and have received in the last parliamentary elections less than 10 % of the total votes, the number of civil servants that may be seconded shall be twenty (20), increased according to the rate of votes obtained.

b) For the other parties that are represented in the Hellenic Parliament, the number of civil servants shall be equal to twice the rate of votes they obtained, increased by ten (10).

c) For parties that are only represented in the European Parliament, the number of civil servants shall be ten (10), increased by the rate of votes they obtained in the last parliamentary elections.

In the above calculation, the figure of the rate of votes shall be rounded to the next integer.

The provision of par. 3 of article 58 of L. 1943 / 1991 (Official Gazette 50A'), as replaced by article 20 of L. 2026 / 1992 (Official Gazette 43A'), shall also apply to the civil servants referred to in case (c).

The provisions of this article shall take effect from 9 - 4 - 2000.

#### **Article 75**

1. A new paragraph 3 shall be added to article 54 of P.D. 410 / 1995 (Official Gazette 231A') "On Code of Municipalities and Communities" and former paragraph 3 shall become paragraph 4. New paragraph 3 shall read as follows:

"3. The number of candidate councillors from each sex shall be equal to at least  $\frac{1}{3}$  of the total number of candidates of each list. Any decimal shall be rounded to the next integer, provided that the fraction is equal to half a point or more".

2. The words "or a different rate from that provided for by article 3 of the same article" shall be added to the last passage of paragraph 6 of article 25 of P.D. 410 / 1995.

3. A new paragraph 3 shall be added to article 23 of P.D. 30 / 1996 (Official Gazette 21A') "On Code of Prefectural Local Government" and former paragraphs 3, 4, 5 and 6 shall become paragraphs 4, 5, 6 and 7. New paragraph 3 shall read as follows:

"3. The number of candidate councillors from each sex shall be equal to at least  $\frac{1}{3}$  of the total number of candidates of each list. Any decimal shall be rounded to the next integer, provided that the fraction is equal to half a point or more".

4. In paragraphs 4 and 6 of article 23 of P.D. 30 / 1996, as renumbered "paragraphs 5 and 7" pursuant to the preceding paragraph, in par. 1 of article 25 and par. 2 of article 37 of the said presidential decree, the words "paragraph 3", "paragraphs 1 to 3", "paragraph 3", "par. 3 of article 23" and "par. 4 of article 23" shall be replaced with the words "paragraph 4", "paragraphs 1 to 4", "paragraph 4", "par. 4 of article 23" and "par. 5 of article 23".

#### **Article 76**

1. Par. 2 of article 1 of L. 2790 / 2000 shall be replaced as follows:

"2. Alien ethnic Greeks shall acquire Greek citizenship by a decision of the secretary - general of the region, to be published in the Official Gazette, on an opinion from the appropriate consular authority concerning their capacity as ethnic Greeks. Greek ethnicity shall be investigated by a three - member committee, consisting of the consul and two members. A decision of the Minister of Foreign Affairs and the Minister of Finance shall designate the members of the committee and fix their remuneration. The persons to be appointed members of the committee shall necessarily be Greek citizens".

2. The decision of the secretary - general of the region referred to in the preceding paragraph shall only be issued if the condition of case (c) of par. 1 of article 58 hereof is not met.

3. Par. 3 of article 1 of L. 2790 / 2000 shall be replaced as follows:

"3. The capacity of the person concerned as an alien ethnic Greek shall be ascertained following an interview with the committee referred to in the preceding paragraph. For the ascertainment of this capacity, the committee may take into consideration any evidence produced by the person concerned proving such capacity".

4. In the second line of par. 4 of article 1 of L. 2790 / 2000, the words "for the Greek ethnic origin of the applicant alien ethnic Greek" shall be replaced with the words "for the applicant's capacity as an alien ethnic Greek". In the first line of passage 5 of par. 4 of article 1 of L. 2790 / 2000, the words "for the Greek ethnic origin" shall be replaced with the words "for their capacity as alien ethnic Greeks".

5. In the third line of the said passage and the eighth line of par. 11 of article 1 of L. 2790 / 2000, the words "supporting documents" shall be replaced with the word "data". In the second passage of par. 4 of article 1 of L. 2790 / 2000, the words "and the Minister of Finance" shall be added after the words "the Minister of Foreign Affairs". In the sixth passage of par. 4 of article 1, the words "the remuneration of the members and their secretary" shall be added after the words "their composition".

