

**GOVERNMENT GAZETTE OF
THE HELLENIC REPUBLIC
FIRST ISSUE**

Issue number 217
10th November 2004

LAW 3284

Ratification of the Greek Nationality Code

THE PRESIDENT OF

THE HELLENIC REPUBLIC

We hereby issue the following law passed by Parliament:

First Article

The Greek Nationality Code, as compiled by the Committee constituted under article 18 (22) (d) of Law 2503/1997 (Government Gazette 107/A') by resolution 1529/14 Jan 2003 of the Minister of Interior, Public Administration and Decentralisation, is hereby ratified as follows:

“GREEK NATIONALITY CODE”

CHAPTER A

ACQUISITION OF GREEK NATIONALITY

I. By birth

Article 1

1. The child of a Greek father or mother shall acquire the Greek nationality by birth.
2. A person born in Greek territory shall acquire the Greek nationality by birth, provided that such person does not acquire any foreign nationality by birth or is of unknown nationality.

II. By acknowledgement

Article 2

An alien born out of wedlock and lawfully acknowledged as the child of a Greek father, so that such person is fully made equal to a genuine child of his/her father, shall become a Greek national at the time of the acknowledgement, if he/she is a minor at that time.

III. By adoption

Article 3

An alien adopted before his/her coming of age as the child of a Greek father or mother shall become Greek national at the time of adoption.

IV. By enlistment in the Armed Forces

Article 4

1. Aliens of Greek ethnic origin who are admitted to military schools for officers and non-commissioned officers of the Armed Forces or enlist in the Armed Forces as volunteers, in accordance with the applicable legislation, shall *ipso jure* acquire the Greek nationality as from their admittance to such schools or as from their enlistment.

2. Aliens of Greek ethnic origin who enlist as volunteers at the time of mobilization or war in accordance with the applicable legislation may acquire the Greek nationality by applying to the General Secretary of the Region and without any further formalities.

3. Any of the persons mentioned in the preceding paragraph who are promoted to officer rank in the standing Armed Forces or in the Reserve shall *ipso jure* acquire the Greek nationality.

4. The military oath taken by the persons considered in paragraphs 1,2 and 3 hereof shall substitute for the oath of Greek citizen.

5. The children of aliens of Greek ethnic origin who acquire the Greek nationality in accordance with the preceding paragraphs shall become Greek citizens as from the same point in time, by application of their parent to the General Secretary of the Region, if at the time of application they are underage and unmarried.

V. By naturalization

Article 5

Condition for naturalization

1. Aliens who wish to acquire the Greek nationality by naturalization must:

a. be adults at the time of application for naturalization;

b. not have been irrevocably sentenced in the last ten years before the application for naturalization to a freedom-depriving sentence of at least one year or, irrespective of sentence and time of delivery of the sentencing judgement, for crimes against the regime, treason against the country, homicide and dangerous physical injuries, crimes relating to drug dealing and trafficking, money-laundering, international financial crimes, crimes using high-technology devices, monetary crimes, resistance to authority, child abduction, crimes against sexual freedom and financial

exploitation of sexual life, theft, fraud, defalcation, extortion, usury, violation of the law on intermediaries, forgery, false statement, slandering, smuggling, crimes relating to weapons, antiquities, entry of illegal immigrants into the country or facilitating their transport or entry or accommodation in hiding them or violations of the legislation on the establishment and movement of aliens in Greece;

c. not have any pending judgements for deportation against them.

2. Aliens who are not of Greek ethnic origin must also:

a. have lawfully resided in Greece for a total of ten years in the last twelve-year period before the application for naturalization. Aliens without nationality or aliens recognised as refugees must have lawfully resided in Greece for five years in the last twelve-year period before the application. The above required applicable time does not include any period in which the alien has served in Greece as diplomatic or administrative officer of a foreign country. The condition of ten-year residence is not required for persons being spouses of Greek nationals, reside in Greece for at least three years and have children and for persons born and continuously residing in Greece. For the spouses of Greek diplomatic officers having completed, at any time, one year of residence in Greece and serve abroad, the period of residence abroad due to service of their Greek spouses shall be taken into account for the completion of the above period.

b. have adequate knowledge of the Greek language, the Greek history and the Greek culture in general.

