

Migration and legal family formats in Greece

by Dafni Lima ¹

The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples

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Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 4 – Migration)

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earlier version of the answers in this section of the database.

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The six sections of the questionnaire

The [interactive LawsAndFamilies Database](#) is based on the [LawsAndFamilies questionnaire](#), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at www.LawsAndFamilies.eu. There the user also has access to the [interactive part of the LawsAndFamilies Database](#), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

About the questionnaire

The [full text of the questionnaire](#) can be found in the paper:

K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper* 64(2016), www.familiesandsocieties.eu.

The [Guidance document](#) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](#).

The following **answer codes and colours** have been used:

Yes	Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less.
Yes, but	Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”.
No, but	No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes.
No	No, this is not so in the law of this country/jurisdiction.
Doubt	The law is unclear (the law does not “know” the answer).
?	No information was available.
N/A	Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples).
X	This question was not asked for this legal family format.
Open question	Question without answer codes like Yes and No.
Empty cell	For this year the question was not asked or not answered.

The six papers about Greece

The answers concerning Greece can be found in the [interactive database](#) and in the following six papers (all of which are published in open access in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, www.LawsAndFamilies.eu):

Formalisation of legal family formats in Greece

by Lina Papadopoulou (Section 1)

Income, troubles and legal family formats in Greece

by Dafni Lima (Section 2)

Parenting and legal family formats in Greece

by Lina Papadopoulou (Section 3)

Migration and legal family formats in Greece

by Dafni Lima (Section 4)

Splitting up and legal family formats in Greece

by Lina Papadopoulou (Section 5)

Death and legal family formats in Greece

by Dafni Lima (Section 6)

So this paper is based on **Section 4 (Migration)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

4.1 Partner of national citizen

4.2 Partner of national citizen (foreign status)

4.3 Partner of (non-EU) foreigner

4.4 Partner of EU citizen (foreign status)

4.5 Foreign status as impediment to marry

4.6 Foreign status and inheritance

4.7 Citizenship

4.8 Recognition of joint adoption

4.9 Recognition of second-parent adoption

4.10 General background regarding migration

In the following pages of this paper, first the answer to question 4.10 is presented, followed by the answers to questions 4.1 to 4.9.

4.10 - General background regarding migration (Open question)

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, legal-cultural, etc.) that may be relevant for the understanding your answers above regarding migration, then please do so here.

Law 4356/2015 which opened up registered partnership to same-sex couples will undeniably prove pivotal also in matters pertaining to same-sex couples where one or both partners are foreign citizens and/or the partnership/marriage was concluded abroad.

It is important to note that the judiciary in Greece has demonstrated a tendency to provide conservative rulings, especially high ranking courts (note also the State Legal Council's opinions I cite under Section 2). It is also important to stress that Greece does not have a Constitutional Court which can resolve matters in a binding manner, but instead each judge is free to interpret and apply it (or not apply it, when they deem a law unconstitutional), which may result in the same situation being handled differently by different courts (or even by different chambers of the same court). However, the rule is that judges usually strive for some uniformity in their approach and take into account other courts' judgments.

Although law 4356/2015 only applies to registered partnerships concluded in Greece, as did law 3719/2008 previously, it sets a precedent with regard to same-sex couples. When deciding whether to enforce a foreign decision or a foreign certificate e.g. a same-sex certificate or a decision of adoption of a child by a same-sex couple, art. 33 of the Civil Code states that foreign law provisions which contravene public morals or public order shall not be implemented (e.g. a marriage certificate for someone who has two or more spouses, married in a country where bigamy is permitted, in contrast to Greece where it is forbidden). In my opinion, as I have stated above, the majority of judges would invoke this provision and rule that a same-sex marriage goes against public morals. This position was aided by the fact that not only was same-sex marriage not allowed in Greece, but same-sex couples had absolutely no options in order to formalise their relationship.

But now, law 4356/2015 offers a form of recognition for same-sex couples, and indeed one that heavily resembles marriage (except for child-parent relationships

and a couple of other minor differences). Therefore, in my opinion, the argument against recognising same-sex marriage relying on "public morals" or similar notions will from now on be put forward with much less academic persuasiveness and alleged ideological impartiality.

Jurisdiction: **Greece**

Source: **D. Lima**, "Migration and legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-GR-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.01 - Partner of national citizen**

When one partner is a residing national citizen, while the other is a foreigner from another continent, will the foreign partner then have a residence entitlement/eligibility?

