

IMMIGRATION ISSUES

Christos Th. Vardikos, *Attorney at law*
Honorary Consul of the Commonwealth of Dominica, Partner at **Vardikos & Vardikos**

This summary is designed to provide basic information about the VISA and RESIDENCE PERMIT application in Greece. As changes in the applicable laws and procedures may arise any time, the present report may be considered as a general guide and does not constitute legal advice. For current and detailed information regarding the applicable legislation/procedures as well as a tailor made solution to the specific case, please contact the legal professional with whom you work at Vardikos & Vardikos.

GENERAL INFORMATION ON VISAS

Schengen short-stay visas

Uniform visas are the authorization or decision granted in the form of a sticker affixed by a Schengen Contracting Party to a passport, travel document or other document which entitles the holder to cross the border. Mere possession of a visa does not entitle automatic right of entry.

Types of short-stay visas

Airport Transit Visa (Type A):

This visa entitles aliens who are required to hold such a visa, to pass through the international transit area of airports.

Transit Visa (Type B):

This visa entitles aliens who are traveling from one third state to another third state to pass through the territories of the Contracting Parties.

Short-term or travel visas (Type C):

This visa entitles aliens who seek to enter the territories of the Contracting Parties, for reasons other than to immigrate, to carry out a continuous visit or several visits whose duration does not exceed three months in any half-year from the date of first entry. As a general rule, this visa may be issued for one or several entries.

Group Visa:

This is a transit visa or a visa limited to a maximum of thirty days. Group visas may be issued to groups of between 5 and 50 people. The person in charge of the group must possess an individual passport and, where necessary, an individual visa.

Visas with limited territorial validity (LTV):

This visa is affixed in exceptional cases to a passport, travel document or other document which entitles the holder to cross the border, where the visit is authorized only in the

national territory of one or more Contracting Parties, provided that both entry and exit are through the territory of this or these Contracting Parties.

Long-stay visas

Cases of entries aimed at long stay, for reasons that include the notion of immigration, shall be exclusively governed by the national law of the member states, according to the Schengen Agreement, and shall be issued for the reasons explicitly set out by the member state's national immigration policy.

In particular:

The issue of entry and stay on Greek territory for reasons including the notion of immigration is determined by Law 3386/2005 "on Entry, Stay and Social Integration of Third Country Nationals on Greek Territory as amended and in effect today.

Consular authorities can grant:

- A) either a National Single Entry Visa, type D, for a maximum length of ninety days and valid for three months,
- B) or a National Multiple Entry Visa (Type D+C) of a maximum length of ninety days and valid for three months, also valid as a short-stay visa.

Long-stay visas which are concurrently valid as short-stay visas (Visas Type D + C)

This (type D) visa does not authorize its holder to cross the external borders or move freely within the Schengen area until they are granted a residence permit.

Schengen visa documents

In order to be granted a short-stay visa, interested applicants must fill out a copy of the harmonized uniform-visa application form (pursuant to EC Council Decision 354/2002), accompanied by a recent photograph of the applicant.

As a general rule, the applicant shall be called on to appear in person in order to verbally justify the grounds for the application.

Rejection of visa application

According to Law 3386/2005 Article 8 paragraph 1 on "Entry, residence and social integration of third country nationals in the Hellenic Territory" (Government Gazette Of The Hellenic Republic 212/ Vol. A /23.08.2005, p. 3331), the decision regarding rejections of visa applications by diplomatic and consulate authorities does not need to be specially justified, except in some categories of third country nationals and subject to public order and security considerations

Refusal of entry

According to the General Provisions of the Common Consular Instructions, "mere possession of a uniform visa does not confer automatic right of entry". Furthermore, the Greek border authorities can reasonably prohibit the entry of a third country national in Greece.

Residence permits

A residence permit is an authorisation issued by the competent Greek authority that grants its holder – a third-country national – the right to legal residence in Greece; it also ensures the right to re-enter our country, providing the holder with a right to free movement within the Schengen area for a period of ninety days during any half-year (article 21 of the Convention Implementing the Schengen Agreement).

