Conformity Study for Greece
Directive 2004/38/EC on the right of citizens of the Union and their
family members to move and reside freely within the territory of the
Member States
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The views expressed herein are those of the consultants alone and do not necessarily represent the official views of the European Commission. The national report reflects that legal situation as it stands on 1 August 2008. No subsequent changes have been taken into account.

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ANALYSIS OF THE LEGISLATION TRANSPOSING
DIRECTIVE 2004/38/EC ON FREE MOVEMENT OF UNION CITIZENS

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EXECUTIVE SUMMARY

1. Introduction

Greece is a unitary State and a democratic republic. In particular, the 1975 Constitution declares the sovereignty of the people and establishes the parliamentary system of governance. The Constitution can only be amended via a special procedure, prescribed by its article 110, performed by the Parliament. It should be noted that a series of provisions referring to the basic principles of the democratic regime as well as to individual rights cannot be amended.

The state powers are exercised in accordance with the fundamental principle of the division of powers, establishing a system of checks and balances. On the one hand, both the legislature and the Government - the former when enacting laws and the latter when issuing normative acts and/or conducting administrative procedures - must respect the Constitution and the laws associated with its provisions, applicable uniformly throughout the Country. On the other hand, courts are entitled to examine whether either a law or an administrative act is, as the case may be, in concordance with the constitutional provisions, or an administrative act is lawful. Though jurisprudence does not constitute a source of law as Greece is a civil law country, administrative bodies ought to respect and implement decisions delivered by the courts interpreting the provisions either of the Constitution or of the law.

2. Introduction to the main particularities of the legal system of Greece relating to the transposition of Directive 2004/38/EC.

Directive 2004/38 (hereinafter Directive) has been introduced to the Greek legal order by Presidential Decree 106/2007 (hereinafter Decree), i.e., by means of secondary legislation. Presidential Decrees of this type constitute statutory instruments. By virtue of article 43 of the Constitution, the President of the Republic is given the power to issue regulatory decrees, each time, according to a relevant authorisation provided by a special legal provision. The regulatory field of such decrees must not go beyond the framework of the relevant legal authorisation and may only be issued on the basis of a proposal given by the competent Minister. The same authorisation may be granted to other administrative bodies, but only in order for more special issues to be regulated.

The Decree has been issued on the basis of the general authorisation given by Law 1338/1983, which grants the President of the Republic and the competent Ministers with the legislative authorisation to issue decrees and acts, integrating community instruments into the Greek legal order. The issue of the Decree is equally based on the more special authorisation given by L. 2077/1992 “on the ratification of the Treaty for the E.C”, which provides that the issues laid down therein shall be regulated by means of the Decrees and normative acts referred to in the abovementioned L. 1338/1983. Moreover, given that the matters covered by the Directive equally pertain to bureaucracy, finance, foreign affairs, occupation, public health, justice and public order, the Decree has been issued subsequent to a proposal given by the Ministers of Interior – Public Administration & Decentralisation, Finance, Foreign Affairs, Employment & Social Protection, Health & Social Solidarity, Justice and Public Order, respectively, who are competent with respect to the said matters according to the Greek administrative structure.

It should be noted that L. 2077/1992 provides that by means of the said statutory instruments transposing community law, every normative act contrary to their provisions with respect to the matter to be regulated, shall be amended or repealed, as the case may be. Accordingly, the Decree includes in Article 28 a clear guarantee for the full compliance of any Greek authority with its provisions, stipulating that any dispositions contrary to the Decree are repealed, and therefore no disposition contrary to the Decree can be applied or invoked by any Greek authority.

The Decree is to a great extent faithful to the wording of the Directive. In some cases the legislator proceeds to a literal transposition of the wording of the Directive, while in others it opts for a different though effective transposition. However, in a few cases, gaps can be detected in the transposing national provisions, affecting the conformity of the legislation with the Directive. This is sometimes due to the fact that the Decree has not dealt with new matters of policy that are not specifically addressed by the Directive. In other cases, the wording of the Decree does not unequivocally assure its conformity with the Directive, leaving the final outcome dependent on the interpretation and implementation of the relevant provision, thus creating leeway for administrative discretion.

It should be noted that, for the administrative and eventually other procedures with regard to the implementation of the substantial obligations emanating from the Directive, the Decree refers to other legislative and normative acts governing such procedures, making it clear that when these procedures are followed with regard to subject matters covered by the Decree, the substantial obligations emanating from the Decree must be observed.

The Table of Correspondence and the Conformity Study below both point out in detail and in full, the “aspects” of the Directive that have not been properly transposed. The following text sets out the most important issues of non compliance:

Incomplete Transposition

Article 3.1: The corresponding national provision excludes Greek nationals from the group of the beneficiaries, which is only admissible according to the wording of the Directive, when they exercise the right to move to or reside only in the country of which they are a national, i.e., Greece. However, Article 3.1 of the Directive was understood by the Hellenic Republic as excluding Greek nationals in general from the group of the Directive’s beneficiaries. Consequently, there is a problem of conformity. The problem concerns, mainly, third country nationals, members of the family of a Greek national, in case they acquired the said right, while the Greek national - EU citizen may have been exercising such right in another MS and then returned to Greece. The relevant right is granted to Greek nationals by article 5 of the Greek Constitution. As far as the members of the family of a Union citizen are concerned, those of them being Union citizens as well, directly enjoy the same right granted by the Directive.

Circular no. 10 of the Ministry of Interior confirms the fact that the Decree is not applicable to third-country nationals, or members of the family of Greek citizens. This is a problem of conformity, while, as indicated at the ECJ’s case Surinder Singh, the provisions of the Directive should also apply to Greek nationals having exercised the right to free movement and returning to Greece afterwards, with the members of their family, who have already acquired the rights granted by the Directive.

It should be noticed though that in general, third country nationals, members of the family of a Greek national shall continue relying on the rights acquired through the Directive, when the Greek national returns to Greece after having exercised his/her right to free movement by residing in another MS. From a systematic point of view these cases shall not be governed by the Decree, but by L. 3386/2005. Despite this, in respect to the acquirement and exercise of said rights L. 3386/2005 lays down the same conditions with those laid down by the Decree.

The Circular provides that it should also apply to the third country nationals, members of the family of a Greek citizen for reasons of equal treatment and given that the provisions of the Decree have already been integrated into L. 3386/2005, except for the cases where such a pro rata implementation cannot take place for objective reasons, i.e., when there are differences between the status of the third country nationals members of the family of a Greek citizen and of those of a Union citizen.
For example, if the marriage between the Greek citizen and a third country national takes place in Greece, then the legal residence of the third country national within the Greek territory shall have to be proven. In these cases the third country national is considered to be legally within the Greek territory, if he/she has an entry visa and as long as it is valid or for a time period of three months, if he/she comes from a country which according to the Regulation 539/2001 (as currently in force) is excluded from the above obligation or is a holder of a certificate concerning the submission of the documents for the granting or renewal of a residence card. Furthermore, in these cases the provisions of art. 9(5) of the Decree on the right of third country nationals to apply for a residence card within a year from their arrival shall not apply, because at the date of their arrival they were not members of the family of the Greek citizen.

On the same grounds, neither of the chapters of the Circular concerning the granting of the permanent residence card shall apply in the above cases. For continuous legal residence, which constitutes the main precondition for the establishment of the right to permanent residence, concerns the right of residence, which has been obtained on the grounds of the specific relation with the Greek citizen. Accordingly, the right of residence is attested only by means of a residence card of a member of the family of a Greek citizen, by means of which the continuous residence of five years is also attested. In other words, in order for a third country national who has become member of the family of a Greek citizen after his/her arrival to the Greek territory, the time of residence in Greece before acquiring the right of residence as a member of the family of a Greek citizen, shall not be measured for the purpose of acquiring the right of permanent residence.

Article 8(4): Conformity with article 8(4) of the Directive is not achieved. In particular, the corresponding article (8(3)) of the Decree, determining the meaning of “sufficient resources”, only provides for the minimum social security pension paid in Greece to be taken into account. Article 8(4) of the Directive explicitly provides that no fixed amount should be laid down by Member States; i.e., only the personal situation of the person concerned should be taken into account. In other words, Article 8(4) of the Directive provides that the criterion of the minimum social security pension paid by the host Member State shall apply only as a ceiling with respect to the determination of the amount in each specific case.

Article 19(2): There is no corresponding national provision with respect to the said article of the Directive. Thus, there is a gap and a problem of conformity.

Article 40: Taking into account that the Decree entered into force on 21 June 2007, article 40.1 of the Directive has been violated by the Hellenic Republic.

Incorrect transposition

Article 2(2)(c): The Decree only refers to “children” excluding the remaining direct descendants. However, this could be due to a translation error in the original versions of the Directive. It should be noted that Article 2(2)(c) refers to “direct” descendants and not to descendants in general. In the official Greek version of the said article of the Directive, the English word “direct” which defines the word “descendant” was translated in a way the family relation concerned is perceived as referring to those descendants whose nexus with the person concerned occurs directly, without the any intermediate generations. Furthermore, according to Greek civil law “descendants” are considered only those relatives of the person concerned that descend from him/her, namely, only his/her children, grandchildren, great grandchildren and so on. Accordingly, the group of “direct descendants” consists of those descendants who belong to the closest generation. On this basis, the group of “direct descendants” was understood by the Hellenic Republic as referring only to the children of the person concerned. However, it was noticed that the abovementioned interpretation of the term “direct descendants” is not in conformity with the respective provision of the Directive. Furthermore, Article 2(2)(b) of the Decree by referring only to the common children of the two spouses and to those of the spouse seems to exclude only those children of the Union citizen whose mother or father is not his/her
present spouse. This constitutes a significant problem of conformity. However, it is obvious that about the issue here is bad wording, and there is no reason for those descendants being excluded as a relevant reference is made for the children of the spouse.