(Please assume that they married/registered/cohabited in the country where they now want to reside. As to the meaning of 'residing', see section c of the [Guidance for experts answering questions in the questionnaire](#).)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 2014	2016 N/A 0000	2016 Yes 2011	2016 Yes 2015	2016 Yes 2011	2016 Yes, but 2015
Yes 2005		? 2008	N/A 0000	? 0000	No, but 2011
Yes 2001		N/A 0000			? 0000
? 0000					

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
References to legal sources: Art. 82 and 83 of law 4251/2014. Art. 61 and 63 of law 3386/2005. Art. 33 of law 2910/2001.		References to legal sources: Joint Ministerial Decision 23443/2011 (art. 5 in particular refers expressly to a registered partnership). Law 4356/2015, which entered into force on 24.12.2015. Law 3719/2008, which entered into force on 26.11.2008.		References to legal sources: Joint Ministerial Decision 23443/2011.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Subject to some prerequisites, this eligibility remains valid independently even after death of the spouse who is a residing national citizen, or after divorce, or in cases of domestic violence, according to art. 84 of law 4251/2014, art. 62 of law 3386/2005.</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances: For same-sex couples: the Decision is gender neutral when referring to partners, so it could be applied to same-sex partners. It refers to presumptions such as a registered partnership, a (biological or adopted) child by the couple etc. which are options that, when the Decision was made (a Joint Ministerial Decision is law under the Greek legal system), were open only to different-sex couples, therefore demonstrating an intention to accommodate only different-sex partners. However, this has since changed, as same-sex couples can form registered partnerships, so same-sex partners should be able to invoke it too. My answer is "Yes, but" instead of "Yes" because same-sex partners should be able to invoke it but whether it will be applied to them or not remains an open question since a (conservative) judge could potentially invoke the reasoning I stated in the second paragraph in order to limit its application to different-sex couples. This remains to be seen, but I believe that it is more probable that it would apply to same-sex couples too.</p>	

Jurisdiction: **Greece**

Source: **D. Lima**, "Migration and legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-GR-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.02 - Partner of national citizen (foreign status)**

When one partner is a residing national citizen, while the other partner is a foreigner from another continent, and this couple married/registered in the country of the foreigner, will the foreign partner then have a residence entitlement/eligibility?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 2014	2016 No, but 2001	2016 Yes 2011	2016 Yes 2015	X	X
Yes 2005	N/A 0000	? 1998	Yes, but 2011	X	X
Yes 2001		N/A 0000	? 1989	X	X
? 0000			N/A 0000	X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 82 and 83 of law 4251/2014.</p> <p>Art. 61 and 63 of law 3386/2005.</p> <p>Art. 33 of law 2910/2001.</p> <p>Art. 33 of the Civil Code (Presidential Decree 456/1984).</p>		<p>References to legal sources: Joint Ministerial Decision 23443/2011 (art. 5 in particular refers expressly to a registered partnership).</p> <p>Art. 33 of the Civil Code (Presidential Decree 456/1984).</p> <p>Law 4356/2015.</p> <p>Law 3719/2008.</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Same-sex marriage does not have an equivalent under Greek law, so it cannot be recognised as such. Applying provisions such as the ones above, would require to take into account a same-sex marriage certificate, thus indirectly recognising a same-sex marriage conducted abroad. As a last resort, art. 33 of the Civil Code might be invoked, which states that foreign provisions which contravene public morals or public order shall not be implemented - in my opinion, the majority of judges would find that a same-sex marriage goes against public morals. However, since same-sex registered partnerships were introduced in Greece in 2015, a judge willing to apply the law by analogy will certainly find more arguments to do so since now same-sex relationships have at least some form of legal recognition and thus it could not be said that they generally go against public morals - but gay marriage could. I believe, since the judiciary in Greece are generally considered a conservative social group, that it would be almost impossible to find a judge who would be ready to acknowledge same-sex marriage as such between the years 2001 and 2015, and it would still be extremely difficult to find a judge who would do it after 2015, but it would be easier for them to find legal arguments than before 2015. Hence why my answer is "No, but" for both periods of time - it is based more on a practical assessment of the situation, cause in theory the answer is "?" because the law was and is silent on the matter.</p>		<p>Explanations and nuances: Until 2015, the same reasoning as for same-sex spouses applies. However, in my opinion, application by analogy to same-sex registered partners would have been met with less controversy and less opposition, hence the "Yes, but".</p>			

Jurisdiction: **Greece**

Source: **D. Lima**, "Migration and legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-GR-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.03 - Partner of (non-EU) foreigner**

When both partners are foreigners from another continent, and one of them is residing in the country, will the other partner then have a residence entitlement/eligibility?

