

Please note this document does not constitute advice and you use the information contained within at your own risk. It is for the most part the personal opinion of the founding admin, David Young, and may be updated from time to time. For tax advice and specialist immigration advice you should consult your own accountant or immigration lawyer. This document was last updated on 05.02.21

FREQUENTLY ASKED QUESTIONS

1. Why and when was the Facebook 180 Days in Greece Group formed?

David founded the group in the autumn of 2020 after realising that no-one was fighting for the rights of 'part-timers' such as himself in Greece after Brexit – those UK citizens who lived for part of the year in their rented or owned properties, or their boats, in Greece, but who would be adversely affected by the Schengen 90/180 rule. More than that, he realised some of the permanent residents' groups were actually antagonistic towards part-timers. Also, a wider group – 180 Days Visa Free – had decided to concentrate their efforts on France where most of them are second-home owners. The idea was simply to gather a group of people who could support efforts to persuade the Greek government to tweak the rules. To a large extent, we've done what we set out to do. Whether the Greek government does help us is, in the end, up to Greek politicians.

2. Who are the moderators and admins?

The admins are David Young, and Gilly Fick.

David is a full-time crime novelist whose six-novel 'Stasi Child' series is translated into eleven languages around the world (you can find out more at www.stasichild.com). Greece is possibly his best foreign market, with four novels under contract. Before he 'turned to crime', David was a BBC journalist – leading news teams in the BBC international radio and TV newsrooms, having begun his career as a local newspaper reporter. He and his journalist wife own a small house on Syros which they use as a writing base.

Gilly's original background is in dentistry and she is now retired. She manages a theatre web site, <https://www.guildburys.com/> designing content and publicity campaigns as well as directing and acting. She is a founder member of the group and a 'part-timer' with a home in Kefalonia.

3. What is the group trying to achieve?

The group was set up to campaign in Greece for a change to the Schengen 90/180 travel rule to allow Greek property and boat owners who are former EU citizens to use their holiday homes or boats up to 180 days flexibly, according to their own needs, in any 360-day period. We believe this small tweak to the Schengen rules would be in Greece's interests by helping to stimulate the tourist economy and real estate market, which was badly hit by the Coronavirus pandemic in 2020.

4. How can members contribute to the campaign?

By using the resources in Files and Announcements (letter templates and campaign brochures in both Greek and English which you are free to adapt as you wish) to write to any or ideally all of the following: Greek MPs (it is a proportional representation system, so there may be more than one MP for your area), the Greek Prime Minister, other relevant Greek Ministers, Regional Governors, local mayors and business people.

Find out which are your local Greek MPs here:

<https://www.hellenicparliament.gr/en/Vouleftes/Ana-Eklogiki-Perifereia/>

To find their contact details use this link:

<https://www.hellenicparliament.gr/en/Vouleftes/Stoicheia-Epikoinonias-Voulefton/>

5. What if I want to just be a member and watch from the side-lines, rather than actually helping to campaign?

There's nothing we can do to stop that, but as part of the sign-up to the group we ask new joiners to agree that they are prepared to actively campaign, so we expect everyone to join in the letter-writing. Simply joining the group and debating issues in a private Facebook group achieves nothing. We've a much greater chance of success if everyone contributes. So please send those letters, then follow them up – regardless of whether you get a reply.

6. Has the campaign had any signs of success?

We have had informal indications from the highest level of Greek government that our concerns have been heard and that they are viewed favourably. As one member with high-level contacts told David (at the beginning of Feb 2021), 'the mood music is very good'. However, in the only formal communication, the government has suggested the Financially Independent Persons' visa/residents' card as a solution, which it isn't, as it still requires 180 days' presence per year in Greece (and in that respect is little different from the 5-year temporary WA biometric card). So we still need to keep writing those letters.

7. If I qualify and decide to get the temporary (5 year) residence permit under the Brexit Withdrawal Agreement (WA), do I have to stay in Greece for at least 183 days a year and become tax resident? I heard this was the case after reading posts in other forums/groups.

****PLEASE SEE IMPORTANT UPDATE IN POINT 8 BELOW****

The actual rule is that you must not have any absences from Greece adding up to more than six months per year in order to qualify for the 10-year permanent biometric residency permit. This is not the same as having to be in Greece for 183+ days (the usual trigger for tax residency) although some people assume or insist that it is. For example, if you spent October to January in the UK, came back to Greece for the whole of February, then were in the UK for March and April you would not have spent more than six months outside Greece. But you would have only spent 181 or 182 days *inside* Greece (depending on whether it was a leap year). In my view, the idea that the 5-year biometric card automatically triggers tax residency is false. That's also the view of my Greek accountant. But everyone's tax situation is different (for example UK state pensions are normally only taxed in the UK) and you must get your own specialist advice from an accountant and not rely on Facebook groups.

