

GREEK ARMED FORCES CONSCRIPTION ISSUES

In Greece it is mandatory for all Greek male citizens to join the Armed Forces following completion of their 18th year. Law 3421/2005 regulates army conscription matters and specifically article 25 deals with conscription matters regarding Greek subjects who permanently reside abroad. In this article it is specified that conscription to the Armed Forces for foreign residents is postponed for as long as they reside in another country. To be considered a foreign resident one must conform to the following:

- a. To have their main and permanent residence abroad for at least eleven consecutive years, in one or more countries.

Or

- b. To work and live abroad for at least seven consecutive years, in one or more countries.

The competent Greek consular authorities, following application by the interested party, issue a certificate which certifies that the applicant is a permanent foreign resident. Subsequently, the interested party, upon completion of his 19th year of age and after the 1st of January of same year, must submit an application for conscription postponement along with the above certificate to the relevant armed forces office. The competent authority is the consulate in the country where the applicant permanently resides or where he has his business and residence. For the issue of the above certificate the interested party must submit official documents to the consular authority, i.e. passport, attestation from state or municipal or police authorities, attestations from their employer or social security services or university, payment receipts from utilities companies and generally any document which proves that the applicant conforms to the legal requirements as set out by Greek law. The validity period of these certificates is six months.

It must be stressed that for the completion of the eleven years period or the seven year period, a stay of more than six months in Greece is not taken into account. In such a case, the permanent foreign resident status is lost and time (for the completion of the seven or eleven year period) starts from the beginning. Permanent foreign resident status is also lost if one is deported to Greece.

The legal framework for employees of the state (civil or military) and employees of legal entities of the public and private sector, with any employment status, as well as their children, is different. In these cases, the time they spend in foreign countries during the course of their employment is not calculated towards the seven or eleven years necessary to obtain foreign resident status.

Additionally, regarding those who have not served their mandatory time in the armed forces, upon obtaining foreign resident status, they are exempt from the military conscription for which they did not serve; the penal consequences of the act are nullified due to the statute of limitations. For those who have been accused of desertion of their army duties and who completed an eleven or seven year period following this act, foreign resident status cannot be obtained.

The postponement of army conscription for permanent foreign residents is halted by either their application or by the loss of their permanent foreign resident status.