Article 6(1): As far as EU law provides an exception for jobseekers who consequently do not have to register during the first six months of residence, Greece does not correctly transpose this point, as there is no exception in Greek law for the registration of jobseekers.

Article 6(2): The corresponding Article (6(2)) of the Decree allows the requirement of a visa, while the Directive does not recognise this option. However, it should be noted that the respective provision of the Decree probably refers to cases falling under Article 5(2) of the Directive, i.e., in the cases where an entry visa is required in accordance with Regulation (EC) No 539/2001; whose provisions are equally binding for Greece.

Article 9(3): The corresponding Article (9(5)) of the Decree provides that the residence card shall not be issued if the submission of the relevant application does not take place within a year. This provision makes the person concerned liable to a disproportionate sanction, especially since failure to comply with the requirement of the submission of the relevant application may in some cases occur irrespective of the personal attitude of the person concerned.

Article 14(4)(b): The corresponding Article (22(8)) of the Decree may be implemented in an incorrect manner by the Greek authorities since its wording is confusing. In particular, it is not clear whether the requirement to provide evidence of job seeking also applies to the family members of the Union citizens.

Article 20(2): The corresponding national provision provides that the permanent residence card shall not be issued if the submission of the relevant application does not take place within a year. This provision makes the person concerned liable to a disproportionate sanction, especially since failure to comply with the requirement of the submission of the relevant application may in some cases occur irrespective of the personal attitude of the person concerned.

Article 31(3): During the judicial redress procedure, only legal facts are examined regardless of the fact that the Directive explicitly states that the examination of the legality, as well as of the real facts should be allowed in both redress procedures, judicial or administrative.

Conclusion

The most important issues of non-conformity are those pertaining to Articles 2(2)(c), 9(3), 20(2) and 31(3) in combination with article 31(1) of the Directive. In particular, in case of Article 2(2)(c), non-conformity is a substantial one as a large group of descendants of Union citizens moving to and/or residing in Greece shall be excluded from the group of beneficiaries as determined for the purposes of the Directive. For Articles 9(3) and 20(2) conformity is not met as disproportionate measures may be imposed to those third-country nationals who do not respect the deadlines for the granting residence and permanent residence cards. This is also an important issue as it may lead to the deprivation of the right of residence of certain third-country nationals, who irrespective of their personal conduct may not be able to respect the prescribed deadlines. As for Article 31(1) and 31(3) of the Directive, non-conformity is also a problem: the narrow interpretation here means that the extent of the control of the relevant administrative act, and the right of the beneficiaries in judicial review is consequently limited.
SUMMARY DATASHEET

1. Transposing legislation

Directive 2004/38/EC has been transposed in Greece by P.D. 106/2007. It has not been transposed on time, whereas Greece exceeded the term referred to in Article 40 of the Directive, within which the MS ought to bring into force the national normative acts transposing the Directive. Circular no. 10 of the Ministry of Interior, Public Administration & Decentralization on P.D. 106/2007 comprises an important tool for the interpretation of the provisions of the latter, as well as for the deliberation of the relevant administrative practice. It should be noted that circulars in Greece are only addressed to the administrative authorities by giving instructions for the implementation of the legal act to which they refer. In other words, the regulatory content of an act cannot be expanded by a circular. In no cases have they introduced any adjustments, which are not provided by the law to which they refer. This means that if discordance occurs on substantial issues between the provisions of a circular and the act to which it refers, only the act shall apply.

However, there are certain implications of the Circular that should be noted in regard to the implementation of the Decree. In particular, the Circular, as indicated at the ToC, gives an answer to the following issue: do the members of the family of a Greek national fall within the scope of the Decree? The Circular clarifies that from a systematic point of view the above group of people is not covered by the provisions of the Decree. However, for reasons of equal treatment, it stands for a pro rata implementation of its provisions to those third country nationals, members of the family of a Greek citizen, except for the cases where the corresponding implementation cannot take place for objective reasons.

2. Assessment of the transposition

a) Incomplete transposition or non-transposition

| Art. 3(1) | The Decree is not applicable to Greek nationals, who have exercised the right to free movement and return to Greece afterwards, though the Directive only excludes from its scope cases where EU citizens exercise the right to move to and reside in his/her country of nationality. Thus, third-country nationals who are members of the family of a Greek national do not enjoy the rights and privileges granted by the Directive to all third-country nationals who are members of the family of EU citizens. |
| Art. 8(4) | The transposing national provision lays down a fixed amount to be regarded as “sufficient resources”, while it should also provide for the criterion of the personal situation of the person concerned to be taken into account. |
| Art. 19(2) | It has not been transposed. |
| Art. 40 | Greece failed to bring into force the transposing instrument for the Directive within the prescribed time period. |

b) Incorrect or imprecise/ambiguous transposition

| Art. 2(2)(c) | According to the transposing national provision only the common children of the EU citizen and the spouse, as well as those of the spouse, fall within the scope of the Decree. In addition, according to the transposing national provisions the group of “direct descendants” consists of the children only. |
| Art. 6(1) | As far as EU law provides an exception for jobseekers who consequently do not have to register necessarily during the first six months of residence, Greece does not correctly transpose this point as there is no exception in Greek law for registration of jobseekers. |
| Art. 6(2) | the transposing national provision recognises as admissible the requirement of a visa in |
the case of third country nationals who are members of the family of Union citizens.

| Art. 9(3) | The non-issuance of the residence card, if the person concerned does not apply for it within a year from his/her arrival, constitutes a disproportionate sanction and therefore should be considered a stringent provision. |
| Art.14(4)(b) | It is not clear whether the requirement to provide evidence also apply to the family members of the Union citizens. |
| Art. 20(2) | The non-issuance of the permanent residence card if the person concerned does not apply for it within a year from its date of expiration constitutes a disproportionate sanction and therefore should be considered as too stringent. |
| Art. 31(3) | The judicial redress procedure does not allow an examination of the real facts of the matter in question. |
ABBREVIATIONS USED

Art.  Article
MS     Member State
E.C.   European Community
E.C.J.  European Court of Justice
E.C.H.R. European Court of Human Rights
1 INTRODUCTION

This conformity study analyses in detail the provisions of Directive 2004/38/EC on the free movement of EU citizens in its consolidated version, and it compares it with the legislation in place in Greece.


EU citizenship gives every Union citizen the right to move and to reside freely within the territory of the Member States. The facilitation and promotion of this right, which is at the same time one of the fundamental freedoms of the internal market, is the objective of Directive 2004/38/EC. A second objective of Directive 2004/38/EC was to codify and review the various pieces of legislation and case law dealing with this issue.

Free movement as a fundamental freedom of the internal market

Free movement is one of the fundamental freedoms of the internal market and can therefore only be restricted in a limited number of pre-determined circumstances. Thus, national legislation cannot adopt more restrictive legislation than provided for in the Directive.

Directive 2004/38/EC introduces, on the one hand, a uniform approach regarding the formalities that Member States can impose upon EU citizens residing in their territory. These formalities are expressly established in the Directive and restricted in function of the duration of the stay in the Member States.

- For a stay of less than three months, the only formality a Member State can impose is the presentation of a valid passport or national identity card.

- For residence of more than three months, a Member State can only require the EU citizen to register in the population register of the place of residence. This registration needs to be validated immediately if a certain number of conditions are complied with. The Member State can only require the EU citizen to present proof that he/she is a worker, self-employed person, student or has sufficient resources not to become a burden upon the social security system of the Member State. Member States cannot lay down a fixed amount of what they consider to be “sufficient resources”, but must always take into account the personal situation of the person concerned. Family members of the EU citizen will have to present an identity document and proof of the family link to an EU citizen.

- After five years of continuous residence in a Member State, an EU citizen obtains a right to permanent residence. The host Member State shall issue a document certifying permanent residence. A permanent resident has the right to be treated equally to a national of the Member State.

On the other hand, the Directive also determines and clarifies the only acceptable reasons for restriction of the free movement of citizens by Member State authorities, namely for reasons of public order, public security and public health. (For the interpretation and conditions of such exceptions, it is important to rely upon the case-law of the Court of Justice.)

These measures guarantee strong protection against expulsion for EU citizens who have been long-term residents in another Member State. Such measures need to be proportionate and shall always look to the personal conduct of the individual concerned to assess whether they are a “genuine, present and sufficiently serious threat affecting one of the fundamental interests of society”. In addition, the Directive establishes some procedural safeguards if an expulsion decision is considered necessary.
1.1 OVERVIEW OF THE LEGAL FRAMEWORK IN GREECE

Greece is a unitary State and a civil law country. The 1975 Constitution in Article 26 establishes the division of state powers. Thus, the legislative power is exercised by the Parliament and the President of the Republic, the executive by the President of the Republic and the Government and the judicial by the courts.

Both the legislature and the Government - the former when enacting laws and the latter when issuing normative acts and/or conducting administrative procedures - must respect the Constitution and the laws closely associated with its provisions. Moreover, the courts are entitled to examine whether either a law or an administrative act is, as the case may be, in concordance with the constitutional provisions, or an administrative act is lawful. Accordingly, administrative bodies ought to respect and implement decisions delivered by the courts.

By virtue of Article 43 of the Constitution, the President of the Republic is given the power to issue regulatory decrees, each time, according to a relevant authorisation provided by a special legal provision and within its framework, based upon a proposal given by the competent Minister. The same authorisation may be granted to other administrative bodies, but only, in order for more special issues to be regulated.