3. Olympic athletes who have completed five years of lawful residence in Greece during the last twelve-year period may acquire the Greek nationality, in accordance with the provisions of articles of 5 to 9 hereof, if they are entitled to participate in the respective Greek national team, pursuant to the international regulations of the said sport, on recommendation of the relevant national federation and with the consent of the Greek Olympic Committee.

Article 6

Documentation

Aliens wishing to be naturalized as Greeks shall submit to the Municipality or Community of their place of residence an application for naturalization, addressed to the Minister of Interior, Public Administration and Decentralisation, which shall be accompanied by:

a. Declaration of naturalization before the Mayor or the President of the Community, in the presence of two Greek nationals as witnesses;

b. A fee, as determined by applicable legislation;

Aliens of Greek ethnic origin shall not pay any fee.

- c. Copy of passport or other travel document;
- d. Residence permit or other evidence of legitimate residence in the country;
- e. Birth certificate or, in the event that such document does not exist, baptism certificate. If the alien is a refugee and cannot submit any birth certificate, he/she shall submit the decision granting him/her political asylum, and
- f. Tax return or copy of the income tax declaration for the last fiscal year.

Article 7

Naturalization process

1. The Municipality or Community shall examine the completeness of the documentation and shall forward it to the agency of the Region competent for nationality matters, which shall examine whether the conditions of paragraphs 1(a) and 2(a) of article 5 are met for the further examination of the application by the Minister of Interior, Public Administration and Decentralisation. If the said conditions are not met, the General Secretary of the Region shall reject the application.

2. If the said conditions are met, the competent agency of the Region shall invite the applicant to submit a criminal record certificate for judicial use, a certificate of non-deportation and any other information deemed useful by the agency or the applicant in order to formulate an opinion about the knowledge of the Greek language, history and culture, as well as about the applicant's character and personality. The case file shall then be forwarded to the Ministry of Interior, Public Administration and Decentralisation, along with the relevant documentation and the opinion of the competent police authority of the alien's place of residence on matters of public order and National security.

3. Following the examination of the file, the competent agency of the Ministry of Interior, Public Administration and Decentralisation shall invite the alien for an interview, at a specified place and time, before the Naturalization Committee under article 12, in order for the Committee to express its opinion to the Minister of Interior, Public Administration and Decentralisation concerning the alien's adequate knowledge of the Greek language, history and culture, as well as his/her character and personality. The alien shall be invited for the interview by certified notice. The non-attendance of the alien shall only be justified for reasons of force majeure. In the event of unjustified non-attendance, the application for naturalization shall be rejected by the Minister.

Article 8

Decision for naturalization

1. The naturalization shall take effect by decision of the Minister of Interior, Public Administration and Decentralisation, which shall be published in the Government Gazette.
2. The decision that rejects an application for naturalization need not state any reasons. A new application for naturalization may be submitted one year after the rejection of the previous one.

Article 9

Oath

1. The Greek nationality shall be acquired by the alien's oath, taken within one year from the publication of the decision for naturalization in the Government Gazette. The decision for naturalization shall be revoked if the oath is not taken within the said one-year period.
2. The form of the oath shall be as follows: "I swear to pledge allegiance to the country, to observe the Constitution and the laws of the state and conscientiously discharge my duties as a Greek citizen".
3. The oath shall be taken before the General Secretary of the Region. The Minister of Interior, Public Administration and Decentralisation may decide to empower another authority to take oaths. Records shall be kept of the administration of the oath.

Article 10

Naturalization of persons of Greek ethnic origin domiciled abroad

1. The application for naturalization of persons of Greek ethnic origin domiciled abroad shall be submitted to the Greek Consul of their place of residence, who shall forward it to the Minister of Interior, Public Administration and Decentralisation along with a report stating the information that documents the applicant's quality as a person of Greek ethnic origin.

