



GMS Flash Alert

Immigration Edition

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Greece - Immigration Measures for U.K. Nationals and Family Members

On 26 March 2019, Law 4604/2019¹ guaranteeing U.K. citizens' rights in Greece after the withdrawal of the United Kingdom from the European Union (EU) was published in the official Government Gazette. The law includes provisions both for the case of a U.K. exit with a withdrawal agreement, as well as for the case of a "no deal" exit ("no-deal Brexit").

The new law settles the future status of British nationals and their family members already living in Greece and those who enter before the U.K.'s exit date and until 31 December 2020, according to existing EU and national rules, and offers them continued rights to stay and work in the country.²

This newsletter addresses provisions affecting U.K. citizens and their family members in Greece. In particular, their entry in, exit from, and stay in Greece.

WHY THIS MATTERS

After Brexit, U.K. citizens will no longer be EU citizens and thus will no longer be able to claim residence in an EU or European Economic Area (EEA) member state on the basis of the EU treaty. As a result, they would be subject to rules and conditions similar to those required for third-country citizens in Greece and the rest of the EU. The Greek law regulates U.K. citizens' and family members' rights in Greece, if the U.K. exits the EU either with or without an agreement. Although the rules refer to the initial exit date of 29 March 2019, it is likely that they will apply to the new exit date of 31 October 2019.

There is effectively a window provided during which affected U.K. citizens and their family members can alter their status in Greece and be in compliance with the new rules.

U.K. Exit without Agreement

Entry and Exit to/from Greece

- U.K. citizens and family members (either U.K. citizens or third-country citizens) having entered Greece and obtained the appropriate documents for their legal stay in Greece until the date of U.K.'s exit from the EU (EU citizen Registration Certificate, permanent residence certificate, residence form or permanent residence form) can enter and exit Greece until 31 December 2020 using a valid passport (i.e., no visa is required).
- In case of entry to Greece before the U.K.'s exit date but there is a failure to file for issuance of the legal stay documents until the date of the U.K.'s exit, these citizens as well as their family members (either U.K. citizens or third-country citizens) must file the related applications by 31 December 2020, in order to be exempt from the visa obligation. The same rules also apply in case of entry after the U.K.'s exit and until 31 December 2020.
- Entry to and exit from Greece as of 1 January 2021 will be regulated by the provisions applying to third-country nationals subject to any other, more favourable bilateral agreements.

Stay in Greece

- Documents evidencing the legal stay of U.K. citizens and family members (either U.K. citizens or third country citizens) in Greece (EU citizen Registration Certificate, permanent residence certificate, residence form or permanent residence form) issued by the date the U.K. exits from the EU, apply until 31 December 2020.
- The above expiry date (31 December 2020) also applies to the legal stay documents to be issued during the period from the U.K.'s exit through 31 December 2020.
- The period of stay of U.K. citizens in Greece continues to be taken into account in calculating the five years required for them to qualify as long-term residents, without the need to meet the conditions for integration into Greek society (for instance, sufficient knowledge of the Greek language and the country's history/civilization, etc.). Family members of those U.K. citizens who have obtained long-term residence permits can also apply for the same residence permits on the basis of the family unification provisions (irrespective of their citizenship).
- U.K. citizens and family members having legally resided in Greece for a continuous five-year period can obtain a "permanent stay residence permit." That residence permit is valid for five years, and renewed by law for five years each time (the related application must be filed by 31 October 2020).

In case of a legal stay for a period of less than five years, the right to file for a three-year residence permit until 31 October 2020 is provided, with such residence permit renewed for three years each time until the completion of the five years of stay that is required for the classification as a long-term resident or for the issuance of a five-year residence permit.

- The supporting documents for the issuance of the above documents as well as other details will be clarified by an upcoming Ministerial Decision , which may also amend the above deadlines.
- The stay of U.K. citizens and family members (either U.K. citizens or third-country citizens) who enter Greece after 1 January 2021 will be regulated by the provisions applying to third-country nationals subject to more favourable bilateral agreements.

Specific Issues

Other issues which may arise as a result of the U.K.'s exit from the EU without an agreement and are not regulated by EU legislation (e.g., access to the employment market, recognition of professional and academic qualifications.) will be regulated by joint decisions of the Ministry of External Affairs and the competent ministry on a case-by-case basis.

U.K.'s Exit under an Exit Agreement

- In case of the U.K.'s exit from the EU under a withdrawal agreement, the EU's provisions on the rights of U.K. citizens and family members in Greece apply, as far as stay, access to the employment market, social security, medical/pharmaceutical and hospital treatment, the recognition of professional and academic qualifications and the use of U.K. driving licenses are concerned.
 - The types of Greek residence permits to be issued for U.K. citizens and their family members (irrespective of their citizenship) will be regulated as provided in an upcoming Ministerial Decision.
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FOOTNOTE:

1 ΝΟΜΟΣ ΥΠ' ΑΡΙΘΜ. 4604 (26 Μαρτίου 2019), ΦΕΚ Α' 50 (26.03.2019). The law (in Greek) can be found on the HellasTax website at: <http://hellastax.gr/archives/84991> . Please note this is a 3rd party, non-governmental, non-KPMG website. Providing this link does not represent an endorsement of this website by KPMG.

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* Please note that KPMG LLP (U.S.) does not provide immigration services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.

The information contained in this newsletter was submitted by the KPMG International member firm in Greece.

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