Accordingly, Law 1338/1983 grants the President of the Republic, as well as the competent Ministers with the legislative authorisation to issue decrees and acts respectively, integrating community instruments, in general, into the Greek legal order. The abovementioned acts have equal legal force to laws.

It is evident that the social status of EU citizens and non-nationals, in general, mainly relates to the status of protection of human rights in Greece. Accordingly, the Constitution contains a long list of individual rights and freedoms granted to every person within the Greek territory. According to the general provision of Article 5 of the Constitution: “Everyone enjoys full protection of his/her life, honour and freedom within the Greek territory, irrespective of his/her nationality, race, language and religious beliefs or political views. Exceptions may be accepted only when provided by international law”.

1.2 FRAMEWORK FOR TRANSPOSITION & IMPLEMENTATION OF DIRECTIVE 2004/38/EC IN GREECE

1.2.1 Distribution of competences according to the national Constitution

State Policy with respect to the right of entry and residence within the Greek territory of emigrants and aliens, in general, is regulated by Law 3386/2005. Directive 2004/38/EC (hereinafter the Directive) regulating the respective rights of Union citizens has been introduced to the Greek legal order by Presidential Decree 106/2007 (hereinafter the Decree). The Decree was issued on the basis of a proposal given by the Ministers of Interior – Public Administration & Decentralisation, Finance, Foreign Affairs, Employment & Social Protection, Health & Social Solidarity, Justice and Public Order, which are the competent ones as to the matters covered by the Directive.

The Decree is to a great extent faithful to the wording of the Directive. In some cases the legislator proceeds to a literal transposition of the wording of the Directive, while in others it opts for a different, but effective transposition. However, in a few cases, gaps can be detected in the transposing national provisions, affecting the conformity of the legislation with the Directive. This is sometimes due to the fact that the Decree has not dealt with new matters of policy that are not specifically addressed by the Directive. In other cases, the wording of the Decree does not unequivocally assure its conformity with the Directive, leaving the final outcome dependent on the interpretation and implementation of the relevant disposition, thus creating leeway for administrative discretion.
The Decree only refers to Law 3386/2005, in order for procedural matters to be regulated, without prejudice to the fact that the substantial guarantees emanating from the Directive shall in any case be observed. Besides, the Decree includes in Article 28 a clear guarantee for full compliance of any Greek authority with its provisions, stipulating that any dispositions contrary to the Decree are repealed and therefore no such disposition can be applied or invoked by any Greek authority.

1.2.2 General description of organisation of national authorities implementing Directive 2004/38/EC Greece

As indicated above, according to Greek administrative structure, the competence and political liability with respect to the matters covered by the Directive, are distributed among more than one Ministry, whereas the subject matters pertain equally to bureaucracy, finance, foreign affairs, occupation, public health, justice and public order, respectively. However, it is obvious that relevant administrative procedures are not performed by the Ministers in person, but by the competent public services to which the respective authority has been either assigned or transferred to, according to laws and orders delivered by the respective principal authorities, namely the abovementioned Ministers. Furthermore, given that the Greek administrative system is based on decentralisation, the necessary procedures are being performed by the competent local authorities, without prejudice to rather few exceptions, where the competence is maintained for the central services.

In particular, Alien and Immigration Services of the Regions and the competent police authorities in the place of residence of the persons interested, are charged with the issue of residence cards of the Union citizens and the members of their family. The administrative expulsion decision is made by the Director of Police Authorities and may be appealed before the Minister of Public Order. An appeal, i.e., a petition of cassation, against the said decision of the Minister of Public Order, as well as against the refusal of granting a residence card may be lodged before the Highest Administrative Court.

2 LEGAL ANALYSIS OF THE TRANSPOSING MEASURES FOR DIRECTIVE 2004/38/EC

As indicated above, Directive 2004/38/EC has been transposed in Greece by the P.D. 106/2007, i.e., by means of secondary legislation, however having equal legal force to laws. There are no further legal measures transposing the Directive. However, the Decree refers to other normative acts of the current legislation, in order for procedural matters to be regulated. In this section, the problems related to the transposition of the Directive as indicated at the ToC are pointed out in detail. The provisions are addressed in sequential order as requested by the Commission.

2.1 Definitions, family members and beneficiaries

Definitions: the concept of “family members” (Article 2)

The definitions in Article 2 of the Directive have not been fully and properly transposed, as that is the case for certain relatives of the members of the family of EU citizens entering into or residing in Greece, who fall within the scope of the Directive to be deprived from the rights and privileges granted therein.

As noted in the Table of Correspondence, the only definition creating a problem of conformity is that related to the notion of “direct descendants” referred to in Article 2(2)(c) of the Directive. In particular, the Decree only refers to the children, who according to Greek civil law are considered as the only ‘direct’ descendants, and not to “direct descendants” as perceived by the Directive. This is because in the official Greek version of the Directive, the English word “direct” was translated in a
way as for the family relation concerned to include those descendants whose nexus with the person concerned occurs directly, without an intermediate generation. More specifically, for the purposes of the Directive, the notion “direct descendants” includes all the relatives on the descending line, while according to Greek civil law the group of the “direct descendants” consists only of those descendants belonging to the closest generation. “Descendants” in Greek law are to be considered those relatives of the person concerned that descend from him/her, namely, only his/her children, grandchildren, great grandchildren and so on. In other words, the corresponding legal term in Greek for “direct descendants” is that of “descendants” in English. So, on the basis of the aforementioned, the group of “direct descendants” was understood by the Hellenic Republic as referring only to the children of the person concerned. This definition of the term “direct descendants” is not in conformity with the respective provision of the English version of the Directive.

In addition, Article 2(2)(b) of the Decree by referring only to the common children of the two spouses and to those of the spouse only seems to exclude those children of the Union citizen whose mother or father is not his/her present spouse. This constitutes a significant problem of conformity. However, it is obvious that the problem is due to bad wording: there is no purpose for those descendants to be excluded, as a relevant reference is made for the children of the spouse.

Furthermore, another issue with reference to registered partnerships should be indicated, even though it does not constitute a problem of conformity. In particular, Greek legislation does not recognise any form of partnership except marriage. Therefore, registered partners do not enjoy any privileges under Article 2(2)(b). However, it should be noted that this issue has been discussed widely in public in Greece for a long time. A Bill has also been submitted on this issue by opposition parties, and it is likely that this area will soon be regulated.

**Beneficiaries and facilitation of entry and residence (Article 3)**

Article 3 deals with the beneficiaries of the Directive and also imposes an obligation on the Member States to facilitate entry for a secondary class of beneficiaries (essentially, members of the extended family). Though the corresponding Article (3) of the Decree adequately transposes most of these provisions, a problem of conformity arises related to the scope of the Decree.

In particular, according to Article 3(1) of the Decree, Greek citizens and consequently the members of their family do not fall within the scope of the Decree. This is a problem of conformity, since the provisions of the Directive also apply to Greek nationals having exercised the right to free movement and returning to Greece afterwards, with the members of their family. These family members have already acquired the rights granted by the Directive, for the Directive explicitly excludes them from the group of beneficiaries only when they exercise the said right within the Greek territory.

The problem concerns mainly the third country nationals who are members of the family of a Greek national, if they acquired the said right while the Greek national (EU citizen) was exercising his or her right to reside in another MS and returned to Greece afterwards. More specifically, in the Circular no. 10 on the Decree (hereinafter the Circular), issued by the Ministry of Interior, it is explicitly laid down that third country nationals, members of the family of Greek nationals, are not covered by the Directive and that L. 3386/2005 shall continue to apply to them. Furthermore, the Circular provides that, however, for reasons of equal treatment, the Decree shall apply to third country nationals, members of the family of Greek nationals, with rather few exceptions, where objectively the Decree cannot apply to the said family members. Apart from the fact that circulars in Greece do not have normative force, this wording is confusing. As a result, it cannot be assured that during the transaction of relevant administrative procedures the rights and privileges granted by the Directive to third country nationals, members of the family of EU citizens, shall apply without problems to those third country nationals being members of the family of Greek citizens as well. The differentiations with respect to the legal status of third nationals who are members of the family of Greek nationals will be laid down, while commenting on the respective articles.
This right is granted to Greek nationals by Article 5 of the Greek Constitution. As far as his/her family members are concerned, those of them being also Union citizens directly enjoy the same right; while for third country nationals members of the family of Greek or EU national L. 3386/2005 including equally favourable provisions applies. Therefore, it is more a problem of implementation of the law than an actual problem of non-conformity: those third-nationals who are members of the family of a Greek national, to whom L. 3386/2005 is applicable, will benefit of the same rights and the privileges granted by the Directive.

Article 3(2)(b) requires facilitation of the right of entry and residence. According to the Circular, facilitation herein consists of the examination of the relevant requests by means of priority. As for the rest and under the condition that the person concerned is a third country national, the general provisions of L. 3386/2005 for the third country nationals shall apply.

2.2 Rights of exit and entry (Articles 4-5)

Right of exit (Article 4)

General
Article 4 provides a general right for Union citizens and family members, provided they have the required identity card or passport, to leave the territory of a Member State.

Article 4(1) – Right of exit
Greek nationals enjoy a similar right regarding their free exit from the Greek territory provided for by Article 5 of the Constitution.

Article 4(4) – validity of passports
Article 4(4) of the Directive requires that, when the law of a MS does not provide for identity cards to be issued, passports issued to a Member State’s own nationals must be valid for a period of not less than five years. As noted in the ToC, the current legislation governing the issue of passports provides for a five year validity period for passports. The only exception from the above rule applies to minors below 14 who are granted with a passport; in these cases the period of validity of the passports does not exceed three years. However, there is no problem of conformity, for Greek legislation provides for identity cards to be issued.

Right of entry (Article 5)

General
Article 5 provides a general right of entry for Union citizens and family members.