The following documents shall accompany the application:

- a. Declaration of naturalization before the Consul, in the presence of two Greek nationals as witnesses;
- b. Copy of passport or other travel document;
- c. Birth certificate or, in the event that such document does not exist, baptism certificate, and
- d. Criminal record certificate issued by the foreign authorities.

2. The competent agency of the Ministry of Interior, Public Administration and Decentralisation shall examine the applicant's file and the opinion of the Ministry of Public Order on matters of public order and security and shall recommend to the Minister of

Interior, Public Administration and Decentralisation to accept or reject the application of naturalization.

3. The provisions of articles 8 and 9 shall also apply to the naturalization under this article.

Article 11

Acquisition of Greek nationality by the children of naturalized persons

The children of naturalized persons shall become Greek nationals without any further formalities if, at the time of naturalization, they are underage and unmarried.

Article 12

Naturalization Committee

1. A five-member Naturalization Committee shall be established within the Ministry of Interior, Public Administration and Decentralisation, which shall consist of:

a. The head of the General Directorate of Administrative Support of the Ministry of Interior, Public Administration and Decentralisation, as chairman;

b. A member of the Teaching Scientific Staff (DEP) of a higher educational establishment, specializing in Sociology, recommended by the chairman of the relevant department, along with his/her substitute;

c. A member of the Teaching Scientific Staff (DEP) of a higher educational establishment, specializing in Psychology, recommended by the chairman of the relevant department, along with his/her substitute;

d. The Head of the Directorate of Civil and Municipal Status of the Ministry of Interior, Public Administration and Decentralisation, and

e. The Head of the competent Nationality Department of the Ministry of Interior, Public Administration and Decentralisation.

2. The Committee shall be established by resolution of the Minister of Interior, Public Administration and Decentralisation. The said resolution shall also nominate the substitutes of the Chairman and the members of the Committee. An employee of the University Education (PE) Administrative branch, serving at the Directorate of Civil and Municipal Status of the Ministry of Interior, Public Administration and Decentralisation, shall act as secretary of the Naturalization Committee and shall be appointed by the said resolution along with his/her substitute. The clerk who handles the case shall also take part in the Naturalization Committee as rapporteur, without the right to vote.

3. The length of the term of office of the members of the Naturalization Committee shall be two years.

4. The Ministers of Economy and Finance and of Interior, Public Administration and Decentralisation shall, by resolution, determine the remuneration of the members of the Committee, of the secretary and of the rapporteur.

Article 13

Honorary Naturalization

By presidential decree, issued following a justified recommendation of the Minister of Interior, Public Administration and Decentralisation, an alien may be naturalized as Greek citizen without meeting the conditions of articles 5(2), 6, 7 and 8, provided that he/she has rendered exceptional services to Greece or his/her naturalization may serve an exceptional interest of the country.

VI. Acquisition of nationality in special cases

Article 14

1. A child born before 8 May 1984 by a mother who was Greek at the time of delivery or at the time of marriage from which the child was born shall become a Greek citizen if such intention is declared to the General Secretary of the Region or the Greek Consular Authority of the child's place of residence.

2. A child born by a Greek father and an alien mother before the entry into force of Law 1250/1982 (16 July 1982) and on condition that such child is considered legitimate under article 7(5) of the said Law, shall become a Greek citizen if such intention is declared to the General Secretary of the Region or the Greek Consular Authority of the child's place of residence.

3. The acquisition of Greek nationality in the above cases shall be ascertained by resolution of the General Secretary of the Region.

4. The children of persons acquiring Greek nationality under this article shall become Greeks without any further formalities if, at the time of declaration, they are underage and unmarried.

Article 15

1. Persons of Greek ethnic origin domiciled in countries of the former Soviet Union may acquire the Greek nationality by application to the Greek Consular Authority of their place of residence, provided that: (a) they are adults, and (b) the Greek nationality cannot be ascertained on the basis of the Ankara and Lausanne Conventions.

2. Persons of Greek ethnic origin shall acquire the Greek nationality if the negative conditions of article 5(1)(b) hereof are not met, by resolution of the General Secretary of the Region, published in the Government Gazette. For the quality of the applicant as a person of

Greek ethnic origin, an opinion is expressed by a three-member committee, consisting of the Greek Consul as chairman and two members. The Ministers of Economy and Finance and of Interior, Public Administration and Decentralisation shall, by resolution, appoint the members of each committee and their remuneration. The members appointed to the committee shall be Greek nationals.