6. Alien ethnic Greeks who have come to Greece with a visa until the promulgation of this law and stay in Greece, regardless of the time of expiry of their passports or visas, may acquire Greek citizenship or the special identity card referred to in paragraph 11 according to the provisions of the foregoing paragraphs by submitting the relevant application to the secretary - general of the region, the procedure referred to in paragraph 4 of article 1 applying in this case, with the exception of the opinion of the consular authority. Under the same procedure, parents or children of alien ethnic Greeks who have already acquired Greek citizenship or obtained the special identity card arriving in Greece may acquire Greek citizenship. On the submission of the application for naturalisation or for the special identity card according to the foregoing, accompanied by a fingerprint identification note, the applicant shall be granted a certificate of six - month duration, which may be renewed for an equal time period pending the determination of his application and shall be held by the applicant *in lieu* of a stay and work permit.

Alien spouses of the aforementioned persons shall be granted a temporary stay permit of equal duration.

The certificates and temporary stay permits issued according this paragraph to persons who are proved to be foreigners are replaced by temporary stay permits of 6 months duration which are also work permits, provided that the persons concerned still living in Greece. These stay permits are renewed according to the provisions of article 66 of this law, as they are in force. Aliens ethnic Greeks who ask the authorities to ascertain that they are Greek citizens and have submitted the required supporting documents are issued by the organs which are competent for the issuance of the relevant decision a 6 months certificate which is also work and stay permit and renewable until the issuance of the decision which ascertain their Greek citizenship.

7. A passage reading as follows shall be added at the end of paragraph 5 of article 1:

“After taking the oath, the person acquiring Greek citizenship and his minor children shall be registered in the males’ rolls and the municipal rolls of the municipality or community of the state he wishes, on the basis of the particulars included in the decision of the secretary - general of the region. Those of the particulars that are not covered by the said decision shall be filled in on the basis of any convenient evidence that may be furnished”.

8. Three passages shall be added to paragraph 7 of article 1 of L. 2790 / 2000 (Official Gazette 24A’), reading as follows:

“The Hellenisation of the name and surname of alien ethnic Greeks whose Greek ethnicity has been ascertained and who have been registered in males’ rolls and municipal rolls shall be allowed, if these particulars have been changed or altered in their countries of origin.

Hellenisation shall be effected by a decision of the secretary - general of the region or the prefect, following an application by the person concerned. The same decision shall order the correction of the particulars in the males’ rolls and the municipal rolls”.

9. The provisions of L.D. 57 / 1973 on social protection, as effective from time to time, shall also apply to alien ethnic Greeks who have obtained a special identity card according to the legislation in force.

10. Applications for naturalisation by alien ethnic Greeks pending on the entry into force of this law shall be examined according to the provisions of L. 2790 / 2000, as amended by this article.

11. No consideration shall be due for the plots conceded according to the provisions of Presidential Decree dated 24 - 4 - 1985 (Official Gazette 239A’) and article 5 par. 2 of L. 2790 / 2000 (Official Gazette 24A’) to ethnic Greeks repatriated from the former Soviet Union and any debts to the Agricultural Bank of Greece assessed in this connection shall be written off. Any installments of the consideration already paid shall not be refunded.

The recordation of the ownership titles issued according to the foregoing provisions shall be exempt of any tax, stamp duty, contribution or fee in favour of the State or any third party.

12. Registration of a statutory mortgage or a mortgage pursuant to a court judgement or a mortgage prenotation on the plots conceded according to the provisions of Presidential Decree dated 24 - 4 - 1985 shall be allowed, including assignment of a contractual mortgage by the mortgagee to credit institutions recognised by the Bank of Greece, only as security for the loans granted by them or other guarantees, exclusively intended for the construction of buildings or the extension or repair of buildings already existing therein.