(Please assume that they married/registered/cohabited in the country where they now want to reside.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 2014	2016 N/A 0000	2016 Yes 2015	2016 Yes 2015	2016 No 0000	2016 No 0000
Yes 2005		No 2014	N/A 0000		
Yes 2001		No 2008			
? 0000		N/A 0000			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 69-77 of law 4251/2014.</p> <p>Art. 53-60 of law 3386/2005.</p> <p>Art. 28-32 of law 2910/2001.</p>		<p>References to legal sources: Art. 1 of law 4251/2014.</p> <p>Art. 54 of law 3386/2005.</p> <p>Art. 12 of law 4356/2015.</p> <p>Law 3719/2008.</p>		<p>References to legal sources: No such provision exists.</p>	
<p>Explanations and nuances:</p>		<p>Explanations and nuances: These provisions expressly refer to spouses only. Therefore, until law 4356/2015, they could not be applied to registered partners. This changed with law 4356/2015, that equated registered partners to spouses. Under article 12 of law 4356/2015, which applies to both same-sex and opposite-sex couples, "any other provisions in law that regulate claims between spouses, or claims, benefits and privileges against third parties or the State apply by analogy to registered partners, unless otherwise specifically regulated in the present or any other law".</p>		<p>Explanations and nuances:</p>	

Jurisdiction: **Greece**

Source: **D. Lima**, "Migration and legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-GR-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.04 - Partner of EU citizen (foreign status)**

When one partner is a foreign EU citizen who is residing in the country, while the other is a foreigner from another continent, and this couple married/registered/cohabited in the country of the EU citizen, will the non-EU partner then have a residence entitlement/eligibility?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 2007	2016 No, but 2001	2016 Yes 2011	2016 Yes 2015	2016 Yes 2011	2016 Yes, but 2011
Yes 2005	N/A 0000	? 1998	Yes, but 2011	? 0000	? 0000
Yes 2001		N/A 0000	? 1989		
? 0000			N/A 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Presidential Decree 106/2007 (especially art. 6 and 7). Art. 61 and 63 of law 3386/2005. Art. 33 of law 2910/2001. Art. 33 of the Civil Code (Presidential Decree 456/1984).</p>		<p>References to legal sources: Joint Ministerial Decision 23443/2011 (art. 5 in particular refers expressly to a registered partnership). Art. 33 of the Civil Code (Presidential Decree 456/1984). Art. 12 of law 4356/2015. Law 3719/2008.</p>		<p>References to legal sources: Joint Ministerial Decision 23443/2011. Art. 33 of the Civil Code (Presidential Decree 456/1984).</p>	
<p>Explanations and nuances: For same-sex couples, see explanations under question 4.2.</p>		<p>Explanations and nuances: For same-sex couples, see explanations under question 4.2.</p>		<p>Explanations and nuances: For same-sex couples, see explanations under question 4.1.</p>	

Jurisdiction: **Greece**

Source: **D. Lima**, "Migration and legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-GR-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.05 - Foreign status as impediment to marry**

When the couple got married or registered abroad, will this relationship then be recognised as an impediment to marry someone else?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 1984	2016 No, but 2001	2016 Yes 2015	2016 Yes 2015	X	X
? 0000	N/A 0000	No 1998	No 1989	X	X
		N/A 0000	N/A 0000	X	X
References to legal sources: Articles 13 and 1354 of the Civil Code (Presidential Decree 456/1984).		References to legal sources: Art. 12 of law 4356/2015. Articles 13 and 1354 of the Civil Code (Presidential Decree 456/1984). Law 3719/2008.			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Art. 13 states that the prerequisites to enter into marriage are regulated under the law of the country of nationality of one of the spouses - in this case, Greece for both. Under article 1354, a prior marriage acts as an impediment, with no specifications as to where it was conducted. For same-sex couples, see explanations under question 4.2.</p>		<p>Explanations and nuances: See explanation for spouses, as registered partners are under the new law equated to them.</p> <p>It is worth noting that, according to art. 4(1)(c) of law 3719/2008 (this law applies only to registered partnerships concluded in Greece), a subsequent marriage would render the registered partnership null and void. However, this changed under law 4356/2015 (this law again applies only to registered partnerships concluded in Greece), where art. 14 amended art. 1354 of the Civil Code, and from then on a registered partnership is an impediment to marriage (to a third party, not between the two registered partners).</p>			