To ascertain the quality of the applicant as a person of Greek ethnic origin, the said committee shall interview the applicant and shall take into consideration any information submitted thereby providing the said quality.

3. The application, along with the submitted information and the opinion of the committee stated in the preceding paragraph about the applicant's quality as a person of Greek ethnic origin, shall be forwarded by the competent Consular Authority to the relevant Region, in order for the decision of the General Secretary of the Region to be issued. Before the issuance of the decision of the General Secretary of the Region on the granting of Greek nationality, opinions are expressed by special committees, constituted by joint resolution of the Ministers of Economy and Finance, of Interior, Public Administration and Decentralisation, of Foreign Affairs and of Public Order, which is published in the Government Gazette. The said joint ministerial resolution determines the number of committees, the remuneration of their members and of their secretary, their local powers and the method of operation. The Minister of Interior, Public Administration and Decentralisation shall, by resolution, appoint the members of the special committees, on recommendation of the competent Ministries. One of the members of each committee must belong to the most representative organisation of the persons of Greek ethnic origin of the Region. In the event that the most representative organisation cannot be specified, a representative recommended by the chair of the World Council of Hellenes Abroad shall be appointed as member of the committee.

The task of the said special committees shall be, on the basis of the information forwarded by the relevant Consular Authority, to provide additional opinions on the capacity of the persons applying for Greek nationality as persons of Greek ethnic origin. To formulate such opinions, the said committees shall also take into consideration the interview before the three-member committee mentioned in the preceding paragraph.

4. The Greek nationality shall be acquired by the person of Greek ethnic origin taking an oath. The oath shall be taken within one year from publication in the Government Gazette of the decision of the General Secretary of the Region, before the Greek Consul or the General Secretary of the Region. The form of the oath shall be as follows: "I swear to pledge allegiance to the country, to observe the Constitution and the laws of the state and conscientiously discharge my duties as a Greek citizen". Records shall be kept of the administration of the oath.

After the person of Greek ethnic origin has taken the oath, his/her underage and unmarried children shall become Greek nationals from the same point of time and, along with their parent, shall be entered in the records of males and the records of municipality or the community chosen by the parent, on the basis of the information included in the said decision of the General Secretary of the Region. Any information not covered by the said decision shall be filled in by submitting any suitable means of evidence.

CHAPTER B

LOSS OF NATIONALITY

I. Because of the acquisition of a foreign nationality

Article 16

1. A person shall lose the Greek nationality, by authorisation of the Minister of Interior, Public Administration and Decentralisation, when (a) such person adopted, of his/her own free will, a foreign nationality, or (b) such person accepted official employment in the service of another state, so long as such acceptance entails acquisition of the nationality of that state. The authorisation may, on exceptional grounds, also be given after the acquisition of the foreign nationality, in which case the loss of Greek nationality occurs as from the date of authorisation.

2. Likewise, a person shall lose the Greek nationality when he/she has also acquired foreign nationality, so long as his/her application to relinquish the Greek nationality is accepted by the said Minister. In such case, the loss of Greek nationality occurs as from the date of acceptance of the application.

3. The authorisation under paragraph 1 shall be granted and the application under paragraph 2 shall be accepted on advice of the Nationality Council. No authorisation shall be granted and no application shall be accepted if the applicant has not completed or delays his military obligation was delayed or if he/she is prosecuted for a felony or a misdemeanour.

II. Because of forfeiture

Article 17

1. A person may forfeit the Greek nationality when:

a. such person accepted official employment in the service of a foreign state and, having being notified by the Minister of Interior, Public Administration and Decentralisation to relinquish such employment within a specified period of time, as prejudicial to the interests of Greece, persists in not doing so,

b. such person, during residence abroad, committed acts incompatible with Greek nationality and prejudicial to the interests of Greece.

