



ICLG

The International Comparative Legal Guide to:

Corporate Immigration 2014

1st Edition

A practical cross-border insight into corporate immigration law

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Greece

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1 Introduction

1.1 What are the main sources of immigration law in Greece?

The key immigration Law in Greece is Law 4251/2014 (Immigration and Social Integration Code and other relevant provisions), which regulates *inter alia* the granting of residence permits for various reasons to foreigners. It entered into force on 1 June 2014 and contains provisions on the entry of foreigners in Greece, their residence in the country, various purposes for residence (e.g. residence for educational purposes, residence for the purpose of economic activity, etc.). Said Law replaced Law 3386/2005 (entry, residence and social integration of third-country nationals into the Greek territory), but certain articles, namely articles 76, 77, 78, 80, 81, 82, 83 and 89 (§§1-3), remain in force.

Besides the aforementioned provisions, article 15 of Law 3536/2007, article 18 §8 of Law 3870/2010, Presidential Decrees 106/2007 and 131/2006, as amended by the Presidential Decrees 167/2008 and 113/2013, as well as the joint Ministerial Decisions 23443/2011 and 15055/546/2011 are applied and contain relevant regulations.

Furthermore, the European Union has authority, to a certain extent, on immigration law affecting all EU Member States, such as: the Council Directive 2009/52/EC, OJ 2009 L168/24 of 18 June 2009, which provides for minimum standards on sanctions and measures against employers that illegally employ third-country nationals; the Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (“EU Blue Card Directive”); the Directive 2008/115/EC, OJ 2008 L348/9 of 16 December 2008, on common standards and procedures in Member States for deporting illegally resident third-country nationals; and other important EU regulations. All of the above EU legislation has been incorporated and implemented in the Greek legal system.

1.2 What authorities administer the corporate immigration system in Greece?

The main immigration authorities dealing with applications for visas and their issue are the Greek Embassies or Greek Consulates abroad. The Minister of Internal Affairs, the General Secretary of Decentralised Administration, the local Directorates for foreigners and immigration and the competent Directorate for immigration policy of the Ministry for Internal Affairs are the main administrative agencies of the Greek immigration system. The Ministry of Labour is responsible for most foreign nationals’ employment in Greece.

1.3 Is Greece part of a multilateral agreement between countries (EU/NAFTA/MERCOSUR) which facilitates the movement of people between countries for employment purposes?

In principle, Greece follows the Schengen Agreement provisions and the subsequent “*acquis*” concerning short-term visa issues. Countries applying the Schengen “*acquis*” follow a common visa policy for granting to third-country nationals short-term stays of up to three (3) months in the Schengen area.

Furthermore, Greece has signed bilateral agreements regarding the terms of entry, residence and term of employment of third-country nationals for seasonal work. The most important ones are the bilateral agreement between Greece and Albania for seasonal employment (N.2482/1997), and the Agreement for the promotion of bilateral cooperation on labour issues between Greece and the Government of the Arab Republic of Egypt (N.1453/84). The latter agreement does not regulate the conditions of seasonal employment, but for general employment issues.

An agreement was concluded recently between Greece and Canada for the “Mobility of Young People” within these two countries. This agreement aspires to enable young people to live and know the culture and the work society of each country (“working holidays”). The agreement is not intended to establish reciprocal immigration, but aims for the creation of positive impressions on young people of the two countries.

2 Business Visitors

2.1 Can business visitors enter Greece under a relevant visa waiver programme?

Greece offers visa waiver programmes for the following categories of nationals, who enjoy a special status (and therefore in general, the issuance of a visa is not required, when travelling to Greece):

- Citizens of the EU Member States do not need a visa to enter Greece (and the Schengen area). The citizens of such countries are not subjected to border controls within the Schengen area. They have to produce only a passport or an I.D. card at the port of entry.
- Third-country nationals, who lawfully reside in the EU (i.e. holders of residence permits), can enter Greece without an entry visa.
- In addition, visitors to Greece from Andorra, Argentina, Australia, the Bahamas, Barbados, Bolivia, Brazil, Brunei Darussalam, Canada, Chile, Costa Rica, Antigua and Barbuda, FYROM, The Holy See (Vatican), Croatia, El Salvador,

Guatemala, Honduras, Ireland, Israel, Japan, Malaysia, Mauritius, Mexico, Monaco, New Zealand, Nicaragua, Panama, Paraguay, Saint Kitts and Nevis, San Marino, Serbia, the Seychelles, Singapore, South Korea, Switzerland, Uruguay, the USA and Venezuela do not require a visa for a stay of up to 90 days, for tourism or business purposes, within a six (6) month period.