Jurisdiction: **Greece**

Source: **D. Lima**, "Migration and legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-GR-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.06 - Foreign status and inheritance**

When the couple got married or registered abroad, will this relationship then be recognised as regards inheritance in the absence of a testament?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 1984	2016 No, but 2001	2016 Yes 2015	2016 Yes 2015	X	X
? 0000	N/A 0000	No 1998	No 1989	X	X
		N/A 0000	N/A 0000	X	X
References to legal sources: Art. 28 and 1820 of the Civil Code (Presidential Decree 456/1984).		References to legal sources: Art. 28 and 1820 of the Civil Code (Presidential Decree 456/1984). Art. 12 of law 4356/2015. Art. 12 of law 3719/2008.			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: According to art. 28 of the Civil Code, the law of the country of which the deceased was a national will be applied, which is Greece in this case, so art. 1820 will apply. For same-sex marriage, see explanations under question 4.2.</p>		<p>Explanations and nuances: Laws 4356/2015 and 3719/2008 apply only to partnerships registered in Greece or abroad before a Greek consulate. However, law 4356/2015 (art. 12) equates registered partners to spouses, so see explanation here with regard to spouses. That is to say, according to art. 12 of law 4356/2015, art. 28 of the Civil Code will be applied, according to which the law of the country of which the deceased was a national will be applied, which is Greece in this case, so art. 1820 of the Greek Civil Code which regulates inheritance between spouses in absence of a testament will apply by analogy to registered partners as well.</p>			

Jurisdiction: **Greece**

Source: **D. Lima**, "Migration and legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-GR-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.07 - Citizenship**

Does a relationship of this type make it easier for a foreign partner to obtain citizenship?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 2004	2016 N/A 0000	2016 Yes 2015	2016 Yes 2015	2016 No, but 0000	2016 No, but 0000
Yes 1955		No, but 2008	N/A 0000		
		N/A 0000			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 5A of law 3284/2004, as amended by law 3838/2010.</p> <p>Art. 5 of law 3284/2004, prior to being amended by law 3838/2010.</p> <p>Art. 6(2) of Legislative Decree 3370/1955, as amended by law 1438/1984.</p> <p>Art. 4 of Legislative Decree 3370/1955, prior to being amended by law 1438/1984.</p>		<p>References to legal sources: Art. 5A of law 3284/2004, as amended by law 3838/2010.</p> <p>Law 4356/2015.</p> <p>Law 3719/2008.</p>		<p>References to legal sources:</p>	
<p>Explanations and nuances:</p>		<p>Explanations and nuances: Under art. 12 of law 4356/2015, registered partners are equated to spouses.</p> <p>Before 2015, no such provision existed, however such a relationship could be taken into account to prove the close link between the individual seeking to obtain citizenship and Greece.</p>		<p>Explanations and nuances: No such provision exists, however such a relationship could be taken into account to prove the close link between the individual seeking to obtain citizenship and Greece.</p>	

Jurisdiction: **Greece**

Source: **D. Lima**, "Migration and legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-GR-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.08 - Recognition of joint adoption**