13.a. Ten (10) posts of the Higher Education (HE) administrative employees branch, five (5) posts of the HE sociologists branch and five (5) posts of the Technologi-

cal Education (TE) administrative - accounting employees branch shall be established in the Ministry for Home Affairs, Public Administration and Decentralisation.

b. Twenty (20) posts of the HE administrative - economic employees branch, six (6) posts of the HE sociologists branch and ten (10) posts of the TE administrative - accounting employees branch shall be established in the Region of Attica.

c. Ten (10) posts of the HE administrative - economic employees branch, four (4) posts of the HE sociologists branch and eight (8) posts of the TE administrative - accounting employees branch shall be established in each one of the remaining Regions.

14. Par. 10 of article 1 of L. 2790 / 2000 (Official Gazette 24A') shall be repealed.

#### Article 77

1. The *ad hoc* posts existing under the provisions of par. 5 of article 39 of L. 2218 / 1994 (Official Gazette 90A'), as amended by case (c) of par. 1 of article 12 of L. 2307 / 1995 (Official Gazette 113A') and paragraph 18 of article 2 of L. 2683 / 1999 (Official Gazette 19A') shall be abolished on the entry into force hereof.

The civil servants occupying these post shall be re-assigned by operation of law on the promulgation of this law to the prefectural local authority where they were initially seconded, according to par. 4 of article 39 of L. 2218 / 1994, in vacant organic posts of the appropriate branch, and if there are no such posts, to *ad hoc* posts of temporary branches established by operation of law on the entry into force hereof.

Administrative acts of suspension of secondment or ascertainment of secondment shall not be taken into account and the said civil servants shall be re-assigned to the prefectural local authority to which they were initially seconded.

Secondments of the civil servants under the provisions of par. 21 of article 15 of L. 2503 / 1997 (Official Gazette 107A') effected to enable spouses to serve in the same agency or for health - related reasons shall remain in force and their re-assignment shall not be prejudiced according to the foregoing.

For the re-assignment of the aforementioned civil servants by operation of law, an act of ascertainment shall be issued by the prefect and promulgated in the Official Gazette. In all other respects shall apply the provisions of paragraphs 6, 7 and 9 of article 39 of L. 2218 / 1994, par. 6 of article 83 of the Code of Civil and Military Pensions, as added with par. 4 of article 2 of L. 2512 / 1997 (Official Gazette 38A') and supplemented with par. 3 of article 29 of L. 2768 / 1999 (Official Gazette 273A'), and paragraphs 3 and 5 of article 22 of L. 2738 / 1999 (Official Gazette 180A').

From the provisions of this paragraph shall be excluded those of the aforesaid civil servants who have been evaluated and hold, on the promulgation of this law, posts of head of department or independent office or an organic unit of the same level, who shall maintain their *ad hoc* posts in the ministry where they serve.

2. Paragraph 6 shall be added to article 104 of P.D. 30 / 1996 (Official Gazette 21A'), reading as follows:

"6. One (1) post of director - general shall be established in every prefectural local authority, if no such post has been established by the Statute referred to in paragraph 1. For the promotion to this post all the HE branch civil servants of the prefectural local authority concerned shall be evaluated, the other provisions of the Code of Civil Servants on promotion to director - general also applying. The branches referred to in the preceding passage may be confined under the Statute referred to in paragraph 1, provided that more posts of directors - general shall be established".

### **Article 78**

1. Paragraphs 1 and 2 of article 1 of L. 2622 / 1998 (Official Gazette 134A'), as paragraph 2 was amended by article 2 of L. 2838 / 2000 (Official 179A'), shall be replaced as follows:

"1. According to paragraph 2 of this article, a central and regional border guard and illegal immigration combating police services shall be established in the Ministry of Public Order, with the mission of preventing the illegal entry of immigrants into the country, locating and arrested aliens working illegally throughout Greece and bringing them to justice or turning them back, as well as locating and arresting people who facilitate the illegal entry and work of aliens and bringing them to justice, according to the applicable provisions.

2. Border guard and illegal immigration combating services may be established mainly in border areas and prefectures bordering on such areas or prefectures adjacent to the latter or islands that are close to the sea borders of the country, as well as any other prefecture where increased illegal establishment and work of aliens is observed. The establishment, organisation, operation and the powers of border guard and illegal immigration combating services shall be regulated by a presidential decree, to be proposed by the Ministers of Finance and Public Order".