8. What happens if I can't fulfil the criteria for the 5-year biometric permit in terms of not being absent from Greece for more than six months in any year?

****PLEASE SEE THE UPDATE BELOW FOR THE LATEST INFORMATION****

OLD ANSWER: This is an unknown because it's a new situation. The possible options, I suppose, are: a) the permit gets taken away as soon as you transgress (but you are allowed one absence of up to 12 months for a significant reason – it's up to Greece whether it allows that reason); b) the permit gets taken away or ceases to be valid after five years; or c) absolutely nothing and as long as you can still provide acceptable proofs of continuous residence (which tend to be tax returns – and we don't know yet if 'nil' returns and non-tax resident returns are acceptable -- and/or utility bills for the five-year period which most property owners/renters and some boat owners may well have) you may still be able to progress to the 10-year permit. We just don't know.

****UPDATE 19/3/21** (PLEASE SEE THE EMAIL IN FILES FROM 18/3/21 ASSOCIATED WITH THIS)**

NEW ANSWER 19/3/21: In response to some detailed questioning from me about the terms of the 5-year biometric, the Brexit Management Team of the Greek Foreign Ministry has confirmed the following:

- The 5-year temporary biometric permit will be able to be renewed in perpetuity EVEN if you don't meet the not more than six months' absence from Greece requirement
- The six months' absence clause will NOT be strictly policed -- as long as you spend 'a few months' in Greece each year you will not lose your residence.
- Residence rights will ONLY be lost if you are out of Greece for more than 5 years continuously.

Please note that as this answer from the Foreign Ministry Brexit Management Group apparently goes beyond the Withdrawal Agreement, it may get changed.

9. How will Greece monitor this?

Again, we don't know. With the new ETIAS system from late 2022, every entry and exit from Schengen will be logged and monitored, and that applies to Greece too. There are dire stories about third country nationals facing large fines and Schengen area bans for *overstays*. However, there are two caveats to this as I see it. a) Greece cannot easily monitor how long you actually stay in Greece, because once in Greece you can go to other Schengen countries without going through passport control/ETIAS, so they may only know how long you are in the Schengen area; and b) all the dire stories of fines etc concern *overstays*. I'm not aware of anything similar for *under-stays* (by all means let me know if you have examples and I'll update this).

10. Do I have to stay in Greece for at least 183 days a year and become tax resident if I qualify for the 'permanent resident' 10-year WA permit?

It would appear not, as the only time constraint for the 10-year permit in terms of maintaining its validity is that you should not have a period outside Greece greater than five years (and that's being interpreted as five continuous years). But again, you should consult a specialist accountant.

11. Can I get a WA biometric permit even if I don't have one of the old Greek pre-Brexit beige or blue permits?

Yes, as long as you have the necessary documents to prove you were resident before 31.12.20. Consult the Files section of British in Greece for chapter and verse on this. If you can prove five years' worth of residence, you may be able to go straight to a 10-year card.

12. If I apply to become resident in Greece under the Withdrawal Agreement, won't I lose my entitlement to NHS care in the UK?

Not necessarily, especially if you still have a permanent home in the UK and spend significant periods of time there and are 'settled' there, which I suspect most people in this group are. The test for NHS benefits is whether you are 'ordinarily resident' in the UK, and it is perfectly possible to be 'ordinarily resident' in more than one country. UK case law has proved this. Read more about the UK's ordinary residence test for NHS benefits here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/736849/Ordinary_residence_tool.pdf

13. What solutions has the Greek government proposed?

The Greek government says a type 'D' national visa, followed by a Financially Independent Person's residence permit, will allow us to stay 'the time that we want'. The trouble is it's difficult to obtain, you need a certain income level to qualify (for example people on a UK state pension wouldn't) and – most importantly – it still carries a minimum stay in Greece requirement of 180 days. So in reality it's not a solution at all, despite whatever spin is put on it.

14. Are there any other options (other than applying for a biometric residency card) for staying beyond the 90-days allowed for under the Schengen rules?

There are very narrow, specialist categories of permit attached to the type 'D' visa which a handful of people may qualify for – for details see the website for the Greek embassy in London. For example, as an author with a book contract in Greece, I might qualify. But there are lots of hoops to jump through, and for most people the FIP permit is the only option other than the WA biometric cards (unless they can afford a Golden Visa).

15. Why are people only waking up to these problems now? Surely, we've known what was going to happen ever since the Brexit vote?

I remember reading the original Greek legislation/announcements regarding the biometric card, and at that stage they were proposing no difference between the card that beige and blue card holders would get – or at least, that was my understanding. This was, I think, in 2019. As a result, I thought my rights were covered (with the beige card, we had the right to stay beyond 90 days). It was only in late summer of 2020 I realised what was happening. Part of that was that British in Europe (of which British in Greece is a part) had campaigned to make sure there was a differentiation between the temporary and permanent biometric cards, presumably to protect the rights of long-term residents.