Article 5(2)
Article 5(2) requires that the necessary visas shall be granted to family members who are not nationals of a MS on the basis of an accelerated procedure. Though no special procedure has been established in Greece for this purpose, according to Circular no. 10 of the Ministry of Interior Affairs on the Decree, the wording “on the basis of an accelerated procedure” means that the relevant applications shall be examined by order of priority; while the procedure for all applicants remains the same. There is no particular procedure of a shorter duration for the persons covered by the Directive.

Circular no. 10 provides that as regards third-country nationals who are members of the family of EU citizens, who do not have at their disposal the necessary visa, the Greek police authorities shall not immediately impose the measure of expulsion. On the contrary, before taking against them the measure of expulsion shall grant them with the right either to acquire, send or present the said visa or to prove by any other proper means within a month from the time they entered the Greek territory, that they are actually entitled to the right of free movement and residence.
Article 5(5)
Article 5(5) provides that the MS may require the person concerned to report his/her presence within its territory. Such requirement is not provided for neither in the Decree nor in any other Greek normative act. The absence of a relevant legal adjustment introduces more favourable status as regards the exercise of the rights established by the Directive.

2.3 Right of residence

2.3.1 Right of residence for up to three months (Article 6)

General

Article 6 grants an initial right of residence for up to three months. This right needs to be read in conjunction with Article 14. From a systematic point of view, it should be noted that the provisions of Articles 14 & 6 of the Directive have been transposed by the same article of the Decree, i.e., Article 6(1) was given the number 6(1) and Article 14 was given the number 6(3).

Article 6 and article 14 – right of residence subject to not being a burden

Article 6 provides:

1. Union citizens shall have the right of residence on the territory of another Member State for a period of up to three months without any conditions or any formalities other than the requirement to hold a valid identity card or passport.

Article 14(1) provides:

Union citizens and their family members shall have the right of residence provided for in Article 6, as long as they do not become an unreasonable burden on the social assistance system of the host Member State.

There is no conflict between those two provisions. More specifically, Article 6 lays down the positive preconditions for the legal residence, while Article 14 provides for a negative condition not to be met.

However, the transposition of Article 6(1) of the Directive to the national legislation is considered incorrect, since as far as EU law provides an exception for jobseekers who consequently do not have to register necessarily during the first six months of residence, Greece does not correctly transpose this point as there is no exception in Greek law for registration of jobseekers. There is no case law available with respect to the special status of jobseekers.

Article 6(2)

From the point of view of the Directive, regarding the right of residence MS may not impose any other formality except for the requirement of a valid passport. Article 6(2) of the Decree on the right of residence of third-country nationals, members of the family of a Union citizen, provides that except for a valid passport a visa may be required. At least grammatically the said provision is not in conformity with the Directive. However, if Article 6(2) of the Decree is interpreted in combination with Article 5(2) and 5(4) of the Directive on the right of entry one can be led to the conclusion that the above problem of conformity does not really exist. In particular, Articles 5(2) and 5(4) of the Directive (with respect to the right of entry of third country nationals) explicitly recognise as admissible the requirement of such visas either according to Regulation (EC) 539/2001 or if needed in general. Nevertheless, it is not clear whether Article 6(2) of the Decree refers to any visa, including residence visa, or only an entry visa. Hence, this may amount to imposing an additional condition on third country nationals which is not permitted by the Directive.
2.3.2 Right of residence for more than 3 months (Article 7-13)

The application form for the granting of residence and permanent residence cards to third-country nationals is only available in Greek. Thus, for practical reasons the forms are completed by the aliens in cooperation with civil servants. It should also be mentioned that there is only one form for both procedures required. However, the relevant administrative authorities affirmed that the formatting of a new form of application, also available in English has already been planned and shall be soon publicly available. For the purposes of the present study, we herein provide a translation of the current form as cited below the original form.

(a) Conditions under Article 7

General

Article 7 provides for the right of residence to continue after three months, where certain conditions are satisfied. These conditions have been adequately transposed.

Article 7(3)

Provisions of Article 7(3) of the Directive about the retention of the status of worker have been literally transposed by Article 7(3) of the Decree.

(b) Administrative formalities for Union citizens (Article 8)

The Decree provides for certain formalities to be imposed to Union citizens, in order for them to reside in Greece for more than three months. The relevant transposition is not in accordance with the provisions of the Directive. First of all, Greece has transposed the definition of sufficient resources under Article 8.4 in an inappropriate way, and is consequently not in conformity.

Furthermore, as far as EU law provides an exception for jobseekers who consequently do not have to register during the first six months of residence, Greece does not correctly transpose this point, as there is no exception in Greek law for registration of jobseekers.

It should be noted that the elements included in the forms of all kinds applications (with respect to the matters dealt by the Directive) do not actually introduce additional preconditions as to the granting of residence cards. The actual problem with the application forms is that although the legal framework has changed in order to comply with EU law, the forms have remained the same due to lack of practical implementation: this is the answer we got from the part of the relevant administrative authorities. It is more a matter of lack of systematisation than a conformity problem.

Article 8(4) – Definition of sufficient resources

As indicated in the ToC, a problem of conformity is detected in the transposition of Article 8.4 of the Directive. In particular, the transposing provision (8(3)) that determines the notion “sufficient resources” only provides for the minimum social security pension paid in Greece to be taken into account. Article 8(4) of the Directive explicitly provides, however, that no fixed amount should be laid down by Member States; i.e., only the personal situation of the person concerned should be taken into account. In other words, Article 8(4) of the Directive provides that the criterion of the minimum social security pension paid by the host Member State shall apply only as a maximum with respect to the determination of the amount in each specific case.
(c) Family members who are not nationals of a Member State (Article 9-11)

- Administrative formalities (Article 9)

General

Article 9 provides for the granting of residence cards to the family members of Union citizens. From a literal point of view, Greece has transposed this article adequately, based on the wording of the Directive. However, the requirement for the measures taken by the MS to be proportionate, on the basis of Article 9(3), in case of a failure to comply with the requirement to apply for a residence card, is not met.

Analysis

The corresponding national provision provides that the residence card shall not be issued if submission of the relevant application does not take place within a year. This provision makes the person concerned liable to a disproportionate sanction, whereas failure to comply with the requirement of the submission of the relevant application may in some cases occur irrespective of the personal attitude of the person concerned. The above provision, in practice, stands for the deprivation of the right, contrary to the letter and the purpose of the respective articles of the Directive, the EC Treaty and to relevant ECJ jurisprudence.

- Issue of residence cards (Article 10)

Article 10 is a detailed article addressing the issue of residence cards to family members of a Union citizen who are not themselves Union citizens. Greece has transposed this article adequately.

Term of validity of residence cards of third-country nationals who are members of the family of Union citizens

Circular no. 10 provides that, given that the registration certificates of Union citizens do not have a particular duration, the residence card shall in any case be valid for a period of time up to five years. Though this aspect is literally covered by the Directive, the remark laid down by the Circular has a certain purpose: not meeting the conditions required for obtaining the residence card after its issuance, shall not be examined before the lapse of the five-year time period. Thus, only at the time of its renewal must the preconditions be met. For example, if a minor, who is granted with a residence card, reaches the age of 22 during the five-year time period, he/she shall, however, retain the right of residence, irrespective of the condition of being a dependant or not. The verification of the capacity of the dependant child having reached 21 years of age shall take place only for the purposes and within the framework of the renewal of the residence card.

It should be noted that the elements included in the forms of the applications of all kinds (with respect to the matters dealt by the Directive) do not actually introduce additional preconditions as to the granting of residence cards. The actual problem with the forms of the applications is that though the legal framework has changed in order to comply with EU law, the forms have remained the same due to lack of practical implementation: this is the answer we got from the part of the relevant administrative authorities. It is more a matter of lack of systemisation than a conformity problem.

- Validity of residence cards (Article 11)

Article 11 provides for the period of validity of residence cards and provides that certain temporary absences will not render the card invalid. These provisions have been adequately transposed by Article 10 of the Decree.
• Retention of the right of residence by family members in the event of death or departure of the Union citizen (Article 12)

Article 12 provides that family members retain the right to reside where the Union citizen dies or leaves the Member State. The Article deals with a number of different groups of people.

(a) Family members who are EU citizens (Article 12(1))

Article 12(1) has been literally transposed by Article 11(1) of the Decree.

(b) Family members who are not EU citizens (Article 12(2))

Article 12(2) – right of residence pending permanent residence, after death of Union citizen

Article 12(2) has been literally transposed by Article 11(2) of the Decree. It should be clarified that, as indicated in Circular no. 10, in case the members of the family retain the right of residences on personal basis, the entry and residence shall not be permitted to other dependant members of their family, except for those, who have already - before the Union citizen dies - entered into and resided in the Greek territory.

(c) Children still enrolled in educational institutions (Article 12(3))

Article 12(3) – right of children to remain to complete their studies

Article 12(3) provides that children of an EU citizen do not lose their right of residence if the Union citizen leaves the host Member State or dies. If the remaining or surviving spouse has actual custody of the children, she has a derivative right to reside also. This continued right to reside arises where “the children reside in the host Member State and are enrolled at an educational establishment, for the purpose of studying there, until the completion of their studies.”

This provision has been adequately transposed by Article 11(3) of the Decree. In addition to the wording of the Directive, this article of the Decree also states that: “For proof of this, the persons concerned must submit to the local police authorities responsible for handling alien issues in the case of Union citizens or the competent authorities under article 9 paragraph 6 herein, in the cases of third-country nationals, a certification of enrolment of the children in an educational institution”. This requirement of the submission of a certification of enrolment in an educational institution may not be considered a stringent provision as it falls within the scope of Article 12(3) of the Directive, since this document constitutes the only proof for the actual enrolment to be verified. Thus, conformity with Article 12(3) is met.