- All other nationals require a visa to visit Greece. Greek immigration authorities usually require non-EEA visitors to produce a return ticket and proof of accommodation, travel insurance covering cases of medical or other emergencies for the duration of the stay and financial resources.

2.2 What is the maximum period for which business visitors can enter Greece?

The maximum period of stay per entry varies, based on the entry visa that business visitors possess.

VISA C Holders are in general allowed to stay in Greece for a maximum of 90 days within any period of 180 days, and VISA D Holders are allowed to stay in Greece for a period which exceeds 180 days and may be raised to 365 days.

2.3 What activities are business visitors able to undertake?

According to the applicable Law (4251/2014), business visitors holders of a VISA C are entitled to participate in congresses, seminars, or training sessions, as well as in business meetings, sport or cultural events for a time period that is defined in their VISA, and in any case for a maximum of 90 days within any period of 180 days.

2.4 Are there any special visitor categories which will enable business visitors to undertake work or provide services for a temporary period?

No, there are no such categories.

2.5 Can business visitors receive short-term training?

Business visitors could receive short-term training for a period which does not exceed 90 days.

3 Immigration Compliance and Illegal Working

3.1 Do the national authorities in Greece operate a system of compliance inspections of employers who regularly employ foreign nationals?

The local competent Directorates for foreigners, as well as the Labour Inspection Authorities operate on a regular basis on-the-spot inspections of employers who employ foreigners, in order to ascertain if they meet the conditions provided for the legal employment of third-country nationals.

3.2 What are the rules on the prevention of illegal working?

An illegal worker is deemed to be any worker who does not meet the conditions of legal residence in Greece, as well as any worker whose residence permit or entry visa does not provide him the right of access to the labour market.

An attempt by the competent authorities is being made through the aforementioned inspections (see question 3.1) to limit illegal working.

In case the competent authorities ascertain that the foreign worker is illegal, the latter has to leave Greece immediately and pay upon his departure quadruple the value of the fee required for the issue of a residence permit of one year if the illegal residence does not exceed 30 days; if the illegal residence exceeds 30 days, he has to pay eight times the value of the fee for the issue of a one-year residence permit.

3.3 What are the penalties for organisations found to be employing foreign nationals without permission to work?

Employers employing foreign workers who do not meet the conditions of legal residence in Greece are subject to the penalties provided for by the provisions of Law 4052/2012, as such Law applies.

Employers employing foreign employees whose residence permit or entry visa does not provide them the right of access to the labour market are subject among other penalties provided for by the legislation to a monetary penalty of €1,500 per unauthorised employee.

If the breach of the provisions for legal working is the promotion of the foreign national to prostitution, penalties provided for *inter alia* by the applicable legislation, include the employer's imprisonment of at least two years, and a monetary penalty of €6,000. In case the victim is underage, the employer is subject to imprisonment for up to ten years and a monetary penalty of between €10,000 and €50,000. Furthermore, the perpetrator is punished with imprisonment and a monetary penalty of between €50,000 and €100,000 in case the crime was committed a) against a person younger than fifteen years old, b) by fraud, c) by a parent by blood or marriage, or by adopting parent, spouse or other person who is responsible for the child, or d) by an employee who upon the performance of his duties commits or participates in any way in the illegal act.

4 Corporate Immigration - General

4.1 Is there a system for registration of employers who wish to hire foreign nationals?

According to articles 12, 13 and 14 of Law 4251/2014, any employer who wishes to hire foreign nationals should file an application to the competent Decentralised Directorate, in which he should mention the number of work positions, the data and the nationality of the candidate workers, their capacity, and the term of the employment.

4.2 Do employers who hire foreign nationals have ongoing duties to ensure immigration compliance?

Hiring and employment of third-country nationals is permitted, only under the condition that the latter have a residence permit for work or the appropriate provisional certificate for which they have already submitted the required documents for its issue.

Employers who employ third-country nationals should immediately inform the competent Service for Foreigners and Immigration of the Region for such hiring and any change in their employment status, for example an extension of their contract and notice of its termination.

4.3 Do the immigration authorities undertake routine inspections of employers who sponsor foreign nationals, to verify immigration compliance?

As stated above in question 3.1, immigration authorities perform regular on-the-spot inspections of businesses which employ third-country nationals in order to verify immigration compliance. In fact, in recent years said inspections have increased due to the surge of immigration in Greece.

