

## **Visa requirement**

### **Question:**

I am a Russian citizen, I have a Cypriot passport, my wife has Residence Permit, we are going to visit Athens in August. The company, which sells the tickets, provided us with the information that recently had been adopted the provision saying that in case of having our marriage certificate, my wife can travel with me without getting visa in the Embassy of Greece. Is it true?

### **Response:**

Since person has a valid Cyprus Passport you are a citizen of the Republic of Cyprus and henceforth a European citizen. As a general rule and according to European legislation - to which Cyprus is fully harmonized - all Union citizens and their family members residing in a Member State should enjoy, in that Member State, equal treatment with nationals in areas covered by the relevant European Laws. It is regulated by European Directive 2004/38/EC that the right of all Union citizens to move and reside freely within the territory of the Member States should be also granted to their family members, irrespective of nationality.

Those persons who are not nationals of a Member State, but who have already obtained a residence card should be exempted from the requirement to obtain an entry visa when crossing the external borders. It should be noted that there is a difference between residence cards issued under European Directive and residence permits issued to third country family members under national law. In addition, it should be noted that third country family members holding a valid residence card issued by a Member State applying the Schengen can also be exempted from the visa requirement under Article 5 of the Schengen Borders Code.

By virtue of the Visa Code however, those third-country nationals holding a residence permit issued by a Member State are not exempt as such from the visa requirement but their residence permit is considered as equivalent to a uniform visa.

According to the Practical Handbook for Border Guards ("Schengen Handbook"), persons enjoying the Community right of free movement are authorized to cross the border of a Member State on the basis of the following documents, as a general rule:

EU, EEA, CH citizens: valid identity card or valid passport;

Members of the family of EU, EEA, CH citizens who are nationals of a third country: valid passport. They may also be required to have an entry visa, if they are nationals of a third country subject to the visa obligation, unless they are in possession of a valid residence permit or card, issued by a Member State (or by EEA countries or CH).

It is well established that Greece accepts the residence permits issued by the Republic of Cyprus to third country nationals who are members of the family of Cyprus' citizens although Cyprus is not yet a member of the Schengen area. As such, your wife will not be required to have an entry visa in order to enter the territory of Greece.

However, your wife will be required to have with her the following documents:

- 1) Certificate of Marriage; (original or true copy duly certified);
- 2) Valid Passport (with remaining validity of at least 6 months);
- 3) Residence Permit in Cyprus.