• Retention of the right of residence by family members in the event of divorce, annulment of marriage or termination of registered partnership (Article 13)

Article 13 is similar to Article 12 in that it provides that family members can retain their right of residence whether there is a divorce, annulment or termination of a civil partnership. These provisions have all been correctly transposed. As far as registered partners are concerned, given that Greece has not yet recognised registered partnership as equivalent to marriage, that particular provision has not been transposed. However, this does not affect conformity.

(a) Family members who are EU citizens (Article 13(1))

This has been adequately transposed by Article 12(1) of the Decree.

(b) Family members who are not EU citizens (Article 13(2))
This has been adequately transposed by Article 12(2) of the Decree.

2.3.3 Retention of the right of residence (Article 14)

Article 14 provides for the circumstances in which persons retain the rights of residence granted by Article 6 and Article 7 respectively.

(a) Residence for less than 3 months (Article 14(1))

See comments on Article 6 above.

(b) Residence for more than 3 months (Article 14(2))

Article 14(2) – inquiries into whether persons satisfy residence requirements

Article 14(2) allows Member States to verify whether persons satisfy the various conditions for residence. However, this verification may not be systematic and can only be undertaken “in specific cases where is a reasonable doubt”. This provision is adequately transposed by Article 12(4). Furthermore, Circular no. 10 recommends that the authorities responsible for the inquiries, before proceeding to a contestation of the right of residence, should take into account certain aspects, such as the temporary inability of the person concerned to prove that he/she has sufficient resources and/or comprehensive sickness insurance. It is also indicated that those inquiries shall not constitute a precondition for the granting or renewal of the residence card and shall only take place when there are serious indications of abuse of relevant rights.

(c) Protection against expulsion (Article 14(3)-(4))

• General protection (Article 14(3))

Article 14(3) provides that an expulsion measure shall not be the automatic consequence of a Union citizen’s or his or her family member’s recourse to the social assistance system of the host Member State. This provision has been adequately transposed by Article 22(4) of the Decree.

• Workers and self-employed persons, and job seekers (Article 14(4))

Article 14(4) provides that an expulsion order may not be adopted against Union citizens or their family members if the Union citizens are workers or self-employed persons or if the Union citizens entered the territory of the host Member State in order to seek employment. In this case, the Union citizens and their family members may not be expelled for as long as the Union citizens can provide evidence that they are continuing to seek employment and that they have a genuine chance of being engaged. These provisions have been almost adequately transposed by Article 22(8) of the Decree. However, the transposing provision may be implemented in an incorrect way by the Greek Authorities. In particular, its wording is confusing as it is not clear whether the requirement to provide evidence with respect to job seeking also refers to the family members of the Union citizens.

(d) Article 15: procedural safeguards


• Article 15(2) – expiry of document not a ground for expulsion

Article 15(2) provides that the expiry of the identity card or passport on the basis of which the person concerned entered the host Member State and was issued with a registration certificate or residence card shall not constitute a ground for expulsion.
This provision has been adequately by Article 22(5) of the Decree.

2.4 Right of permanent residence

2.4.1 General rule for Union citizens and their family members (Article 16: Eligibility)

Article 16 of the Directive lays down the conditions to be met in order for the right of permanent residence to be acquired. Furthermore, it lays down the negative conditions not to be met in order for the said right to be retained. Provisions of Article 16 of the Directive have been literally transposed by Article 13 of the Decree.

2.4.2 Acquisition of the right of permanent residence for workers/self employed person and their family members (Article 17)

Article 17 lays down the cases when the right of permanent residence shall be enjoyed before the completion of a continuous period of five years of residence. The provisions of Article 17 of the Directive have been literally transposed by Article 14 of the Decree.

2.4.3 Acquisition of the right of permanent residence by family members who are not nationals of a MS and retained their right of residence (Article 18)

Article 18 applies to those family members, who are third country nationals and who have retained the right of residence after the death of the Union citizen or after a divorce or annulment of the marriage with the Union citizen. By virtue of the said article, the abovementioned family members shall acquire the right of permanent residence under the condition that they legally reside in the MS for a period of five consecutive years. Article 18 of the Directive has been literally transposed by Article 15 of the Decree.

2.4.4 Documents certifying permanent residence for Union citizens (Article 19)

Article 19(1) of the Directive deals with the permanent residence certificate for Union citizens. In particular, it provides that the MS, after having verified the duration of residence of the person concerned, shall grant that person with a document certifying permanent residence. Conformity thereof is met and there is no express clause in the Greek legislation stating that the document certifying permanent residence shall have unlimited validity. However, Article 19(2) of the Directive stating that the document certifying permanent residence shall be issued as soon as possible has not been transposed.

2.4.5 Permanent residence card for family members who are not nationals of a MS (Article 20)

Article 20 similarly provides for the permanent residence certificate for family members who are not Union citizens. Article 20 has been literally transposed, except for Article 20(2), which has been inadequately transposed. In particular, the corresponding national provision (Article 17(4)) provides that the permanent residence card shall not be issued in case the submission of the relevant application does not take place within a year. This provision makes the person concerned liable to a disproportionate sanction, whereas failure to comply with the requirement of the submission of the relevant application may in some cases occur irrespective of the personal attitude of the person concerned. The above provision, in practice, would be contrary to the letter and the purpose of the respective articles of the Directive, the Treaties and to relevant ECJ jurisprudence.

2.4.6 Continuity of residence (Article 21)

Article 21 provides that continuity of residence may be proven by any means of proof. Article 21 has been adequately transposed by Article 18 of the Decree.
2.5 Common provisions (Articles 22-26)

2.5.1 Territorial scope (Article 22)

Article 22 provides that the territorial scope of the Directive is the whole of the Member State and that restrictions on movement may only be imposed where the same restrictions apply to nationals of the Member State itself. The said article has been literally transposed by Article 19 of the Decree. Restrictions on movement may be imposed on the basis of Article 282 of the Code of Penal Procedure for the purposes provided for by Article 296 of the said Code.

2.5.2 Right to take up employment by family members (Article 23)

Article 23 provides a right for family members who have the right of residence to take up employment. It has been literally transposed by Article 20(1) of the Decree.

2.5.3 Equal treatment (Article 24)

Article 24 provides for the principle of equal treatment. The said article has been literally transposed by Article 20, para. (2) & (3) of the Decree.

2.5.4 General provisions concerning residence documents (Article 25)

Article 25(1) – residence card or certificate as precondition for exercising the right

The said article has been adequately transposed by Article 20(4) of the Decree.

Article 25(2) – charges for documents

Article 25(2) provides that all documents shall be issued free of charge or for a charge not exceeding that imposed on nationals for issuing similar documents. The said article has been adequately transposed by Article 20(5) of the Decree, which introduces the more favourable among the two possible clauses set out by Article 25 of the Directive, i.e., it provides that all documents shall be issued free of charge.

2.5.5 Checks (Article 26)

Article 26 provides that Member States may have checks to ensure that beneficiaries of the Directive carry their residence cards in the same way that nationals carry their identity card. The said article has been adequately transposed as the same requirements apply to Greek nationals with respect to their identity cards.

2.6 Restrictions on the right of entry and residence on grounds of public policy, public security and public health

2.6.1 General principles (Article 27)

The said article has been literally transposed (in full). However, a problem could arise in practice related to the proportional nature of measures taken on grounds of state policy (Article 20(2)), when imposed irrespective of the personal conduct of the individual concerned. As indicated above, the Highest Administrative Court has judged that restrictions as to the right of exit on the grounds of important public interest, such as in cases of debtors of the State, imposed irrespective of the personal conduct of the individual concerned, namely, of the debtor, even when the debt is not due, are

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1 see above footnote 1
admissible and do not contravene Community Law. The above interpretation of community instruments is, without doubt, not in compliance with Community Law. Thus, a similar interpretation of the provisions of the Directive is not in conformity with the obligations for the MS emanating from the Directive. On the contrary, Greek courts follow the jurisprudence of the European Court for Human Rights (hereinafter E.C.H.R.) on proportionality. In particular, E.C.H.R. has judged that the ordering of a lifelong expulsion of a third national subsequent to a penal conviction for illegal trafficking of drugs is disproportionate based on the fact that he/she would be deprived of his/her right to family reunion² as recognised by Article 8 of the European Convention on Human Rights.

Furthermore, if an individual concerned is a Union citizen, Article 74 of the Penal Code, on the basis of which expulsion may be ordered by a court either as a subsequent penalty or as a restrictive measure on the grounds of public order, shall not apply. In particular, the Highest Court of Civil, Criminal jurisdiction (known as Areios Pagos), has judged that expulsion against a Union citizen, to whom freedom of movement and residence applies, cannot be ordered as a result of previous penal conviction or on the grounds of general judicial estimations;³ it can only be ordered, if the personal conduct of the individual concerned constitutes a present and serious threat against a fundamental interest of society.⁴ The Court did not provide an interpretation of the legal terms “present and serious threat” and “fundamental interest of society”. On the same issue, a lower court⁵ implementing Articles 27 and 33 of the Directive judged that regarding the said articles, expulsion on the grounds of public order and public security is only admissible if conditions like the family, economic and vocational status of the person concerned, as well as his/her nexus with the MS involved, have been taken into account. Therefore, the court judged that in order for the measure of expulsion to be imposed to a Union citizen, the personal conduct of the latter must comprise “present and serious threat” and “fundamental interest of society” as these notions have been formulated by the E.C.J.⁶

2.6.2 Protection against expulsion (Article 28)

General

Article 28 provides for a number of protections against expulsion decisions. These provisions have been literally transposed by Article 22 of the Decree. However, it should be pointed out that during the process of expulsion from Greece, human rights related to personal freedom and human decency are being violated. The conditions of detention until the execution are more or less unacceptable, as indicated by the Greek Ombudsman for Human Rights. Accordingly, Greece has been condemned by the E.C.H.R.⁷ as it was ascertained that the conditions of detention constitute humiliating treatment, are insulting and lack any element of human decency.