4.4 Do the immigration authorities maintain a list of skilled occupations which may be filled by foreign nationals?

The applicable laws do not provide an exclusive list of skilled occupations that may be filled by third-country nationals.

4.5 Is there a recognition that some occupations may be in short supply and do special exemptions apply to certain sectors and occupations?

There is no relevant provision in the framework of the applicable laws, regulations and policies.

4.6 Are there annual quotas for different types of employment-related work permits or visas?

According to article 11§1 of Law 4251/2014, the Ministers of Internal Affairs, Foreign Affairs, Development and Competitiveness, Merchant Shipping and Aegean and the Minister of Labour and Social Security issue a decision within the last quarter of each second year regarding the maximum number of work positions for employment granted to third-country nationals per region and according to employment capacity. By virtue of the same decision, the Ministers may provide an increase of the maximum number of the work positions up to 10% in order to cover urgent and unforeseen needs.

According to article 11§3, the regulations of §1 of the same article apply also regarding the determination of the number of the foreign workers for temporary work, invitation of fishermen and employment of highly qualified persons.

4.7 Are employees who are sponsored to work in Greece required to demonstrate language proficiency?

No, there is no language proficiency requirement.

4.8 Are employees who are sponsored to work in Greece required to undergo medical examinations before being admitted?

According to the applicable law, medical examinations are not required in order for third-country nationals to obtain a residence permit for work. According to article 6 §d of Law 4251/2014, the Ministry of Internal Affairs or the General Secretary of the Decentralised Administration is entitled to ask for the foreigner to undergo medical examinations within three months as of his arrival in Greece, in case there are serious indications that he suffers from any of the illnesses which constitute a threat to the public health according to the same Law. Under no circumstances can these medical examinations have a systematic character.

4.9 Does the work permit system allow employees who hold work permits to be seconded to a client site?

There is no relevant provision in the applicable Law, but in case the employee holds a valid permit there is no obstacle for him to work at an employer's client site.

5 Highly Skilled Visas

5.1 Is there an immigration category which covers highly skilled individuals?

The articles 109-127 of Law 4251/2014 regulate the entry and residence of third-country nationals for the purposes of highly qualified employment ("EU Blue Card Directive") in the framework of the Council Directive 2009/50/EC. A foreign national who enters Greece for the aforementioned purposes should apply to the competent authorities for the granting of the EU Blue Card. The applicant must have a work contract or binding job offer with a salary of at least 1.5 times the average gross annual salary paid in Greece.

A Blue Card acquirer has to obtain a valid travel document (and in specific cases a valid residence permit or a national long-term visa), valid health insurance and for regulated professions documents establishing that he meets the legal requirements, and for unregulated professions documents establishing the relevant higher professional qualifications. In addition, the applicant must not pose a threat to public policy in the view of the Member State to which he seeks admission. The validity of the EU Blue Card is two years and can be renewed thereafter. The Blue Card gives a series of rights, including favourable family reunification rules. The proposal also encourages geographic mobility within the EU, between different Member States, for those who have been granted a Blue Card.

6 Investment or Establishment Work Permits

6.1 Is there an immigration category which permits employees to be authorised to work based on investment into your jurisdiction?

Yes.

According to article 16 §1 of Law 4251/2014 the entry and residence of third-country nationals is allowed in order to make investments which shall have positive effects on Greek economy and development. Up to ten (10) third-country nationals are allowed to enter and stay in Greece for the performance of the investment depending on the amount of the investment: a) as high-level officials; b) as experts; and c) as qualified officers or technical staff. The term of the residence permit for investment purposes is five years and can be renewed thereafter under the condition that the operation of the investment activity is continuing.

Furthermore, according to article 16 §2 of the said Law up to ten (10) third countries nationals per investment can enter Greece in order to make investments, which have been characterised as "Strategy Investments". Law 3894/2010, as amended by Law 4146/2013, sets out the framework which governs the "Strategy Investments".

7 Temporary Work Permits

7.1 Is there an immigration category permitting the hiring of temporary workers for exchanges, career development, internships or other non-economic purposes?

According to article 33-47 of Law 4251/2014, a residence permit can be granted to third-country nationals for studies, voluntary work, career development, research, exchanges programmes, and specialist medical training. The term of the aforementioned residence permit is one year and can be extended under specific conditions.

