

106938/01/19-09-2024 “Circular on the implementation of paragraph (η), article 59 of Law 5038/2023 of the Migration Code concerning religious ministers of a known religion in the country”.

The issuance of residence permits for ministers of a known religion in Greece is governed by the relevant provisions of Law 5038/2023 of the Migration Code, the provisions of Law 4301/2014 on the organization of the legal form of religious communities and their associations in Greece, as well as by the legislative provisions concerning the licensing of houses of prayer and places of worship. More specifically, ministers of a known religion coming from countries outside the European Union may apply for a residence permit for employment of a specific purpose on religious grounds.

Existing Legal Framework

1. Law 5038/2023 “Migration Code” (A’ 81)

Paragraph (η) of article 59 of Chapter D, entitled “Residence Permits for Employment of a Specific Purpose (Residence Permit Type ‘E.3’)” of Law 5038/2023 (A’ 81/01.04.2023) of the Migration Code, as amended and currently in force, provides as follows:

For the granting of residence permits for employment of a specific purpose to ministers of a known religion in the country who perform exclusively sacerdotal duties, the applicants are required to submit to the competent Greek consular authority a certificate issued by the Ministry of Education and Religious Affairs, in respect of ministers of a known religion following a prior written declaration submitted by the duly authorized representative of the respective known religion in the country before the Ministry of Education and Religious Affairs, confirming that the aforementioned ministers shall exercise exclusively sacerdotal duties and that their living expenses, as well as their medical and pharmaceutical care, shall be borne by the known religion in the country.

2. Law 4301/2014 “Organization of the legal form of religious communities and their associations in Greece and other provisions within the competence of the General Secretariat for Religious Affairs and other provisions” (A’ 223)

Article 1 of Law 4301/2014 (A’ 223) introduces, for the first time in the Greek legal order, the definition of a religious community as follows: “A religious community is a sufficient number of natural persons sharing a specific religious confession of a known religion, permanently established in a defined geographical area, for the purpose of the collective exercise of its worship and the performance of the duties required by the common confession of its members.”

Pursuant to the provisions of chapter one of Law 4301/2014 (A’ 223) and the establishment of the new form of collective religious organization, namely ecclesiastical and religious legal entities, all religious communities (save for those expressly excluded under Article 16 of Law 4301/2014 namely, the Church of Greece, the Church of Crete, the Ecclesiastical Provinces of the Dodecanese and Mount Athos, and, in general, the Orthodox jurisdictions, the Jewish Communities, and the Muslim religious communities within the territorial jurisdictions of the Muftis of Thrace) may be organized under this specific form of legal entity governed by private law, in accordance with the provisions of the said Law. The aforementioned Law further

provides that religious and ecclesiastical legal entities may, in accordance with the applicable provisions, establish and operate places of worship in their name (article 9).

In accordance with article 14 of Law 4301/2014, as amended by article 47 of Law 4559/2018 (A' 142), the Ministry of Education and Religious Affairs maintains an electronic Register of Religious and Ecclesiastical Legal Entities, in which all such entities are recorded, as well as the judicial decision granting their application, their founding act, their Confession of Faith, and their internal regulation and an electronic register of religious ministers who perform religious rites producing civil effects, whether they belong to a religious community organized under any legal form or to a community without legal personality, as well as all religious ministers of the Church of Greece, the Church of Crete, the Holy Metropolises of the Dodecanese, the Muftiates of Thrace, and the Jewish Communities.

Within the domestic legal order and the institutional framework concerning the protection of religious freedom and the exercise of the relevant individual rights, there exists no public or administrative procedure for the conferral or recognition of the status of religious minister of any religion or doctrine, to the extent and for the purposes relevant to the State and its functions (save for the special provisions applicable to the jurisdictions of the Orthodox Church in Greece, the Jewish Communities, and the Muftiates of Thrace). Such status is recognized- as far as public authorities and within the scope of their competences are concerned-only indirectly, namely through the procedure for licensing a specific house of prayer/temple or, more generally, a place of worship, and through the designation (freely made by the religious community) of at least one natural person (or more) as its religious minister, which entails the automatic registration of such person in the register of religious ministers provided for in Article 14 of Law 4301/2014 (A' 223).