Furthermore, according to Article 76 of the Penal Code, to which the Decree refers, in order for procedural matters on the expulsion to be regulated, the individual against whom expulsion has been ordered may be detained until the execution of the expulsion takes place, on the condition that he/she is considered likely to escape or to be dangerous in terms of public order. Apart from the fact that the imposition of the above measure, in practice, is the rule and not the exception, the prescribed time beyond which the relevant police authorities ought to let the detainee free, is not observed.

For the reason that the Decree has recently entered into force, there is neither case law nor administrative practice on expulsion decisions taken on the grounds of “serious reasons of public order” or of “imperative reasons of public security”. Thus, the said notions have not been interpreted and/or defined, as they have not yet been implemented.

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² see decision Amrollax v. Denmark (11-07-2002) of E.C.H.R.
³ see decision of E.C.J. on the case -348/98
⁴ decision of Areios Pagos 1243/2000
⁵ see decision 1550/2007 of Criminal Court of First Instance of Herakleion
⁶ see decisions of the E.C.J. on the following cases: C-36/75, C-30/77, C-115/81, C-116/81, C-265/88
2.6.3 Public health (Article 29)

Provisions of Article 29 of the Directive on public health have been adequately, almost literally, transposed by the Decree. In particular, Article 29(3) allows for medical testing of a newly arrived person within three months from their arrival where “there are serious indications that it is necessary”. Such medical examinations may not be required as a matter of routine. According to Circular no.10, third country nationals who are members of the family of a Union citizen shall not be obliged to submit a health certificate in order to be granted with a residence card. However, if there are serious indications, e.g., is in his/her country of origin a disease is widespread, it is likely that the Aliens and Immigration Service of the Region will ask the individual concerned to be subjected within three months from his/her arrival to medical examinations, free of charge, in order to be verify that he/she is not infected by any disease justifying the interruption as to his/her right of residence.

2.6.4 Expulsion as a penalty or legal consequence (Article 33)

Article 33 provides that an expulsion order cannot be issued as a penalty or a legal consequence of a custodial penalty, unless the public health, security or policy grounds are met. This provision has been adequately transposed by Article 22(7) of the Decree. It should be noted that Article 74 of the Greek Penal Code provides that the court may order the expulsion of an alien who was condemned in imprisonment without prejudice to any relevant provisions of international conventions that have been ratified by the country. This means that almost every transgression, if performed by an alien, may lead to his/her expulsion. However, Article 22(7) of the Decree provides that when it comes to EU citizens and their family members, an expulsion measure may only be taken if the conditions laid down by Articles 27, 28 & 29 of the Directive are met.

2.7 Procedural safeguards against decisions restricting free movement (Article 15, and Articles 30-31)

General

These three articles envisage certain procedural protections that apply when decisions are taken to restrict the free movement of EU citizens and their family members. These provisions have been almost adequately transposed by the Decree.

2.7.1 Notifications of the decisions (Article 30)

Article 30 has been literally transposed by the Decree.

2.7.2 Procedural safeguards under Article 31

Article 31(3) requires that the redress procedures shall allow for an examination of the legality of the decision as well as the facts and circumstances on the grounds of which the measure was ordered. As Article 31(1) refers to judicial and, where appropriate, administrative redress procedures, it seems to follow that both the administrative redress procedures and the judicial redress procedures must be able to undertake an examination of the facts and circumstances on the grounds of which the measure was ordered. Thus, the fact that the Decree, against the administrative decision on the appeal against an expulsion order, only provides for a petition for the cassation of the said decision to be lodged before the Highest Administrative Court, is not in conformity with the requirements of the Directive. According to Greek administrative law, in cases of petitions for cassation the court only examines the legality and not the facts.
2.7.3 Exclusion orders (Article 32)

Article 32 of the Directive provides for the duration of exclusion orders. A person can apply to have an exclusion order lifted. This facility has been properly transposed by the Decree.

2.8 Final provisions (Chapter VII)

2.8.1 Publicity (Article 34)

This provision has been adequately transposed. However, we are not aware of any special campaigns on the subject matter. As far as publicity is concerned, it is served via the citation of the relevant legislation at the website of the Ministry of Interior,8 as well as on the website of the Greek Ombudsman for Human Rights,9 where case studies and actual cases brought before the Ombudsman are being cited on an annual basis.

2.8.2 Abuse of rights (Article 35)

Article 35 has been adequately transposed by Article 26 of the Decree. Though the Decree does not provide for an interview to be held prior to the granting of the residence and permanent residence card, it is likely that such procedural preconditions shall apply. Article 12 of L. 3386/2005 (general Aliens Act) explicitly provides for such interviews to be held as a matter of routine for granting said rights to other third country nationals. This national provision does neither directly nor indirectly constitute a problem of conformity, since no reference to this article is made in the Decree. Problems may only arise in practice. Moreover, regarding marriage, the Resolution of the Council of 4 December 1997 “on the measures to be taken against false marriages” provides that “in case there is a hint that a certain marriage is false, MS may not grant the individuals concerned with a residence card, unless it is ascertained by the competent authorities that the marriage is not false. The above verification may imply a separate interview for both spouses...”.

2.8.3 Sanctions (Article 36)

Article 36 allows Member States to lay down sanctions for breaches of national rules. This provision has been adequately transposed by Article 27 of the Decree, which directly refers to the Penal Code for the determination of sanctions. The respective article of the Penal Code, as cited in the ToC, provides for a fine of at least 59,00 Euros to be imposed on the violators of the Decree, in general, without prejudice to any other more specific provision. These sanctions neither introduce any discrimination measure as to Union citizens and the members of their family nor do they comprise strict measures in terms of the purpose of their enforcement. Therefore, they should be considered as proportionate. However, it cannot be guaranteed that certain more specific provisions, which according to the Decree may apply, as the case may be, will also be proportionate. Articles 74, 99, 105, 136 & 187 of the Penal Code (mentioned in the ToC in the column for the corresponding national provision as to Article 33(1) of the Directive) constitute such provisions regarding sanctions.

2.8.4 More favourable provisions (Article 37)

This provision has not been transposed. However, this is not a conformity problem since MS have a discretionary power as to the transposition of the said article of the Directive.

2.8.5 Transposition (Article 40)

The Decree entered into force on 21 June 2007. Therefore, Greece has violated the deadline for transposition, as prescribed by this article of the Directive.

8 See the webpage: http://www.ypes.gr/allodapoi/content/GR/default.htm
8 See the webpage: http://www.synigoros.gr
ANNEX I: Table of concordance for Directive 2004/38/EC
ANNEX II: List of relevant national legislation and administrative acts

- Presidential Decree (P.D.) no. 106/2007 (Decree)
- Law (L.) 3386/2005
  http://www.synigoros.gr/allodapoi/docs/n3386.pdf
- Presidential decree (P.D.) 283/1985 (Penal Code)
  http://www.elinyac.gr/el/lib_file_upload/106a_85.1161679152370.pdf
- Ministerial Decision (M.D.) no. 24103/2005
  http://www.synigoros.gr/allodapoi/docs/meta_n3386_dikaiologitika.pdf
- Legislative Decree 356/1974 (Public Income Collection Code)
  http://lawdb.intrasoftnet.com/nomos/2_nomothesia_rs_sub.php
- Law (L.) 2690/1999
  http://lawdb.intrasoftnet.com/nomos/2_nomothesia_rs_sub.php
- Joint Ministerial Decision (J.M.D.) 7004/3/40-θ/23.4.2004
  http://lawdb.intrasoftnet.com/nomos/2_nomothesia_rs_sub.php
  http://www.synigoros.gr/allodapoi/docs/KYA4000.pdf
- Presidential decree (P.D.) 25/2004
  http://lawdb.intrasoftnet.com/nomos/2_nomothesia_rs_sub.php
- Legislative Decree (L.D.) 127/1969
  http://lawdb.intrasoftnet.com/nomos/2_nomothesia_rs_sub.php
- Law (L.) 3103/2003
  http://lawdb.intrasoftnet.com/nomos/2_nomothesia_rs_sub.php
- Ministerial Decision (M.D.) 302/2005
  http://lawdb.intrasoftnet.com/nomos/2_nomothesia_rs_sub.php
  http://www.ypes.gr/allodapoi/content/GR/egiklioi/egiklios10_08.doc
ANNEX III: Selected national case law

http://lawdb.intrasoftnet.com/nomos/3_nomologia_rs_sub.php

Court: Highest (Civil – Criminal) Court (Areios Pagos)

Criminal Section

Status of Judgment: Approved

Neutral Citation Number: 1243/2000 A.P.

Judgement of the Highest Criminal Court
It is about a petition for judicial review of the decision no. 2139/1995 of the Criminal Court of First Instance of Herakleion (hereinafter Criminal Court). The applicant is an Italian citizen, who was convicted of possession and use of drugs to imprisonment of three years. At the same decision the Criminal Court ordered against her the measure of a lifelong expulsion from the Greek territory, as it was accepted that “no important reasons justifying her residence in the country occur”. The applicant intends to the cassation of the condemnatory decision in so far as the lifelong expulsion was ordered against her, on the grounds that the Criminal Court proceeded in an incorrect interpretation and implementation of article 17 of Law 1729/1987 “on drugs” (hereinafter the Law). The petition was initially brought to discussion before the Highest court at the year 1996. The Highest Court issued an interlocutory decision (no. 1067/1996), in order to address a question to the E.C.J., for the matter in question falls within the scope of primary and secondary community law. As a result a decision was delivered by the E.C.J. on the case C-348/96. Finally, the Highest Criminal Court judged that the decision appealed must be retracted in so far as by virtue of it a lifelong expulsion was ordered against the applicant, whereas the provision of Law applied by the Criminal Court contravenes primary and secondary community law, which prevails vis-à-vis national law.