When the partners have jointly adopted a child while residing abroad, will that foreign adoption then be recognised as regards legal parenthood?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 1985	2016 N/A 0000	2016 No, but 2015	2016 No 2015	2016 No, but 0000	2016 No 0000
?		No 2008	N/A 0000		
		N/A 0000			
<p>References to legal sources: Art. 323 and 905(4) (although in practice the latter is applied) of the Code of Civil Procedure (Presidential Decree 503/1985).</p> <p>Art. 1545 of the Civil Code (Presidential Decree 456/1984).</p>		<p>References to legal sources: Art. 323 and 905(4) (although in practice the latter is applied) of the Code of Civil Procedure (Presidential Decree 503/1985).</p> <p>Art. 1545 of the Civil Code (Presidential Decree 456/1984).</p> <p>Art. 12 of law 4356/2015.</p>		<p>References to legal sources: Art. 323 and 905(4) (although in practice the latter is applied) of the Code of Civil Procedure (Presidential Decree 503/1985).</p> <p>Art. 1545 of the Civil Code (Presidential Decree 456/1984).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: According to art. 905(4) of the Code of Civil Procedure, the adoption decision will only be valid in Greece and produce legal effects if it is declared as enforceable by a Greek court. The wording of the law seems to favour declaring foreign court decisions as enforceable, in order to facilitate state cooperation and promote mutual respect for judicial processes. So in essence there are few grounds on which a court could reject such an application, i.e. public morals or public order. In cases of same-sex partners adopting, this will probably not be declared as valid for both but only for one parent, since same-sex marriage would most likely be found to contravene public morals/order - see explanations under question 4.2.</p>		<p>Explanations and nuances: According to art. 905(4) of the Code of Civil Procedure, the adoption decision will only be valid in Greece and produce legal effects if it is declared as enforceable by a Greek court. The wording of the law seems to favour declaring foreign court decisions as enforceable, in order to facilitate state cooperation and promote mutual respect for judicial processes. So in essence there are few grounds on which a court could reject such an application, i.e. public morals or public order. In cases of registered partners adopting, this would probably not be declared as valid for both, since the option to jointly adopt only exists for spouses under Greek law. Under law 4356/2015, registered partners are equated to spouses, however rights to adoption were expressis verbis excluded, due to the controversy regarding same-sex couples adopting. So it is likely that this would not be recognised for opposite-sex partners either, lest a leeway for same-sex partners be opened.</p>		<p>Explanations and nuances: According to art. 905(4) of the Code of Civil Procedure, the adoption decision will only be valid in Greece and produce legal effects if it is declared as enforceable by a Greek court. The wording of the law seems to favour declaring foreign court decisions as enforceable, in order to facilitate state cooperation and promote mutual respect for judicial processes. So in essence there are few grounds on which a court could reject such an application, i.e. public morals or public order. In cases of cohabitants adopting, this will probably not be declared as valid for both, since the option to jointly adopt only exists for spouses under Greek law. One could argue that that considerations resulting from the constitutional right to protect family life would lead to recognition of the foreign decision, provided that the parents were of different sex. I personally believe, for the time being and given the great importance that is attributed to marriage -and in general to legal recognition of a couple- within Greek society, that judges would be very reluctant to recognise both partners as parents, thus treating them in the same vein as spouses.</p>	

Jurisdiction: **Greece**

Source: **D. Lima**, "Migration and legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-GR-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.09 - Recognition of second-parent adoption**

When one partner has become the second parent of a child of the other partner, by way of adoption while the partners were residing abroad, will that foreign adoption then be recognised as regards legal parenthood?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 1985	2016 N/A 0000	2016 No, but 2015	2016 No 2015	2016 No 0000	2016 No 0000
? 0000		No 2008	N/A 0000		
		N/A 0000			
<p>References to legal sources: Art. 323 and 905(4) (although in practice the latter is applied) of the Code of Civil Procedure (Presidential Decree 503/1985).</p> <p>Art. 1545 and 1562 of the Civil Code (Presidential Decree 456/1984).</p>		<p>References to legal sources: Art. 323 and 905(4) (although in practice the latter is applied) of the Code of Civil Procedure (Presidential Decree 503/1985).</p> <p>Art. 1545 and 1562 of the Civil Code (Presidential Decree 456/1984).</p>		<p>References to legal sources: Art. 323 and 905(4) (although in practice the latter is applied) of the Code of Civil Procedure (Presidential Decree 503/1985).</p> <p>Art. 1545 and 1562 of the Civil Code (Presidential Decree 456/1984).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Adoption of a child of the other partner is only open to spouses under Greek law. For further explanations, see under question 4.8.</p>		<p>Explanations and nuances: For further explanations, see under question 4.8. It is my personal opinion that such a second parent adoption would probably not be recognised even if the two parents were of different sex. I believe that for the time being and for the next years there is and will be focus on differentiating between spouses and registered partners in the field of adoption, in order to appease people who were not happy with the introduction of same-sex registered partnerships and allow society time to understand and adapt to the new landscape. Even the Minister of Justice felt compelled to address the parliament after the bill was introduced (which would later become law 4356/2015) and clarify that it had nothing to do with adoption and provided no adoption rights, and that the matter would be regulated later with a separate bill. Thus I believe that judges would be very reluctant to judicially recognise joint or second parent adoption for registered partners, as this seemed such a controversial issue and the judiciary tend to be on the conservative end of the social spectrum. But of course one can only hope that there will be judges that prove such a pessimistic understanding of the dynamics on the matter wrong.</p>		<p>Explanations and nuances: Adoption of a child of the other partner is only open to spouses under Greek law. For further explanations, see under question 4.8.</p>	