16. I've been told that Greece cannot vary the 90/180 rule because it is applied throughout the whole Schengen area of the EU. So surely, you're asking for the impossible?

Greece already has more than a dozen bilateral agreements which vary 90/180, and five of those were concluded after Greece joined the Schengen area. There are other variations – for example, France has a 4-6 month VLS-T (visa long séjour – temporaire) specifically aimed at tourists and visitors wanting to stay longer than 90 days, and it only costs €99. Each EU country has the latitude to set its own terms for residence too (hence the existence of the Golden Visa). When I see this myth propagated on BiG I try to point out that it's a myth, but regularly get shouted down.

17. I've noticed my post hasn't been approved for posting. Why is this?

We only allow a very limited number of posts from members, for example when there is real news that advances the campaign. The idea of the group isn't to debate the issues, it's to campaign for a change in the rules in Greece for our membership. Each new post opens a conversation, which then can be hard for the small admin team to manage. We try to apply this rule consistently and we're hoping regular questions will be answered by these FAQs.

18. Many of the posts have been closed for commenting. Why is this?

For the same reason as above. If posts are kept open for commenting, they can descend into arguments about Brexit, or about what we should or shouldn't be doing. They also require regular monitoring. This takes time away from actually doing anything and can become a full-time occupation! Most posts are therefore closed for commenting after a while, and some are closed quickly or from the start.

19. I want to debate the issues further, but that doesn't seem possible in this group. Why?

For the same reasons as above. However, we're always interested in hearing about genuine developments relevant to the campaign and members are welcome to send David or Gilly direct messages if they feel something needs a wider audience.

20. Disagreement and dissent within the group seems to be discouraged. Why?

Because it's time consuming, energy consuming and – because it's a private group – achieves little to advance the campaign. The group's rules say only positive comments are allowed. And the reason it is a private group is that we have many opponents, particularly in groups such as BiG, where one or two members have openly stated that they will campaign against us within Greece, that we are a 'seditious' group trying to undermine the EU, and where at least one of our admins has – in our view –

been libelled. In that context, you can hopefully understand why we feel the need to keep the group private.

21. Some people have been excluded from the group because they disagreed with the admins. Why is that?

There is no doubt we have had in the past some members here who do not share the aims of the group, or the way we are going about things. When that becomes apparent, we will remove them if their activity starts to be a distraction. We generally don't expel someone on the basis of one post or comment – unless it is particularly obnoxious. But if someone is continually chipping away, and questioning the aims of the group without good reason, we will remove them. We'd rather they left of their own accord first.

22. Shouldn't we also be campaigning to get the British government and EU to change the 90/180 rule?

It's our view that Greece is more likely to act unilaterally, than the UK is to push for changes with Greece (or the EU). Several groups have been pushing the case to the UK for months if not years before we even existed. The current UK government is wedded to the idea of ending freedom of movement. So, for the time being, we as admins won't be doing this or actively encouraging it – but there's nothing to stop individual members campaigning within the UK and of course if you get an important update or anything that signifies any hope, we'd be delighted to hear about it.

23. There are a lot of members with boats in the group that cruise in Greek waters even if they do not have a permanent berth in Greece. Why aren't you doing more to help them?

Our original membership criteria was that people ought to have some sort of 'foothold' in Greece (so if a boat then a long-term marina contract or similar) and that hasn't changed. We hope our campaign will help boat cruisers and long-term motor-homers too and we will try to represent their interests as best we can, when and if we have discussions with the Greek government. But we'd also encourage cruising members to lobby via the Cruising Association which has a better handle on boat-only or cruise-only issues – and probably has better relevant contacts.

24. What does 90/180 actually mean? Surely it still allows people to stay nearly half the year in Greece, so what's the problem?

It does allow you to stay 180 days but only if you manage your visits very carefully, and it never allows more than 90 days at a time. Generally, if you have as much time 'in' as 'out' of the Schengen area, up to and including three months, you will be ok. But then there are weird exceptions to this rule of thumb too (in fact I think anything over 45 days in, 45 days out doesn't work until you hit the 'sweet spot' of 90 days in/out again). It's so baffling you need a Schengen calculator to make sure you're not breaking the law. Here's one:

<https://ec.europa.eu/assets/home/visa-calculator/calculator.htm?lang=en>

25. Aren't you all just tax dodgers and rich Brexiteers, trying to have your cake and eat it at the same time?

This is a particularly insulting brickbat thrown at us by some. Firstly, many of us were opposed to Brexit. Secondly, although we have second homes or boats we may not be particularly rich, we might have downsized in the UK or mortgaged ourselves to the hilt to buy a Greek property, and our personal finances might well be on a knife-edge. In those circumstances, the extra tax potentially levied by becoming tax resident in two countries (it's very difficult to shake off UK tax residency if you still have a home in the UK and spend considerable time there) may be the straw that breaks the camel's back. In addition, many of us cannot spend the required six months in Greece even if we wished to, because of family commitments in the UK, caring responsibilities for elderly relatives and a variety of other legitimate reasons.