Regulatory framework
According to the provision of article 17 of the Law “as to aliens convicted of breaking this law, the court orders their lifelong expulsion from the country, except for, if important reasons justifying his/her residence in the country occur”. Those aliens may return to the country only posterior to the lapse of a three years time period from the expulsion and the Minister of Justice stands for their return. Accordingly, the Criminal Court applied the above provision in the case of the applicant, without, however, taking into account the relevant prescriptive provisions of primary and secondary community law.

Community Law
Article 48 of the Treaty for the E.E.C. (hereinafter the Treaty) introduces the freedom of movement of the employed within the Community, without prejudice to relevant restrictions justified on the grounds of public order, public security and public health. Furthermore, article 52 of the Treaty introduces the freedom of residence of citizens of a M.S. to the territory of another M.S. for the practice of non stipendiary activities and articles 59 and 60 the freedom of citizens of a M.S. to offer services to the territory of another M.S. Moreover, article 3 of the Directive 64/221/E.E.C. of the Council of Ministers of 25-02-1964 provides that the measures ordered on the grounds of public order or public security imposing restrictions on the residence of the citizens of other M.S. within the Community must be based exclusively on the personal conduct of the individual concerned; on the contrary, the above measures cannot be justified and consequently, shall not be legally imposed, only on the grounds of a prior conviction.

Conclusions
On the basis of the abovementioned, it was accepted by the Highest Court that the provision of article 17 of the Law, on the basis of which the Criminal Court reached its therein appealed decision to order the lifelong expulsion of the applicant, contravenes to the above community’s statutory instruments, as also judged by the E.C.J., which delivered its opinion posterior to a relevant interlocutory question raised before it by the Highest Court. Thus, given that no reference to the personal conduct was invoked in order to justify the measure of the lifelong expulsion, the plea of the applicant was considered well-founded. Therefore, the application was accepted and the relevant provision of the decision of the Criminal Court was revoked.
ANNEX IV: Application forms for EU citizens and family members

Application form for Union citizens

M1

Application form for Union citizens

(Δήμος Ευρετήριων, Δημόσιου Διοίκησης & Προστασίας)

Αίτηση για άδεια διαμονής

Η ακριβεία των στοιχείων που υποβάλλονται με αυτή την αίτηση μπορεί να ελεγχθεί με βάση τα αρχεία άλλων υπηρεσιών (άρθρο 8 παρ. 4 Ν. 1999/1986)

Θέση σερβιτού τριπλού περιφέρειας

Προς την Δήμου Αλλοδαπών & Μετανάστεως (ΥΠΕΞΔΑ) (i) την Υπηρεσία Αλλοδαπών & Μετανάστεως Νομού Περιφέρειας

(Άρθρο 22 του Ν. 1999/1986, δηλώνει ότι τα παρακάτω στοιχεία είναι αληθήις)

(Τόπος) .

(Ημερομηνία) .

Υπογραφή ενδιαφερομένου

ΙII. Σκοπός .

*Κωδικος

ΑΡΙΣΤΟΧΟΡΩΣΙΩΝ ΑΝΑΝΕΩΣΗ ΕΠΑΝΕΚΔΟΣΗ ΕΚ ΝΕΟΥ ΧΩΡΙΣΜΟΣ ΑΛΛΑΓΗ ΣΤΟΙΧΕΙΩΝ

ΑΠΟΘΕΩΣΗ (Σε περίπτωση επανέκδοσης)

ΙV. ΣΤΟΙΧΕΙΑ ΕΝΔΙΑΦΕΡΟΜΕΝΟΥ

A. ΣΤΟΙΧΕΙΑ ΤΑΥΤΟΠΟΙΗΣΗΣ ΕΝΔΙΑΦΕΡΟΜΕΝΟΥ

A1. ΕΠΩΝΥΜΟ
A2. ΟΝΟΜΑ
A3. ΟΝΟΜΑ ΠΑΤΕΡΑ
A4. ΕΠΩΝΥΜΟ ΠΑΤΕΡΑ
A5. ΟΝΟΜΑ ΜΗΤΕΡΑΣ
A6. ΕΠΩΝΥΜΟ ΜΗΤΕΡΑΣ
A7. ΗΜΕΡΟΜΗΝΙΑ ΓΕΝΝΗΣΗΣ
A8. ΧΩΡΑ ΓΕΝΝΗΣΗΣ
A9. ΦΥΛΟ A B C A10. ΙΔΙΑΤΕΛΕΙΑ / ΥΠΗΚΟΟΤΗΤΑ
A11. ΑΝΙΔΙΑΤΕΛΕΙΑ
A12. Έχει κάποιη αίτηση για πολιτιογράφηση στην Ελλάδα
A13. ΑΓΡΙΟ Α14. ΑΡΜΟΔΙΑ ΔΟΥ
A15. ΑΜΑ A16. ΤΑΝΕΙΟ

