



Residence permits for third-country nationals

Briefing

October 2013

Recent developments

Law 4146/2013

Law 4146/2013 (the “Law”) came into force in 18 April 2013. It has amended, among others, Law 3386/2005 “on the entry, residence and social integration of third-country nationals in Greece” (the “*Third-Country Nationals Law*”). Specifically, the Law establishes two additional categories of third-country nationals who are eligible to obtain residence permits in Greece, namely (a) the legal representatives of entities that perform “strategic investments” in Greece as per Law 3894/2010 (the “*Strategic Investments Law*”) and (b) third country nationals who acquire real estate in Greece, the value of which exceeds 250.000 Euros.

The Strategic Investments Law

The Strategic Investments Law defines as strategic investments those investments that have significant qualitative and quantitative effects on the Greek national economy, whilst promoting the exit of the country from the financial crisis. Under the Strategic Investments Law, such investments benefit from a more favourable licensing and implementation regime.

In particular, the Strategic Investments Law provides that where any opinions, approvals, authorizations and licences (the “Licences”) are required with respect to any works for the implementation of the investment, especially in connection with planning and environmental aspects, such Licences will be granted within forty five (45) days from the filing of the relevant application by Invest in Greece¹ with the competent department of the Ministry of Development and Competitiveness. If the above deadline

¹ See below for further details of this organisation.

expires and the required Licences have not been issued, then the responsibility for the issue of such Licences is transferred to the Minister of Development and Competitiveness who must issue a decision (either granting the Licences or rejecting the application) within one (1) month. Moreover, the Strategic Investments Law provides that when a strategic investment is planned within approved city limits where special building regulations normally apply, project-specific building regulations which deviate from those normally applicable are possible for reasons of superior public interest, by virtue of a presidential decree to that end. The Strategic Investments Law also provides that any expropriations of land for the realization of strategic investments will be considered to be of the utmost urgency and major importance, and the Strategic Investments Law provides special publicity provisions, special provisions regarding the estimation of the value of the expropriated land, the available legal remedies and deadlines before the competent courts, and special procedures for the identification of the land owners concerned.

For an investment to fall within the scope of the Strategic Investments Law, it must satisfy at least one of the following conditions:

- The total cost of the investment exceeds 100.000.000 Euros.
- The total cost of the investment exceeds 15.000.000 Euros for investments in the industry sector in currently operating industrial zones, or 3.000.000 Euros for investments that are approved projects within the JESSICA² fund context.
- The total cost of the investment is over 40 million Euro and concurrently creates at least 120 new employment positions.
- At least 150 new employment positions are created from the investment in a viable manner or at least 600 jobs are retained.
- The investment cost exceeds 5.000.000 Euros for the development of business parks.

The decision as to whether a proposed investment will be treated as a strategic investment within the meaning of the Strategic Investments Law is taken by the Strategic Investments Committee of Ministers (the “Committee”) after taking into consideration several factors such as the viability of the proposed investment, the creditworthiness of the investor, the transfer of knowledge and know-how, etc. The Strategic Investments Law has also established Invest in Greece S.A. (“Invest in Greece”), which is a state-owned special purpose company incorporated in the form of a Greek société anonyme. Invest in Greece receives applications for the qualification of proposed investments as strategic investments, assesses the relevant business plans, gives opinions to the Committee in connection with the qualification for or the dismissal of a proposed investment from the scope of the Strategic Investments Law and operates as a ‘one-stop-shop’ for investors vis-à-vis the competent authorities in order for these strategic investments to be licensed and implemented rapidly.