7.2 Are there sector-specific temporary work permit categories which enable foreign workers to perform temporary work?

According to article 18 of Law 4251/2014, third-country nationals who enter Greece for a specific purpose and time period that is related to the completion of this purpose, are entitled to obtain an entry visa (VISA D) granted to them by the competent Greek Embassy or Greek Consulate even beyond the 90 days, which permits residence in Greece for business or other reasons. The said entry visa is granted to third-country nationals who fall within the following categories:

- Seasonal work: Foreign workers are not able to stay for a period longer than six months, and they should work only for the specific purpose for which their VISA was granted.
- Fishermen: Entry Visa cannot be granted for a period longer than 11 months.
- Members of artistic groups: Entry Visa cannot be granted for a period longer than one year.
- Third-country nationals who move from a company established in a Member State of the European Union or the European Economic Area to Greece in order to provide specific services: Entry Visa cannot be granted for a period longer than one year.
- Third-country nationals who move from a company established in a third country to Greece in order to provide specific technical services: Entry Visa cannot be granted for a period longer than six months.
- Leaders: Entry Visa cannot be granted for a period longer than eight months.
- Third-country students who come to Greece in order to participate in internship programs: Entry Visa cannot be granted for a period longer than six months.

8 Group or Intra-Company Transfer Work Permits

8.1 Does a specific immigration category exist for inter-company transfers within international groups of companies?

This is not applicable in Greece.

However, please note that according to Greek law on immigration, a residence permit for work is granted to third-country nationals who move from a company established in a Member State of the European Union or the European Economic Area to Greece in order to provide specific services and to third-country nationals who move from a company established in a third country to Greece in order to provide specific services.

Furthermore, according to Greek law on immigration, third-country nationals who are members of the BoD, executives, shareholders, legal representatives of Greek companies or of multinational companies that have permanent establishment in Greece may receive a residence permit.

8.2 What conditions must an employing company or organisation fulfil in order to qualify as part of a group of companies?

This is not applicable in Greece.

8.3 What conditions must the employer fulfil in order to obtain a work permit for an intra-company group employee?

This is not applicable in Greece.

In any case, the third-country national should follow the procedure provided for by the Greek legislation in order to obtain a residence permit for work depending on the category he falls under (i.e. executives, seasonal work, members of the BoD etc.).

8.4 What is the process for obtaining a work permit for an intra-company group employee?

This is not applicable in Greece.

8.5 What is the process for the employee to obtain a visa under the intra-company group transfer category?

This is not applicable in Greece.

8.6 How long does the process of obtaining the work permit and initial visa take?

The processing timeline for obtaining residence permit for work varies from city to city and that is due to the high number of applicants in big cities, such as in Athens or Thessaloniki. It may take from one day to six months.

As far as the issuance of the initial entry visa is concerned, the processing timeline depends on the workload of the Greek consular authorities of the country of origin. On average, this process takes 10 days.

8.7 How long are visas under the "initial" category valid for, and can they be extended?

As stated above, initial visas, i.e. VISAS C, are valid for a maximum of 90 days within any period of 180 days and they cannot be extended. In case a third-country national enters Greece for the aforementioned time period once and then leaves the country, he has to issue a new entry VISA should he wish to enter again.

8.8 Can employees coming under the intra-company transfer route apply for permanent residence?

This is not applicable in Greece.

9 New Hire Work Permits

9.1 What is the main immigration category used for employers who wish to obtain work permits for new hires?

Third-country nationals who wish to work in Greece must receive before travelling to Greece, a VISA by the Greek Embassy or Greek Consulate of the country of their residence.

Once they enter Greece they should apply for a permit during the time period said visa is still valid, depending on the category they fall under, according to Greek law on immigration. Residence permit for work purposes includes the following categories:

- Salaried employment or rendering of services or project.
- Employees for specific purposes (i.e. executives, members of the BoD etc.).
- Investment activity.
- Highly qualified employees (Blue Card).

9.2 Is there a requirement for labour market testing, to demonstrate that there are no suitable resident workers, before a work permit can be issued to new hires?

No. Please see our answer to question 4.6 above.

9.3 Are there any exemptions to carrying out a resident labour market test?

This is not applicable in Greece.

9.4 What is the process for obtaining a work permit for a new hire?

Third-country nationals who wish to work in Greece must receive before travelling to Greece a VISA by the Greek Embassy or Greek Consulate of the country of their residence.

According to Greek law on immigration, once they enter Greece they should apply for a permit during the time period that said visa is still valid, depending on the category they fall under.

The applications for the granting of a residence permit are filed before the Department of Foreigners and Immigration of the Decentralised Directorate of the applicant's place of residence or to the competent Immigration Policy Directorate of the Internal Affairs Ministry.