* Συμπληρώνονται από την Υπηρεσία
Ε. ΣΤΟΙΧΕΙΑ ΤΑΞΙΔΙΩΤΙΚΟΥ ΕΠΙΡΑΦΟΥ

Β1. ΤΥΠΟΣ
Β2. ΑΡΙΘΜΟΣ
Β3. ΗΜΕΡΟΜΗΝΙΑ ΑΝΗΣΗ
Β4. ΧΩΡΑ ΕΚΔΟΣΗΣ

Γ. ΣΤΟΙΧΕΙΑ ΣΗΜΕΡΙΝΗΣ ΔΙΑΜΟΝΗΣ

Παρακάλω να επικοινωνήσετε μαζί μου στην παρακάτω διεύθυνση

Γ1. ΟΝΟΜΑ Γ1. ΑΡΙΘΜΟΣ Γ3. Τ.Κ.
Γ4. ΔΗΜΟΣ / ΚΟΙΝΟΤΗΤΑ Γ5. ΝΟΜΟΣ
Γ6. ΤΗΛΕΦΟΝΟ ΕΡΓΑΣΙΑΣ

ΣΠΙΤΙΟΥ
ΚΩΔΙΚΟ

Δ. ΝΟΜΙΜΟΤΗΤΑ ΔΙΑΜΟΝΗΣ

Στην Ελλάδα διαμένω με Αδεια Διαμονής

Δ1. ΕΙΔΟΥΣΙΑ ΑΡΧΗ
Δ2. Τύπος

Δ3. ΕΚΑ
Δ4. Αρ. Φακέλου / Μητρώου

Δ5. Αρ. Αδειάς
Δ6. Κατηγορία Αδειάς

Δ7. Διάρκεια Ισχύος / Εκδόθηκε
Δ8. Είμαι ο κάτοχος της άδειας διαμονής

Δ9. Αναγράφεται στην άδεια διαμονής

Δ10. Είμαι αναγνωρισμένος πρόσφυγος

Δ11. Διαμένω με επικουρική προστασία

Δ12. Αντίθετα στην

Δ13. Αντίθετα επικουρική προστασία

Δ14. Είμαι άδεια διαμονής που έλαβε στην

Δ15. Δεν είμαι ποτέ άδεια διαμονής

Δ16. Η σημερινή μου για άδεια επικουρική προστασία στην

Δ17. Είμαι θύμης εισόδου (VISA) που έλαβε στην

Δ18. Στην Ελλάδα ήδη ή πρώτη φορά στην

Ε. ΟΙΚΟΓΕΝΕΙΑΚΗ ΚΑΤΑΣΤΑΣΗ

Ε1α. Άγαμος
Ε1β. Έγαμος
Ε1γ. Διαζευγμένος
Ε1δ. Ξε χερέβο

Ε2α. Αρδήσκο πατέρας ή γείτονα τέκνου
Ε2β. Στην Ελλάδα
Ε2γ. Εκτός Ελλάδος

Ε3α. Αρδήσκο πατέρας τέκνου
Ε3β. Στην Ελλάδα
Ε3γ. Εκτός Ελλάδος

ΣΤ. ΔΙΑΜΟΝΗ ΠΡΙΝ ΤΗΝ ΕΙΣΟΔΟ ΣΤΗΝ ΕΛΛΑΔΑ

ΧΩΡΑ
ΑΠΟ
ΕΩΣ
ΜΕ ΑΔΕΙΑ
ΔΙΑΜΟΝΗΣ
ΧΩΡΙΣ ΑΔΕΙΑ
ΔΙΑΜΟΝΗΣ

Ζ. ΚΙΝΗΤΙΚΟΤΗΤΑ

Ζ1. Επιθυμώ να διαμείνω στην Ελλάδα μόνο

Ζ2. Επιθυμώ να μεταναστεύσω περαιτέρω

Ζ3. Αν ναι, σε ποια χώρα:
<table>
<thead>
<tr>
<th>Η. ΣΤΟΙΧΕΙΑ ΜΕΛΩΝ ΟΙΚΟΓΕΝΕΙΑΣ</th>
</tr>
</thead>
<tbody>
<tr>
<td>Στην Ελλάδα συγκατατέθηκε με τα ακόλουθα πρόσωπα</td>
</tr>
<tr>
<td>H1. ΣΥΓΓΕΝΙΚΗ ΣΧΕΣΗ</td>
</tr>
<tr>
<td>H2. ΕΠΩΝΥΜΟ</td>
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<td>H3. ΟΝΟΜΑ</td>
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<td>ΠΑΤΕΡΑΣ   H4. ΟΝΟΜΑ</td>
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<td>H5. ΕΠΩΝΥΜΟ</td>
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<td>ΜΗΤΕΡΑ   H6. ΟΝΟΜΑ</td>
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<td>H7. ΕΠΩΝΥΜΟ</td>
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<td>H8. ΗΜΕΡ. ΓΕΝΝΗΣΗς</td>
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<td>H9. ΧΩΡΑ ΓΕΝΝΗΣΗΣ</td>
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<td>H10. ΦΥΛΟ</td>
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<td>H11. ΕΚΑ</td>
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<td>H12. ΑΡ. ΔΙΑΒΑΘΜΙΟΥ</td>
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<td>H13. ΗΜΕΡ. ΛΗΞΗΣ</td>
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<td>H14. ΧΩΡΑ ΕΚΔΟΣΗΣ</td>
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<tr>
<td>Η15. Επιθυμεί την συγγραφή στην οδηγία μου ΝΑΙ</td>
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</tbody>
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<tr>
<th>Η. ΣΤΟΙΧΕΙΑ ΜΕΛΩΝ ΟΙΚΟΓΕΝΕΙΑΣ</th>
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<tr>
<td>ΠΑΤΕΡΑΣ   H4. ΟΝΟΜΑ</td>
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<td>H5. ΕΠΩΝΥΜΟ</td>
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<td>ΜΗΤΕΡΑ   H6. ΟΝΟΜΑ</td>
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<td>H9. ΧΩΡΑ ΓΕΝΝΗΣΗΣ</td>
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<tr>
<td>Η15. Επιθυμεί την συγγραφή στην οδηγία μου ΝΑΙ</td>
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</tbody>
</table>
### Ι. ΟΙΚΟΝΟΜΙΚΗ ΚΑΤΑΣΤΑΣΗ

1. Επίκεφαλής καθαρά ακινήτων από εργασία στην Ελλάδα
2. Πλαίρνα αντίστοιχη
3. Συνεργάτης
4. Πλαίρνα επίδομα αντίστοιχη
5. Συνεργάτης

### ΙΑ. ΕΚΠΑΙΔΕΥΣΗ

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<th>ΕΠΙΠΕΔΟ ΕΚΠΑΙΔΕΥΣΗΣ</th>
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<th>ΑΠΟΦΟΙΤΗΣΑ ΟΧΙ</th>
<th>ΑΠΟΦΟΙΤΗΣΑ ΝΑΙ</th>
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<tr>
<td>ΙΑ 1: ΑΝΑΛΑΡΒΙΤΩΣ</td>
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<td>ΙΑ 2: Α' βάθμι Εκπαίδευση</td>
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<td>ΙΑ 3: Β' βάθμι Εκπαίδευση</td>
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<td>ΙΑ 4: Μεταδιδακτορική Εκπαίδευση</td>
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<td>ΙΑ 5: Επανεκπαίδευση</td>
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<tr>
<td>ΙΑ 6: Πανεπιστημιακή εκπαίδευση</td>
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</tbody>
</table>

### ΙΒ. ΑΔΙΑ ΚΟΙΝΩΝΙΚΑ ΧΑΡΑΚΤΗΡΙΣΤΙΚΑ

<table>
<thead>
<tr>
<th>ΙΒ1. Μητρική γλώσσα</th>
<th>ΙΒ2. Θρήνουμα</th>
</tr>
</thead>
<tbody>
<tr>
<td>ΙΒ3. Καταγωγή (αναμορφωμένη χώρα κατά ICAO)</td>
<td></td>
</tr>
<tr>
<td>ΙΒ4. Γραμματέα Ελληνικά</td>
<td></td>
</tr>
</tbody>
</table>

### Επίσημη της τοστού (ΕΠΩΝΥΜΟ)

| Παρακαλώ να χρησιμοποιήσει άδεια διαμονής στην Ελλάδα στον οποίον (πίνακας ή ενδεικτικών)
| Τον (ΠΑΤΡΙΟΝΥΜΟ) |
| Θα αντικατοπτριστούν, αποκλειστικά και μόνο, για την έκδοση της άδειας διαμονής μου, καθώς και για την επεξεργασία στατιστικών δεδομένων... |

### Επίσημη τοστού (ΗΜΕΡΟΒΙΟΙΚΟ)

| ΥΠΟΘΑΣΗ ΥΠΟΒΑΛΛΟΝΤΟΣ ΤΗΝ ΑΔΙΑΘ |
Ministry of Interior, Public Administration and Decentralization
Application for residence permit

The accuracy of elements submitted/given in this application may be checked by virtue of other services (art.8 par.4 L.1599/1986)

<table>
<thead>
<tr>
<th>File Number of the Host service</th>
<th>Date</th>
<th>A/A of the given certificate</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. To the Aliens and Immigration Directorate MIPAD (or) the Aliens and Immigration Service</td>
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</tbody>
</table>

Prefecture Region
(Through the Municipality/ the Community)

II. I ask you to provide me with a Residence Permit in Greece.
Being personally responsible/liable and being aware of the penalties/sanctions, provided in the provisions of par.6 of art.22 of L.1599/1986, I declare that the following data are true.-

(PLACE) (DATE)

III. PURPOSE

*CODE

PRIMARY/INITIAL PROVIDING RENEWAL REISSUE RE-PROVIDING CHANGE OF DATA

REASONING (in case of reissue)

A. IDENTIFICATION OF THE PERSON CONCERNED

B. ELEMENTS OF THE TRAVEL DOCUMENT

C. ELEMENTS/DATA OF TODAY’S RESIDENCE

D. LEGITIMACY OF RESIDENCE
E. MARITAL STATUS

F. RESIDENCE BEFORE THE ENTRY IN GREECE

G. MOBILITY

1. I would like to reside in Greece permanently
   YES NO
2. I intend to migrate in the future
   YES NO
3. If yes in which country?
   YES NO

H. DATA OF FAMILY MEMBERS

I. OCCUPATION/JOB

J. FINANCIAL POSITION

K. EDUCATION

L. OTHER SOCIAL FEATURES

1. Mother tongue
2. Religion
3. Origin (name of country according to ICAO)
4. I speak greek LEVEL

(The present is completed by the person submitting the application, when he/she is not the person for whom the residence permit is going to be issued)

Application of (LAST NAME)
(FIRST NAME) (FATHER’S NAME)
Nationality holder of
Passport / I.C, citizen of
number
Address PO Box

I request you to provide a Residence Permit in Greece to the above (A) person concerned

I submit the application as
Having single liability and being aware of the sanctions, provided in the provisions of par.6 of art.22 of L.1599/1986, I declare that the data of the present application are true and I assure that it is in my knowledge that this data will be kept in a data base kept in the Ministry of Interior, Public Administration and Decentralization and the competent Region and will be used, exclusively and only, for the issue of my residence permit, as well as for the elaboration of statistical data._
Application form for third country family members

ΕΠΩΝΥΜΟ
SURNAME.......................................................... ..,.,.,,.·.
NOM

ΟΝΟΜΑ
FORNAME  ............... .-..................... - ..................................
PRÉNOM·”

ΟΝΟΜΑ ΠΑΤΕΡΑ
FATHER’S NAME ................................... ..;... ...................
PRÉNOM DU PERE

ΟΝΟΜΑ ΜΗΤΕΡΑΣ
MOTHER’S NAME.............................................
PRENOM DE LA MERE:

ΟΝΟΜΑ ΣΥΖΥΓΟΥ
HUSBAND’S NAME __________________
PRENOM DU MARI

ΗΜΕΡΟΜΗΝΙΑ ΚΑΙ ΤΟΠΙΟ ΕΓΓΗΣΕΩΣ DATE AND PLACE OF BIRTH.

LIEU DE NAISSANCE ET DATE

ΚΑΤΑΓΩΓΗ
ORIGIN .......................................................... ..,.,.,,.·.
QΒΙΑΞΙΝΕ

ΥΠΗΚΟΟΤΗΤΑ
NATIONALITY..........................................................
NATIONALITE.

ΕΠΑΓΓΕΛΜΑ
PROFESSION ..........................................................
PROFESSION

ΕΡΓΑΖΕΣΤΕ Ή ΠΡΟΚΕΙΤΑΙ ΝΑ ΕΡΓΑΣΘΕΤΕ;

DO YOU WORK OR ARE YOU GOING TO WORK? TRAVAILEZ-VOUS, OU VOUS VOULEZ TRAVAILLER EN GRECE

ΓΙΑ ΕΚΑΣΤΗ ΛΙΕ pee ee Α ΠΕΡΑΤΑΣΗ FOR ISSUE OF RESIDENCE, PERMIT OR EXTENSION
DE PERMIS DE SEJOUR OU PROLONGATION

ΗΜΕΡΟΜΗΝΙΑ ΑΦΙΞΗ ΣΤΗΝ ΕΛΛΑΔΑ.

DATE OF THE LAST ARRIVAL IN GREECE
DATE DELA DERNIERE \`ENTREE EN GRECE

ΣΚΟΠΟΣ ΕΠΙΣΚΕΨΗΣ ΣΤΗΝ ΕΛΛΑΔΑ

REASON OF VISIT IN GREECE

RAISON DE VOTRE VISITE’ EN GREECE.

ΔΙΑΡΚΕΙΑ ΠΑΡΑΜΟΝΗΣ.

DURATION OF STAYING IN GREECE

DUREE DU SEJOUR EN GRECE.

ΗΜΕΡΟΜΗΝΙΑ
DATE (TO-DAY) .................................................................
DATE.

Υπογραφή
SIGNATURE