Residence permits to legal representatives of entities that perform strategic investments in Greece

The Law has added a new paragraph 8 in article 26 of the Third-Country Nationals Law, providing that with respect to strategic investments falling within the scope of the Strategic Investments Law, a residence permit may be issued to the legal representative of the entity

² i.e. the Joint European Support for Sustainable Investment in City Areas initiative – for further information, see http://ec.europa.eu/regional_policy/thefunds/instruments/jessica_en.cfm.

that makes the strategic investment. Such permit may also be issued to up to ten (10) additional persons whose presence in Greece is a prerequisite for the smooth realization of the strategic investment. The above individuals (i.e. the legal representative and any additional persons) may be accompanied by members of their family and by domestic workers (in the cases of individuals with disabilities requiring personal assistance) who are also eligible to apply for a residence permit. Family members are defined under article 54 of the Third-Country Nationals Law as being: (a) the spouse of the third-country national (provided that he/she is over 18 years old) and any unmarried children under the age of 18 whom a third country national has with his/her spouse, including adopted children and (b) any other unmarried children under the age of 18 of the third-country national or of his/her spouse, including adopted children, provided that the third-country national or his/her spouse has custody over such children. The residence permits that are granted to family members and to domestic workers are of the same duration as the residence permits of the individuals whom they accompany.

Applications for the issue of the aforementioned residence permits, along with any required supporting documentation, are submitted to Invest in Greece. Within five (5) days from the date of the application, Invest in Greece must issue an opinion to the General Secretary for Strategic and Private Investments (the “General Secretary”) on the link between the applicant(s) and the strategic investment, and must also forward to the General Secretary any documentation submitted by the applicant(s). Within five (5) days from the receipt of the above documentation, the General Secretary must forward to the Minister of Interior a proposal. The Minister of Interior then decides on the issue of a residence permit, which may be valid for a maximum of ten (10) years. As expressly stated by the Law, the applications for residence permits related to strategic investments falling within the scope of the Strategic Investments Law are reviewed by all competent authorities as a matter of top priority.

Documentation required for the issue of a residence permit

Legal representatives of entities performing strategic investments and individuals whose presence in Greece is required:

- Application form in two (2) copies.
- Three (3) recent colour photographs.
- A copy of a valid passport or any other travel document recognized in Greece.
- A certificate by an insurance provider certifying that the insurance provider will cover any medical and hospitalization expenses of the insured individual.

Family members of the individuals under (a) above:

- Application form in two (2) copies.
- Three (3) recent colour photographs.
- A copy of a valid passport or any other travel document recognized in Greece.
- A certified copy of the residence permit granted to the accompanied individual or a certificate evidencing that an application for a residence permit has been filed by the accompanied individual.
- A certificate by an insurance provider certifying that the insurance provider will cover any medical and hospitalization expenses of the insured family member.

- A recent certificate issued by the competent third-country authority, evidencing the relation of the family member with the accompanied individual.

Domestic workers:

- Application form in two (2) copies.
- Three (3) recent colour photographs.
- A copy of a valid passport or any other travel document recognized in Greece.
- A certificate by an insurance provider certifying that the insurance provider will cover any medical and hospitalization expenses of the insured domestic worker.
- A certificate issued by the competent third-country authority, evidencing that the individual concerned is a domestic worker in the service of the accompanied individual.

Residence permits to individuals who acquire real estate property in Greece

The Law has added a new article 36A in the Third Country Nationals Law, providing that the following categories of third-country nationals may apply to obtain a residence permit in Greece:

- Those who own, either personally or through a legal entity - the shares of which are entirely owned by the third-country national - real estate in Greece the value of which is at least 250.000 Euros.
- Those who have entered into a timeshare agreement under Law 1652/1986 for a minimum of ten (10) years, if the price paid under the timeshare agreement is at least 250.000 Euros.
- Those who have entered into a lease agreement for hotel accommodation or furnished tourist accommodation in tourist accommodation complexes as per article 8, paragraph 2 of Law 4002/2011, for a minimum of ten (10) years, if the price paid under the lease agreement is at least 250.000 Euros.

In the event that the property under (a) above is co-owned, then a residence permit may be granted to both co-owners if they are spouses. In all other cases of co-ownership, a residence permit may be granted only to those co-owners whose investment in the property amounts to at least 250.000 Euros. A residence permit may also be granted to a third-country national if such individual owns (either personally or through a legal entity) several properties, the overall value of which is at least 250.000 Euros. With respect to cases falling under (a) above, a residence permit may also be granted prior to the acquisition of the property, provided that the third-country national proves that (i) he has the required funds to acquire the property, to be proved by documents evidencing the said capacity (e.g. bank statements, etc.) and (ii) he has the intention to acquire the property, to be proved by producing a copy of an agreement by virtue of which he appoints an estate agent or a lawyer to act as an intermediary in the acquisition. Owners or lessees of properties who acquire residence permits may be accompanied by members of their family. Such members are also eligible to apply for a residence permit upon their own request. The residence permits that are granted to such family members are of the same duration as the residence permits of the individuals that they accompany.