2. Paragraph 4 of article 4 of L. 2622/1998 (Official Gazette 138A') shall be replaced as follows:

"4. The provisions applying to police personnel shall apply to the working hours and leave of border guards by way of analogy".

3. Subparagraph (f) of par. 8 of article 4 of L. 2622 / 1998 shall be replaced as follows:

"f. in the cases where the police personnel may be dismissed for health - related reasons or appointed to clerical posts. The evaluation of bodily fitness shall be effected by the organs and according to the procedure prescribed for police personnel".

4. Transfer or secondment of a border guard or a special guard may be ordered in order to enable such guard to serve with his spouse who serves in the Police, the Fire Department, the military or the judiciary. The procedure, the competent organs and the conditions of transfer or secondment as well as any other necessary detail shall be regulated by a decision of the Minister of Public Order.

5. The provision of par. 4 of article 28 of L. 2800 / 2000 (Official Gazette 41A') shall be replaced as follows:

"4. For the civilian personnel of the Hellenic Police and the Fire Department service councils shall be established by a decision of the competent Chiefs, according to the provisions of L. 2683 / 1999 (Official Gazette 19A'). Secretarial services shall be provided to the said councils under the care of the competent services on civilian personnel of the appropriate headquarters".

### **Article 79**

The provision of par. 30 of article 9 of l. 2266 / 1994 (Official Gazette 218A') shall be repealed. Re-assignments that have been completed until the entry into force hereof shall be considered lawful.

### **Article 80**

1. In case 41.1 of par. 41 of article 1 of L. 2539 / 1997 (Official Gazette 244A'), the words "and the Communities of: 1. Axos, 2. Zoniana, which are abolished" shall be deleted.

2. In case 41.4 of par. 41 of article 1 of L. 2539 / 1997 (Official Gazette 244A'), the words "16. Axos, 17. Zoniana" shall be added after the words "15. Honos".

3. Until the next general municipal and communal elections, the municipalities referred to in cases 41.1 and 41.4 of par. 41 of article 1 of L. 2539 / 1997 (Official Gazette 244A'), as re-organised by the preceding paragraphs, shall be administered by the existing organs of administration.

**Article 81: Entry into Force**

This law, unless otherwise specified in its separate provisions, shall enter into force one month as from its promulgation in the Official Gazette, except for the provisions of articles 56 to 64, 72 cases (b), (c), (d) and (e) and 75 to 80, which shall enter into force on the promulgation hereof in the Official Gazette.

We hereby order the promulgation hereof in the Official Gazette and its enforcement as Law of the State.

Athens, April 26, 2001

THE PRESIDENT OF THE REPUBLIC  
KONSTANTINOS STEFANOPOULOS

THE MINISTERS

V. PAPANDREOU  
*MINISTER OF HOME AFFAIRS, PUBLIC  
ADMINISTRATION &  
DECENTRALISATION*

A. TSOHATZOPOULOS  
*MINISTER OF  
NATIONAL DEFENCE*

G. PAPANDREOU  
*MINISTER OF FOREIGN AFFAIRS*

G. PAPANTONIOU  
*MINISTER OF NATIONAL ECONOMY*

N. CHRISTODOULAKIS  
*MINISTRY OF DEVELOPMENT*

P. EFTHYMIU  
*MINISTER OF NATIONAL EDUCATION  
& RELIGIOUS AFFAIRS*

G. ANOMERITIS  
*MINISTER OF AGRICULTURE*

A. GIANNITSIS  
*MINISTER OF LABOUR &  
SOCIAL SECURITY*

A. PAPADOPOULOS  
*MINISTER OF HEALTH & WELFARE*

M. STATHOPOULOS  
*MINISTER OF JUSTICE*

E. VENIZELOS  
*MINISTER OF CULTURE*

C. PAPOUTSIS  
*MINISTER OF MERCHANT MARINE*

M. CHRYSOHOIDIS  
*MINISTER OF PUBLIC ORDER*

C. VERELIS  
*MINISTER OF TRANSPORT &  
COMMUNICATIONS*

*Certified and affixed with the Great Seal of State*  
Athens, April 27, 2001  
M. STATHOPOULOS  
MINISTER OF JUSTICE

TRANSLATOR'S NOTE: For the purposes of this translation, unless otherwise required by the context, the masculine shall include the feminine.