2. The said forfeiture shall be pronounced by resolution of the Minister of Interior, Public Administration and Decentralisation, with the concurring justified opinion of the Nationality Council, and the loss of nationality shall occur as from the publication of the resolution in the Government Gazette.

3. The forfeiture of Greek nationality under this article shall have a personal effect and shall not affect the nationality of his/her spouse and his/her underage or adult children.

III. Because of declaration of renunciation

Article 18

The Greek nationality may be renounced as long as the person is an adult, states that there is no longer any genuine bond with the country and that he/she is domiciled abroad. For the renunciation to take effect, a declaration shall be submitted to the Greek Consul of the applicant's place of residence and an application shall be submitted to the Minister of Interior, Public Administration and Decentralisation. The application shall be accepted, with the concurring opinion of the Nationality Council, by resolution of the Minister of Interior, Public Administration and Decentralisation, which is published in the Government Gazette. The date of loss of nationality shall be the date of acceptance of the application.

IV. Loss of Greek nationality of the children of naturalized Greeks

Article 19

1. The children of naturalized Greeks, who became Greek nationals under article 11, may lose the Greek nationality if:

- a. They are not Greeks by ethnic origin,
- b. They maintain the nationality they had at the time of naturalization of their parent, and
- c. They declare their intention to lose the Greek nationality to the Mayor or the President of the Community or the Greek Consular Authority of their place of residence within one year of their coming of age. A copy of the declaration shall be immediately forwarded by the said authorities to the Ministry of Interior, Public Administration and Decentralisation.

2. A resolution of the Minister of Interior, Public Administration and Decentralisation shall be issued on the loss of Greek nationality, which is published in the Government Gazette.

V. Because of adoption by an alien

Article 20

A Greek who was adopted before his/her coming of age as the child of an alien may, by application of the adopting parent (if such person acquires the latter's nationality), lose the Greek nationality by resolution of the Minister of Interior, Public Administration and Decentralisation, who shall take into consideration the special circumstances, on advice of the Nationality Council. The application shall not be accepted if the adopted has not completed or delays his military obligation or if he/she is prosecuted for a felony or a misdemeanour.

VI. Loss by declaration because of marriage to a Greek

Article 21

An alien woman who acquired Greek nationality because she was married to a Greek and maintains a foreign nationality shall lose the Greek nationality if she declares her intention to the General Secretary of the Region or the Greek Consular Authority of her place of residence. For the loss of Greek nationality, an ascertaining decision of the General Secretary of the relevant Region shall be issued.

CHAPTER C

REACQUISITION OF GREEK NATIONALITY

Article 22

A Greek woman who lost Greek nationality because she was married to an alien may reacquire it if she declares her intention to the General Secretary of the Region or the Greek Consular Authority of her place of residence.

Article 23

A child born by a Greek mother who lost the Greek nationality because of legitimization or acknowledgement by an alien father may reacquire it if he/she declares her intention to the General Secretary of the Region or the Greek Consular Authority of his/her place of residence. The children of persons acquiring Greek nationality under the provisions of this article shall become Greek nationals if, at the date of declaration, they are underage and unmarried.

Article 24

The reacquisition of Greek nationality in the cases described in the preceding article shall be ascertained by decision of the General Secretary of the relevant Region.

CHAPTER D

COMPETENCE IN MATTERS OF NATIONALITY AND PROOF OF GREEK NATIONALITY

Article 25

Competent bodies

1. All matters relating to nationality shall come under the competence of the Ministry of Interior, Public Administration and Decentralisation.

2. The General Secretary of the relevant Region shall, by decision, ascertain the acquisition or not of Greek nationality of persons seeking to have their nationality determined, in accordance with the provisions of this Code, as well as the relevant provisions that were applicable in the past and international agreements and conventions.

Article 26

Jurisdiction in controversies over nationality

The Minister of Interior, Public Administration and Decentralisation shall be solely competent to decide on any controversy over nationality, with the justified concurring opinion of the Nationality Council. A summary of the resolution shall be published in the Government Gazette and shall be notified to the person concerned.