Applications for the issue of residence permits are filed either with (a) the “one-stop shop” of the competent department of the Regional Administration of the applicant’s place of temporary residence or (b) the competent department of the municipality of the applicant’s place of temporary residence. Third-country nationals applying for a residence permit under this category must have either (a) already acquired a residence permit for the reasons described under the Third-Country Nationals Law or (b) entered Greece after having obtained an entry visa.

Following the filing of the application and provided that all the required documentation is duly submitted, the competent authorities issue a receipt, which is valid for one (1) year. All applicants are entitled to reside in Greece for the entire duration of the receipt. Once the review of the applicant’s file is complete and provided that all the required conditions are fulfilled, the Foreigners and Immigration department of the competent Regional Administration issues a residence permit which is valid for five (5) years.

A residence permit issued under the process described above may be renewed for additional five (5) year periods provided that (a) the third-country national continues to be the legal owner of the real estate or (b) the third-country national continues to be a lessee with respect to any leased real estate. Any periods of absence from the country will not hinder the renewal of the residence permit provided that the above conditions are met. If the family members of the third-country national also apply for a renewal of their residence permits, such renewal takes place concurrently with the renewal of the residence permit of the third-country national.

Documentation required for the issue of a residence permit

Individuals who own, either personally or through a legal entity, real estate in Greece the value of which is at least 250.000 Euros:

- Application form in two (2) copies.
- Three (3) recent colour photographs.
- A copy of a valid passport or any other travel document recognized in Greece.
- A health certificate issued by a Greek hospital or private doctor certifying that the third-country national does not suffer from any condition which could be dangerous for public health as per international standards and the standards of the World Health Organization.
- A copy of the purchase agreement with regard to the property with a purchase price of at least 250.000 Euros.
- A certificate by the notary public who has drafted the purchase agreement that the purchase agreement falls within the scope of the Law.
- A certificate of registration of the purchase agreement with the competent land registry.
- A certificate by an insurance provider certifying that the insurance provider will cover any medical and hospitalization expenses of the insured individual.
- A copy of the articles of association of the legal entity that owns the real estate, evidencing that the third-country national is the owner of the entire share capital of such legal entity (in the cases of real estate owned through companies).

Individuals who have entered into a time-share or a lease agreement if the price to be paid under the time-share or lease agreement is at least 250.00 Euros:

- Application form in two (2) copies.
- Three (3) recent colour photographs.
- A copy of a valid passport or any other travel document recognized in Greece.
- A health certificate issued by a Greek hospital or private doctor certifying that the third-country national does not suffer from any condition which could be dangerous for public health as per international standards and the standards of the World Health Organization.
- A copy of the time-share or lease agreement, evidencing that the price of 250.000 Euros has been paid and mentioning that the Hellenic Tourism Organization has granted an operation license to the relevant hotel.
- A certificate of registration of the lease agreement with the competent land registry.
- A certificate by an insurance provider certifying that the insurance provider will cover any medical and hospitalization expenses of the insured individual.

Family members of the individuals under (a) and (b) above:

- Application form in two (2) copies.
- Three (3) recent colour photographs.
- A copy of a valid passport or any other travel document recognized in Greece.
- A health certificate issued by a Greek hospital or private doctor certifying that the family member does not suffer from any condition which could be dangerous for public health as per international standards and the standards of the World Health Organization.
- A certified copy of the residence permit granted to the accompanied individual or a certificate evidencing that an application for a residence permit has been filed by the accompanied individual.
- A certificate by an insurance provider certifying that the insurance provider will cover any medical and hospitalization expenses of the insured family member.
- A recent certificate issued by the competent third-country authority, evidencing the relationship of the family member to the accompanied individual.

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