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Newsflash

16 April 2019

Law 4604/2019 (Official Government Gazette A' 50/26.3.2019) Regulation of U.K citizens' and families' members' rights in Greece, in case of U.K.'s exit from the European Union

Among its other provisions, Law 4604/2019 regulates U.K. citizens' and families' members' rights in Greece, in case the U.K. exits the European Union without an agreement. The regulations in case refer to the initial exit date (29 March 2019), but it is most probable that they will apply by analogy to the new exit date (31 October 2019).

The law also provides for the rights of U.K. citizens and members of their families in Greece in case of exit of the U.K. on the basis of the Exit Agreement, referring in practice to the latter's provisions.

U.K. Exit without an agreement

Entry and Exit to/from Greece

- U.K. citizens and members of their families (either U.K. citizens or third country citizens) having entered Greece and obtained the documents for their legal stay in Greece until the date of U.K.'s exit from the European Union (E.U. citizen Registration Certificate, permanent residence certificate, residence form or permanent residence form as applicable) can enter and exit Greece until 31 December 2020 on the basis of a valid passport (i.e. no visa is required).
- In case of entry to Greece before the U.K.'s exit date and failure to file for the issuance of the above legal stay documents until the date of U.K.'s exit, these citizens as well as members of their families (either U.K. citizens or third country citizens) must file the related applications by 31 December 2020 in order to be released from the visa obligation. The same regulations also apply in case of entry after 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 more favourable bilateral agreements.

Stay in Greece

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

In case of legal stay for a period less than five years, the right to file for a three year residence permit within the above timeframe is provided, with such residence permit renewed for three years each time until the completion of five years of stay required for

the classification as long term resident or for the issuance of a five years residence permit.

- The supporting documents for the issuance of the above documents as well as other details will be clarified by virtue of a Ministerial Decision to be issued, which can also amend the above deadlines.
- The stay of U.K. citizens and members of their families (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 any more subject to any more favourable bilateral agreements.

Health Care

- U.K. citizens and their family members who, at the date of U.K.'s exit, were subject to the E.U. Regulations 883/2004 and 987/2009 and are registered or will be registered, on the basis of EU certificates, with the social security fund of the place of their residence in Greece will continue to fall under the above Regulations for the provision of hospital and medical/pharmaceutical treatment until 31 December 2019. Persons moving temporarily and legally entering Greece after U.K.'s exit from the E.U. are entitled to hospital and medical/pharmaceutical treatment at their own expenses at state prices for the period until 31 December 2019.
- The above deadlines can be amended and any specific matter can be regulated by virtue of a Ministerial Decision to be issued.

Specific Issues

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

U.K.'s Exit in accordance with the Exit Agreement

- In case of U.K.'s exit from the European Union on the basis of the Exit Agreement, the latter's provisions on the rights of U.K. citizens and members of their families 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 by virtue of a Ministerial Decision to be issued.

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This Newsletter aims to provide the reader with general information on the above-mentioned matters. No action should be taken without first obtaining professional advice specifically relating to the factual circumstances of each case.

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