Article 27

Greek nationality certificates

1. The Mayor or the President of the Community shall issue Greek nationality certificates for citizens on the basis of the municipal records, which shall also comprise the legal foundation of acquisition of nationality.

2. The said certificates shall prove the Greek nationality until there is evidence to the contrary.

Article 28

Nationality Council

1. The Nationality Council shall express opinions on matters of nationality according to the applicable provisions.

2. The Nationality Council shall consist of:

a. The General Secretary of the Ministry of Interior, Public Administration and Decentralisation, as chairman

b. A legal councilor of the State

c. A professor or substitute professor in Private International Law, as well as a professor or substitute professor in Public International Law of a domestic university

d. The relevant General Director of the Ministry of Interior, Public Administration and Decentralisation, and

e. The Head of the Directorate of Civil and Municipal Status of the Ministry of Interior, Public Administration and Decentralisation.

Any absent or impeded members of the Council shall be replaced by their nominated or lawful substitutes.

3. The Head of the competent Department of the Directorate of Civil and Municipal Status of the Ministry of Interior, Public Administration and Decentralisation shall take part in the Council without the right to vote, and shall recommend the matters to be discussed; he shall be replaced by his/her lawful substitute.

4. The provisions of articles 13-15 of Law 2690/1999 “Ratification of the Code of Administrative Procedure and other provisions” (Government Gazette 45 A’) shall apply to the operation of the Council.

CHAPTER E

TRANSITIONAL AND FINAL PROVISIONS

Article 29

Where the term “alien” is used in legislation, it shall also include persons without nationality, unless there is evidence to the contrary.

Article 30

The marriage does not result in the acquisition or loss of Greek nationality.

Article 31

The time limits of article 4 of Law 2690/1999 shall not apply to cases relating to the acquisition, acknowledgement, loss and reacquisition of Greek nationality.

Article 32

Presidential decrees shall determine:

1. a) Matters relating to proving the grounds of forfeiture of Greek nationality under the provisions of article 17 and the relevant procedure;

b) Any detail necessary for the implementation of this Code.

2. Preexisting decrees shall continue in force until the decrees stated in the preceding paragraph are issued, provided that their content is not contrary to the provisions hereof.

Article 33

Any applications for naturalization pending at the date of entry into force of this Code shall be examined under the preexisting provisions, on condition that they are accompanied by the prescribed documentation.

Article 34

Repealed provisions

The legislative decree 3370/1955 “Ratification of the Greek Nationality Code” (Government Gazette 258/A’), as subsequently amended and supplemented, as well as any other provision that is either contrary to the provisions of this Code or concerns matters regulated hereby shall be repealed.

Article 35

Provisions maintained in force

The following shall be maintained in force: (a) article 40 of Law 1832/1989 “Amendment and supplementation of legislation on local authorities, decentralisation and other provisions” (Government Gazette 54/A’), (b) article 1(11) of Law 2790/2000 “Reinstatement of the repatriated persons of Greek ethnic origin from the former Soviet Union and other provisions” (Government Gazette 24/A’), (c) articles 59(1)(b) and 76(6) of Law 2910/2001 “Entry and stay of aliens on Greek territory; Acquisition of Greek nationality by naturalization and other provisions” (Government Gazette 91/A’), and (d) article 8(5) of Law 3146/2003 “Organisation and exercise of the right to vote by citizens of other municipalities and other provisions” (Government Gazette 125/A’).

Second article

The present shall enter into force on publication in the Government Gazette.

We hereby order the publication hereof in the Government Gazette and its implementation as a law of the State.

Athens, 9th November 2004

THE PRESIDENT OF THE REPUBLIC

KONSTANTINOS STEFANOPOULOS

THE MINISTERS OF

INTERIOR, PUBLIC ADMINISTRATION
AND DECENTRALISATION

P. PAVLOPOULOS

FOREIGN AFFAIRS

P. MOLYVIATIS

ECONOMY AND
FINANCE

G. ALOGOSKOUFIS

PUBLIC ORDER

G. VOULGARAKIS

Attested and vested with the Great Seal of the State

Athens, 9th November 2004

THE MINISTER OF JUSTICE

A. PAPALIGOURAS