The applicant should submit a fee according to article 132 of Law 4251/2014 (150 euros for one-year permit, 300 euros for a two-year permit, 450 euros for a five-year permit and 600 euros for permits up to 10 years). The applicant should also hold specific documents depending on the category of work permit that he falls under, as same are provided in relevant Ministerial Decision (art. 136 of the Law 4251/2014).

9.5 What is the process for the employee to obtain a visa under the intra-company group transfer category for a new hire?

This is not applicable in Greece.

9.6 How long does the process of obtaining the work permit and initial visa for a new hire take?

The same application process is followed as that described in question 8.6 above.

9.7 How long are initial visas for new hires granted for and can they be extended?

The initial visas, which are granted for new hires (VISA D), are valid for a time period which exceeds 180 days and can be up to 365 days, without the possibility of renewal.

9.8 Is labour market testing required when the employee extends their residence?

This is not applicable in Greece.

9.9 Can employees coming as new hires apply for permanent residence?

No, they cannot.

10 Conditions of Stay for Work Permit Holders

10.1 What are the conditions of stay of those who obtain work permits and are resident on this basis?

Those who have obtained a work permit may lawfully stay in Greece, as long as their permit is in force. In case their residence permit for work expires and is not renewed, then they should leave the country.

10.2 Are work permit holders required to register with municipal authorities or the police after their arrival?

Once third-country nationals enter Greece they should apply for a permit during the time period their visa is still valid, depending on the category they fall under, according to the Greek law on immigration.

A visa, together with other relevant documents (e.g. employment agreement, medical information, passport photos, certificate proving the place of residence in Greece, minimum wage to cover their expenses etc.) should be submitted to the competent authorities in Greece and more particularly to the Department of Foreigners and Immigration of the Decentralised Directorate of the applicant's place of residence.

11 Dependants

11.1 Who qualifies as a dependant of a person coming to work on a sponsored basis?

Spouses, in case they are over 18, as well as their single children under the age of 18 years old including adopted children qualify as dependants. Others that qualify as dependants include single children under the age of 18 of the sponsor or of their spouse, including adopted minors, in case they have the parental care of the latter.

11.2 Do civil/unmarried or same-sex partners qualify as family members?

No, they do not.

11.3 Do spouses and partners have access to the labour market when they are admitted as dependants?

The sponsors' spouses have access to the labour market only after the first renewal of their residence permit.

11.4 Do children have access to the labour market?

In general, the sponsor's children have access to education, salaried employment, rendering of services or project and access to career orientation. The access to the labour market for children is allowed only if the requirements of Greek law regarding children's work apply.

12 Permanent Residence

12.1 What are the conditions for obtaining permanent residence?

A third-country national who legally and continuously resides in Greece for five years can acquire the long-term resident status.

For the acquisition of the above status the following conditions should be fulfilled:

- He should possess stable and regular resources, which are evaluated according to their nature for himself and for his dependant family members.
- He should have complete sickness insurance covering himself and his dependant family members.
- He should fulfil one of the terms of social integration according to article 90 par. 2 of Law 4251/2014 and specifically:
 - Greek language proficiency and knowledge of Greek history and culture;
 - a permanent residence permit as a member of a Greek citizen's family;
 - existence of a relevant favourable report of the Naturalisation Committee; or
 - legal stay in Greece for 12 years.

12.2 Is it possible to switch from a temporary work visa to a work visa which leads to permanent residence?

No. The holder of a temporary work visa is entitled to stay in Greece only for the performance of a specific purpose and only for a specific time period. If the foreigner wants to obtain a permanent residence he should leave Greece and re-enter under other specific conditions.

13 Bars to Admission

13.1 What are the main bars to admission for work?

In order for a third-country national to obtain a residence permit he should hold a valid transport or other travel document recognised by Greece, a VISA issued by the Greek Consulate or Embassy of his residency area, he should not be a threat to public order and security, as well as to public health and he should have full health insurance for all dangers that nationals are covered for.

Depending on the specific category the employee falls under, he should submit the list of the relevant documents as required by the law (as for instance employment agreement in case of dependent employment, a copy of the Government's Gazette in the case of administrators or legal representatives of the company etc.).

13.2 Are criminal convictions a bar to obtaining work permission or a visa?

According to article 6 of Law 4251/2014, the issuance of a final conviction, for felony or misdemeanour, and consequent imprisonment of at least one year, constitutes one of the criteria that may lead the authorities to consider that the third-country national constitutes a threat to the public order and security.

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