Finally, pursuant to article 17 of Law 4301/2014, any religion or doctrine for which a valid license has been granted for the establishment and operation of a temple or house of prayer for the exercise of its public worship shall be presumed to constitute a known religion.

3. Licensing for the establishment and operation of houses of prayer/temples and, more generally, places of worship in existing buildings

Within the domestic legal order, the licensing of houses of prayer/temples and, more generally, places of worship—save for the Holy Temples of the denominations of the Eastern Orthodox Church of Christ referred to in Article 3 of the Constitution (for which specific provisions apply)—is governed by the general provisions of Emergency Law 1363/1938 (A' 305), as amended by Emergency Law 1672/1939 (A' 123), the implementing Royal Decree of 20-05/02-06-1939 (A' 220), article 27 of Law 3467/2006 (A' 128), as well as by the joint circular No. 105456/Θ1/31-8-2021 (ADA: Ψ56646MT\H-IO9) concerning houses of prayer/temples and, more generally, places of worship.

APPLICATION–DECLARATION REQUIRED, AS APPLICABLE, AND INSTRUCTIONS FOR COMPLETION

In view of the foregoing, the representative of the respective known religion in the country, namely of the interested religious communities, is required to submit to the competent Department of the Ministry of Education, Religious Affairs and Sports an application–declaration, selecting the appropriate template from those set out in the ANNEX, depending on the category to which it belongs, which shall be completed, as applicable, in accordance with the instructions set out below:

A. Religious Communities

Application–declaration bearing the indication: <FOR RELIGIOUS COMMUNITY>.

The application–declaration must bear the original or digital signature of the responsible religious minister and the official seal of the place of worship/house of prayer. The application shall specify the name of the place of worship, its registered seat, and the responsible religious minister.

B. Ecclesiastical or Religious Legal Entities (Legal Entities under Private Law pursuant to Law 4301/2014, A' 223)

Application–declaration bearing the indication: <FOR ECCLESIASTICAL/RELIGIOUS LEGAL ENTITIES>.

The Application–declaration must bear the original or digital signature of the lawful representative of the legal entity, namely the head of the Ecclesiastical Legal Entity or the Religious Legal Entity, and the official seal of the respective Legal Entity under Private Law.

C. Managing Bodies of the Waqf Properties of Kos and Rhodes (Legal Entities under Private Law pursuant to Law 4821/2021, A' 134)

Application–declaration bearing the indication: <MANAGING BODIES OF THE WAQF PROPERTIES OF KOS AND RHODES >.

The Application–declaration must bear the original or digital signature of the competent Chairman of the Board of Directors of the Managing Bodies of the Waqf Properties of Kos and Rhodes and the official seal of the respective Legal Entity under Private Law.

D. Central Board of Jewish Communities in Greece (Legal Entity under Public Law pursuant to Emergency Law 367/1945, A' 143, and Law 2456/1920, A' 173)

Application–declaration bearing the indication: <FOR THE CENTRAL BOARD OF JEWISH COMMUNITIES IN GREECE>.

The Application–declaration must bear the original or digital signature of the President of the Central Board of Jewish Communities in Greece and the official seal of the said Legal Entity under Public Law.

E. Muftiates of Thrace (Law 4964/2022, A' 150)

1. Application–declaration of the Mufti bearing the indication: <FOR MUFTIATES OF THRACE>.

The Application–declaration of the Mufti must bear his original or digital signature and the official seal of the Muftiate

And

2. Declaration of the Chairman of the Board of Directors of the Muslim Property Management Committee or of the Waqf Committee for Muslim Property, bearing the indication: <FOR MUFTIATES OF THRACE>.

The Declaration of the Chairman of the Board of the competent Muslim Property Management Committee or the Waqf Committee for Muslim Property must bear the original or digital signature of its Chairman and the official seal of the said Legal Entity under Private Law.

The issued Certificate shall be officially communicated to the competent Directorate of the Decentralized Administration where the application for the issuance of employment approval is submitted, in order to facilitate the exercise of its official responsibilities.