26. Why have you co-operated with newspaper stories by for example, *The Daily Mail* and *Mail on Sunday*. Those newspapers have created the problem by being so rabidly pro-Brexit to start with. Surely you should boycott them?

The purpose of any of our press campaigns has simply been to raise awareness of the issue in Greece. If that means cooperating with such newspapers, I believe that is a price worth paying. It certainly has worked in terms of raising the profile of the issue in Greece and getting it to the government's attention.

27. Why aren't we pursuing legal avenues? Surely, we have a legal case under the European Convention on Human Rights?

I suspect it is likely that we do have a legal case, and there are some legal precedents, although these involve Greek Cypriots being permanently excluded from their homes in Northern Cyprus – clearly a very different situation to the one we face. I have approached a leading barrister in respect of this, but it would cost £5,000 + VAT simply to get a legal opinion, and there is no guarantee it would be in our favour. I also suspect none of our members actually wants to take legal action against Greece, a country we all clearly love. Even if we got a legal opinion in our favour, Greece is likely to ignore it, and may even react badly. For the time being, we still think the best policy is to campaign and try to persuade Greece the proposed change is in its own interests.

28. What about the Golden Visa. Isn't that a solution?

I'm not an expert on Golden Visas as unless we ever sell our UK home or win the lottery, or I have a Victoria Hislop-style bestseller, I won't be able to afford one. However, many thanks to our member **Trish Cooper** who gave these details in a reply recently – I have copied and pasted this from replies within the group – again, the caveats are consult a lawyer and tax specialist about your own situation, and this does not constitute advice.

One option for a longer-term visa, allowing unlimited stays in Greece, is a Golden Visa (GV). If your property is currently worth at least 250K euros (even if the purchase price was less back when you bought it) you should be eligible to apply now - and can each do so if you're married.

Official guidance here:

<https://www.enterprisegreece.gov.gr/.../permits-EN-low...>

There's no requirement for full tax residency with a GV - you need to pay the usual property taxes but that's all.

However, the downside according to member **Roger Collins** is that costs are around €2k per person to get this processed.

And here's the bit about current value, again from **Trish Cooper**. 4. Residence permits for third country citizens who have purchased real estate property in Greece before Law 4146/2013 came into effect:

- If the payment submitted before Law 4146/2013 came into effect is smaller than two hundred and fifty thousand euro (250,000) but the current objective (assessed) value of the real estate property exceeds or is equal to this amount, a certification by a notary must be included in the documents that are submitted, stating: "From the verification of the contract with number .for the purchase of real estate property, it can be concluded that the full payment of the cost of the real estate property has been completed, it no longer has any conditions, exemptions or deadlines, and the objective (assessed) value of the real estate property as it stands today is equivalent to the amount of"."

The 250k euros' worth of property can comprise more than one item ie if you already have a house, but can additionally buy a studio or flat - perhaps to let out - then you're still eligible for the GV.

29. If we do take up the WA biometric residency card option, do we need to change our driving licence?

Advice is constantly changing on this and I am not clear on the answer. At first, Brexit.gov.gr phrased it that people 'may' change their licences for a Greek one on becoming resident under the WA. Now (05.02.21) it says "If you are a UK national resident in Greece, holder of a UK driving licence, you may

continue after 1 January 2021 to use your UK driving licence without a problem, **until 2 May 2021.**" However, it then goes on to say: "Joint Ministerial Decision Δ30/A3/24136 (B' 368/02-02-2021), published on February 2nd, 2021, allows UK nationals, resident in Greece, to exchange **if they wish** so, their UK driving licence for a Greek one." So, it's as clear as mud. If you're going for short visits you can use a UK license with an IDP (available cheaply and easily from UK post offices – just make sure you get the correct one for Greece). If you're fully resident, you can't apparently use an IDP with a UK licence. Are there grey areas for temporary 5-year permit holders? I'm not sure ... but some posters on BiG have been told via the Greek transport department that they don't have to change until their licence becomes invalid.

30. Will a residency card be needed to buy a car in future in Greece?

There have been various posts on BiG and elsewhere saying that you DO need a residency card to buy a car in Greece, particularly a new car. However, equally I've seen posts saying TCNs even without residency are able to buy a car – you just have to fill in a form saying you don't intend to stay for more than six months. But it's simply that it's more difficult for dealers to register them, so they don't like to do it.