The essential and necessary precondition for the issuance of a residence permit is, generally, that every applicant holds a special national visa.

The following Categories of residence permits exist along with the types of permits included therein:

A. Residence permits for employment

A1. Dependant employment or provision of services of work

A third country national may enter Greece for employment under a dependant – employment relation, with a specific employer and for a specific type of employment. The applications are filled exclusively by the intending employer at their Municipality of residence (or registered office in case of corporate entity). Eligible employers need to present a minimum income (€24.000 net income declared for individuals and €60.000 gross income for professionals and corporate entities).

Upon the approval the employer has to deposit a bank guarantee equal to the amount of 3 month salaries, before the administrative decision for employment is granted and sent at the nearer Greek Consulate of the residence. The bank guarantee shall return to the employer upon the issue of the residence permit in favour of the third country national.

Upon arrival of the third country national in Greece and upon presentation of all prescribed documentation he is granted an ONE YEAR residence permit, that after the first renewal it is RENEWABLE EVERY TWO YEARS.

A2. Seasonal employment

Seasonal employment of third- country nationals is their employment in Greece for a period of up to SIX MONTHS, in a field of activity relating to temporary, seasonal employment.

A3. Corporate executives

Issuance and renewal of residence permits to corporate members of boards of directors, managers and staff.

1. The following persons shall be allowed to enter the country, having previously obtained a visa:

a. Third-country nationals who are members of boards of directors, managers, legal representatives and senior executives (general managers, managers and deputy managers) of subsidiaries and branches of foreign companies lawfully practicing commercial activities in Greece;

b. Foreign employees and legal representatives employed solely by companies that have come under the provisions of Law 3427/2005 (GG 312 A), Law 378/1968 (GG 82 A) and

article 25 of Law 27/1975 (GG77 A), as replaced by article 4 of Law 2234/1994 (GG 142 A), as well as by undertakings under legislative decree 2687/1953 (GG 317 A);

c. Third-country nationals who are technicians employed in industries or mines under the terms provided for in Law 448/1968 (GG 130 A);

d. Foreign personnel exclusively employed by companies established in Greece in implementation of article 26 hereof;

e. Foreign specialized scientific personnel employed by foreign companies with branches or subsidiaries in Greece that lawfully practice commercial activities, as well as by companies associated with corresponding ones in Greece within the meaning of article 42e of Law 2190/1920 (GG 37 A), may travel to be employed in the branches or affiliates of the said company or in associates companies in Greece.

A4. Temporary travel for the provision of services

I. Issuance and renewal of residence permits to third-country nationals traveling from an undertaking established in a Member State of the European Union or the European Economic Area with the purpose of providing services

1. Third-country nationals lawfully employed in an undertaking established in a Member State of the European Union or the European Economic Area who must travel to Greece in order to provide a specific service, in the context of a relevant contractual commitment between the said undertaking and a party active in Greece shall be issued with a residence permit,

II. Issuance and renewal of residence permits to third-country nationals traveling from an undertaking established in out of the European Union or the European Economic Area with the purpose of providing services

According article 19 of Greek Law 3386/2005, temporary staying permit valid for 6 months is granted to a third country national, employee to a foreign non EU company, who comes to Greece to work to a company, with whom his employer cooperates.

A5. Athletes – Coaches

A6. Members of Artistic groups

A7. Intellectual creators

A8. Members of schools of Archaeology

B. Residence permits for economic activity

B1. Independent Economic Activity (art24)

1. Third-country nationals shall be allowed to enter the country in order to practice independent economic activity, provided that they meet all the following conditions:

a. They have sufficient funds to practice the activity, amounting to at least sixty thousand euro (€60,000), which shall be deposited in an account in the name of the applicants with a recognized bank. After the issuance of the special visa, this sum shall be deposited in a corresponding domestic institution;

b. The activity contributes to the growth of the national economy; and

c. They hold a special visa.

B2. Development of investment activity (art26)

Third-country nationals may enter Greece in order to make an investment of at least three hundred thousand euro (€300,000), which shall have positive effects on national economy.