ANNEX – TEMPLATES OF APPLICATIONS–DECLARATIONS FOR THE ISSUANCE OF CERTIFICATES

A. APPLICATION–DECLARATION OF THE RESPONSIBLE RELIGIOUS MINISTER OF A HOUSE OF PRAYER/PLACE OF WORSHIP

<FOR RELIGIOUS COMMUNITY>

TO:

Ministry of Education and Religious Affairs
General Secretariat for Religious Affairs
Directorate of Religious Administration – Department of Administrative Affairs & Register
37 Andrea Papandreou Street, P.C. 15180 Marousi, Greece

I, the undersigned.....,of,
representative/responsible religious minister of the house of prayer named
“.....”, located at
....., street, number,

hereby request

the issuance of a Certificate pursuant to paragraph (η), Article 59, Chapter D, “Residence Permits for Employment of a Specific Purpose (Residence Permit Type ‘E.3’)” of Law 5038/2023 (A’ 81/01.04.2023) of the Migration Code, as amended and in force, for (Full details) holder of passport no....., issued by (Country of origin), as a religious minister of the said house of prayer/place of worship

and I hereby declare that

the aforementioned religious minister shall perform exclusively sacerdotal duties and that the house of prayer shall bear all living expenses and medical and pharmaceutical care in Greece.

.....

.../.../.....

(Place / Date)

The Religious Minister

Seal

B.APPLICATION–DECLARATION OF THE LAWFUL REPRESENTATIVE OF AN ECCLESIASTICAL/RELIGIOUS LEGAL ENTITY (LEGAL ENTITY UNDER PRIVATE LAW)

<FOR ECCLESIASTICAL/RELIGIOUS LEGAL ENTITIES>

TO:

Ministry of Education and Religious Affairs
General Secretariat for Religious Affairs
Directorate of Religious Administration – Department of Administrative Affairs & Register
37 Andrea Papandreou Street, P.C. 15180 Marousi, Greece

I, the undersigned.....,of
lawful representative of the ecclesiastical/religious legal entity named
“.....”,located at.....,
street, number,

hereby request

the issuance of a Certificate pursuant to paragraph (η), Article 59, Chapter D, “Residence Permits for Employment of a Specific Purpose (Residence Permit Type ‘E.3’)” of Law 5038/2023 (A’ 81/01.04.2023) of the Migration Code, as amended and in force, for (Full details) holder of passport no....., issued by (Country of origin), as a religious minister of the said ecclesiastical/religious legal entity

and I hereby declare that

the aforementioned religious minister shall perform exclusively sacerdotal duties and that the ecclesiastical/religious legal entity shall bear all living expenses and medical and pharmaceutical care in Greece.

.....

.../.../.....

(Place / Date)

The Lawful Representative

Seal

C. APPLICATION–DECLARATION OF THE LAWFUL REPRESENTATIVE OF THE MANAGING BODY OF THE WAQF PROPERTIES OF KOS OR RHODES (LEGAL ENTITY UNDER PRIVATE LAW)

<FOR MANAGEMENT BODIES OF THE WAQF PROPERTIES OF KOS OR RHODES>

TO:

Ministry of Education and Religious Affairs
General Secretariat for Religious Affairs
Directorate of Religious Administration – Department of Administrative Affairs & Register
37 Andrea Papandreou Street, P.C. 15180 Marousi, Greece

I, the undersigned.....,of, as
Chairman of the Board of Directors of the legal entity named
“.....”,located at.....,
street, number,

hereby request

the issuance of a Certificate pursuant to paragraph (η), Article 59, Chapter D, “Residence Permits for Employment of a Specific Purpose (Residence Permit Type ‘E.3’)” of Law 5038/2023 (A’ 81/01.04.2023) of the Migration Code, as amended and in force, for (Full details) holder of passport no....., issued by (Country of origin), as a religious minister of the said legal entity

and I hereby declare that

the aforementioned religious minister shall perform exclusively sacerdotal duties and that the legal entity shall bear all living expenses and medical and pharmaceutical care in Greece.

.....

.../.../.....