C. Residence Permits For Special Reasons

C1. Studies

Third-country nationals shall be allowed to enter Greece for studies at Universities, Technological Educational Institutes (TEIs), Higher Ecclesiastical Schools and Ecclesiastical School Units, Higher School of Teachers of Engineering Sciences of the School of Pedagogical and Technological Education (ASETEM/ASPETE), Higher School of Tourism Professions of the NGTO and Technical Vocational Schools (TEE), provided that have obtained a visa. Studies include postgraduate studies. The concept of studies also includes the preparation cycle, if provided for by applicable legislation, as a part of such studies.

C2. Vocational Training

C3. Scholars - Special Programmes

C4. Studies at Military Academies

C5. Acquisition of medical Speciality

C6. Financially independent persons

1. The General Secretary of the Periphery grants staying permit valid for one year to a citizen of a third country, if the latter is granted special visa and has sufficient assets, in the form of an annual steady income, which covers the costs of his living conditions. The staying permit can be renewed every year, if the requirements set by the law are fulfilled. The citizen of the third country can be accompanied by his family members.

C7. Adult children of Diplomatic Officers

C8. Diplomatic delegations' service staff

C9. Foreign press correspondents

C10. Ministers of known religions

C11. Athonias Academy

C12. Study of, acquaintance with and the practice of monastic life

C13. Organized tourist group leaders

C14. Researchers

D. Residence permits for exceptional reasons

D1. Humanitarian reasons

D2. Public interest

D3. Trafficking victims

E. Residence permit for family reunification

E1. Family members of a third country national

E2. Autonomous residence permits for the family members of a third – country national

E3. Family members of a Greek or EU citizen

F. Unfixed term residence permit

G. Long term residence permit

Long-term resident status shall be granted to adult third-country nationals who have resided legally and continuously within Greece for five years immediately prior to the submission of the relevant application. The right shall be personal.

VARDIKOS & VARDIKOS Attorneys & Counsellors at Law, Tax Consultants

**3, MAVROMICHALI STREET
106 79 ATHENS**

Tel: +30 210 361 15 05, +30 210 36 27 889,
+30 210 36 27 854, +30 6934 555 555,
+30 6937 22 88 88

Fax: +30 210 361 78 48, +30 210 33 87 088

Email: info@vardikos.com

IP Practice: general@vardikos.com

URL: <http://www.vardikos.com/>

Dominica office

Lennox Lawrence Chambers
36 Great George Street, Roseau
Commonwealth of Dominica 00112
West Indies

Tel.: 767-448-4771

Fax: 767-448-7376

Email: Dominicaservices@vardikos.com

URL: <http://www.vardikos.com>

AREAS OF PRACTICE

The law firm provides a full range of legal services, with special emphasis on:

IP PRACTICE

- Advertising Law
- IP Management & Strategy
- Cancellation And Opposition Actions
- IP Related Litigation
- Data Protection
- Injunctions And Asset Freezing
- Patent And Trademark Filing And Prosecution
- Copyright
- Industrial Designs And Models
- Internet Contracts
- Licensing, Franchising And Technology Transfer In Joint Ventures
- Domain Names
- Competitor Surveillance
- International Tax Planning

GENERAL PRACTICE

- Debt Collections
- Family law
- Estate law

SHIPPING PRACTICE

- Admiralty
- Cargo
- Charter parties
- Dispute Resolution
- Ship Arrest
- Emergency Response
- Marine Insurance
- Pollution
- Sale and Purchase
- Shipbuilding
- Ship Finance
- Offshore services
- Legal opinions on Dominica Law
- Establishment of maritime companies in Greece
- Ship and Yacht registration in all Major jurisdictions
- Representation in a all Jurisdictions of the Eastern Caribbean Supreme Court

IMMIGRATION PRACTICE

- Greek Citizenship Applications
- Naturalization Procedures
- Business Immigration
- Investment Visa Services
- Permanent Residency Applications
- Temporary/Permanent Work Permits
- Relocation of Spouses & Dependents

OFFSHORE SERVICES PRACTICE

- Company Formation
- Asset Protection
- Estate Planning
- Litigation Assistance & Management in all Major Offshore Jurisdictions
- Trusts