(Place / Date)

The Lawful Representative

Seal

D. APPLICATION–DECLARATION OF THE LEGAL REPRESENTATIVE OF THE CENTRAL BOARD OF JEWISH COMMUNITIES IN GREECE, LEGAL ENTITY OF PUBLIC LAW

<FOR THE CENTRAL BOARD OF JEWISH COMMUNITIES IN GREECE >

TO:

Ministry of Education and Religious Affairs
General Secretariat for Religious Affairs
Directorate of Religious Administration – Department of Administrative Affairs & Register
37 Andrea Papandreou Street, P.C. 15180 Marousi, Greece

I, the undersigned.....,of, as
Chairman of the legal entity under public law named “CENTRAL BOARD OF JEWISH
COMMUNITIES IN GREECE”, located at....., street,
number,

hereby request

the issuance of a Certificate pursuant to paragraph (η), Article 59, Chapter D, “Residence
Permits for Employment of a Specific Purpose (Residence Permit Type ‘E.3’)” of Law
5038/2023 (A’ 81/01.04.2023) of the Migration Code, as amended and in force, for
..... (Full details) holder
of passport no....., issued by (Country of
origin), as a religious minister of the said legal entity

and I hereby declare that

the aforementioned religious minister shall perform exclusively sacerdotal duties and that the
legal entity shall bear all living expenses and medical and pharmaceutical care in Greece.

.....

.../.../.....

(Place / Date)

The Chairman of the Central Board
of Jewish Communities in Greece

Seal

E.1. APPLICATION- DECLARATION OF THE MUFTI

<FOR THE MUFTIATES OF THRACE>

TO:

The Ministry of Education and Religious Affairs
General Secretariat for Religious Affairs
Directorate of Religious Administration – Department of Administrative Affairs and Register
37 Andrea Papandreou Street, GR-151 80 Marousi, Greece

I, the undersigned, of, Mufti of, located at, street, no.,

hereby request

the issuance of a certificate pursuant to paragraph (η), Article 59, Chapter D “Residence Permits for Employment of a specific purpose (Residence Permit Type ‘E.3’)” of Law 5038/2023 (A’ 81/01.04.2023) of the Migration Code, as amended and in force, for (Full details), holder of passport no., issued by (Country of origin), as a religious minister of the Muftiate of,

and hereby declare that

the aforementioned religious minister shall exercise exclusively sacerdotal duties, and that the competent Management Committee of Muslim Property/ Waqf Committee of Muslim Property shall bear all living expenses and medical and pharmaceutical care in Greece, as certified by the declaration dated (date) of the Chairman of the Board of Directors of the Management Committee of Muslim Property/Waqf Committee of Muslim Property, which is attached hereto and jointly submitted before your Service.

...../...../.....

(Place / Date)

The Mufti

Seal

E.2. DECLARATION OF THE CHAIRMAN OF THE MANAGEMENT COMMITTEE OR WAQF COMMITTEE OF MUSLIM PROPERTY (LEGAL ENTITY UNDER PRIVATE LAW) <FOR THE MUFTIATES OF THRACE>

TO:

The Ministry of Education and Religious Affairs
General Secretariat for Religious Affairs
Directorate of Religious Administration – Department of Administrative Affairs and Register
37 Andrea Papandreou Street, GR-151 80 Marousi, Greece

I, the undersigned..... of
Chairman of the Board of Directors of the Management Committee of Muslim Property
...../Waqf Committee of Muslim Property
.....,located atStreet
....., no.,

hereby declare that

the religious minister
(Full details), holder of passport no., issued by
..... (Country of origin),

shall exercise exclusively sacerdotal duties, and that the competent Management Committee of Muslim Property/Waqf Committee of Muslim Property shall bear all living expenses and medical and pharmaceutical care in Greece, for the purpose of issuing the certificate pursuant to paragraph (η) of Article 59, Chapter D “Residence Permits for Special Purpose Employment (Residence Permit Type ‘E.3’)” of Law 5038/2023 (A’ 81/01.04.2023) of the Migration Code, as amended and in force.

...../...../.....
(Place / Date)

The Chairman of the Management
Committee of Muslim Property/Waqf
Committee of Muslim Property

Seal