

No. oik. 6382/19

Establishment of an implementation framework for the programme of provision of cash assistance and accommodation ("ESTIA")

THE MINISTER FOR MIGRATION POLICY

Taking into consideration:

1. The provisions of Article 24^A of the L. 4540/2018 (A'91) "Adaptation of Greek legislation to the provisions of Directive 2013/33 / EU of the European Parliament and of the Council of 26 June 2013 on the requirements for the reception of applicants for international protection (recast L 180/96 /29.6.2013) and other provisions» as added with art. 5 L. 4587/2018 (A'218).
2. The L. 4375/2016 (A' 51) "On the organization and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of the provisions of Directive 2013/32/EC "on common procedures for granting and withdrawing the status of international protection (recast) (L 180/29.6.2013), provisions on the employment of beneficiaries of international protection and other provisions"
3. The Article 90 of the p.d. 63/2005 (A '98) "Codification of legislation for government and government bodies".
4. The L. 4048/2012 (A '34) Regulatory governance: Principles, Procedures and Tools of Good Law-making.
5. The L. 412/1947 (A' 218) "Related to the ratification of the Convention on Privileges and Immunities of the United Nations".
6. The Article 23 of the p.d. 122/2017 (A'149)"Organization of the Ministry of Migration Policy ".
7. The p.d. 123/2016 (A'208) "Restructuring and renaming of the Ministry of Administrative Reform and Electronic Governance, restructuring of the Ministry of Tourism, establishment of the Ministry of Migration Policy and the Ministry for Digital Policy,

Telecommunications and Media, renaming of the Ministry of Interior and Administrative Reconstruction, of the Ministry of Finance, Development and Tourism and of the Ministry of Infrastructure, Transport and Networks.”

8. The p.d. 22/2018 (A '37) "Appointment of Ministers, Deputy Minister and Deputy Ministers".
9. The Agreement dated 3 May 2018 on the Sharing of Personal Data of asylum seekers and refugees between the Ministry of Migration Policy and the United Nations High Commissioner for Refugees, where the conditions under which the sharing of data can take place between the parties are defined.
10. The fact that the provisions of this decision are causing expenditures – which will be covered—through Community funding to the UNHCR pursuant to the Delegation Agreement HOME/2017/AMIF/DA/UNHCR/ESTIA/2019, and in accordance with the objectives set out therein, the state budget is not burdened.
11. The 1534 / 22-02-2019 proposal of the Directorate General of Administration and Financial Services (DGAFS) / MoMP, according to which no expenditure is incurred on the budget (regular and public investment programme) of the Ministry of Migration Policy, we decide

Article 1

Definitions

For the purposes of this decision, the following definitions apply:

- a) "programme" is the 2019 ESTIA Programme ("Multi-Purpose Cash Grants & Rental Accommodation Scheme" programme), as described in the Delegation Agreement HOME/2017/AMIF/DA/UNHCR/ESTIA/2019 concluded between the European Commission and UNHCR for the period 1.1.2019 until 31.12.2019.
- b) "programme manager" is the UNHCR who bears responsibility for implementing the programme by its own means or through implementing partners,
- c) "implementing partners" are third parties contracted by the programme manager for the implementation of the programme.
- d) "programme beneficiaries" are applicants for international protection within the meaning of Article 2 of L. 4540/2018 (A'91) including case b of paragraph 1 of Article 36 of L. 4375/2016.

- e) "programme provisions" or "provisions" are,
- e1: a cash assistance which provides a specific amount aiming at meeting basic needs.
 - e2: accommodation in private residencies, apartments, hotels and buildings rented under the programme,
 - e3: supporting services accompanying accommodation.
- f) "competent authority for reception" is the Directorate for the Protection of Asylum Seekers of the General Secretariat for Migration Policy of the Ministry of Migration Policy, which oversees the observance of the terms of the present decision, during the implementation of the programme.

Article 2

Purpose of the programme

The purpose of the programme is to ensure an adequate standard of living for the applicants for international protection, through the provision of cash assistance, case-by-case safe accommodation, as well as the provision of supporting services, according to their needs and in view of the full provision of material reception conditions within the meaning of the EU law.

Article 3

Cash assistance

1. The cash assistance consists in providing a fixed amount of cash and it covers the essential expenses for basic needs for food, clothing, footwear, personal hygiene, telecommunication, travel within the location of residence, as well as the essential expenses for school and pharmaceutical items.
2. All adult applicants for international protection as well as their family members are beneficiaries of the cash assistance scheme. Those in detention are excluded. The benefiting unit for the provision of the cash assistance is the adult, individual applicant for international protection or the family of applicants for international protection as defined in Law 4540/2018 (A'91).
3. Cash assistance is provided on a monthly basis in whole or in part, depending on the type of accommodation of the benefiting unit. The amount of the whole cash assistance varies according to the number of members of the benefiting unit as

follows:

- a. 150 euros for a single adult,
 - b. 280 euros for a family with two members,
 - c. 340 euros for a family with three members,
 - d. 400 euros for a family with four members,
 - e. 450 euros for a family with five members,
 - f. 500 euros for a family with six members,
 - g. 550 euros for a family with seven members or more
4. In accommodation facilities where food is provided, the cash assistance is provided in part, and the amount varies according to the number of members of the benefiting unit as follows:
- a. 90 euros for a single adult,
 - b. 140 euros for a family with two members,
 - c. 190 euros for a family with three members,
 - d. 240 euros for a family with four members,
 - e. 290 euros for a family with five members,
 - f. 310 euros for a family with six members,
 - g. 330 euros for a family with seven members or more
5. The cash assistance is provided through a pre-paid, electronic, rechargeable card, one for each benefiting unit. The provision of the card as well as the payment of the amounts are made by the programme manager, after checking periodically that the beneficiary meets the above eligibility criteria.
6. If the benefiting unit is a family, the card is provided to one of the adult spouses unless the programme manager, following an evaluation, issues more cards for protection purposes, after informing the competent authority for reception.
7. In case the applicants for international protection are moved to a new accommodation facility, the cash assistance shall be adjusted according to whether or not food is provided.
8. Any information or notice about the cash assistance, is given in a language that the beneficiaries understand.

Article 4

Accommodation and supporting services

1. The programme provides accommodation in private residencies, apartments, hotels and buildings, which are rented under its framework and they are granted free of charge to the beneficiaries.
2. The beneficiaries of accommodation and supporting services can be:
 - a. adult applicants for international protection and their family members, with priority being given to vulnerable persons according to the provisions of L. 4375/2016 (A'51) and L. 4540/2018 (A'91), taking into account the available capacity of free places.
 - b. applicants for international protection who while reaching adulthood reside in accommodation centres for unaccompanied minors or places of temporary accommodation for unaccompanied minors. To this end, their vulnerability or the continuation of studies in public and private institutions of secondary, higher or vocational, formal and informal education in which they are enrolled, are taken into consideration.
3. The programme's beneficiaries of accommodation, receive supporting services according to their needs and in order to become self-reliant the earliest possible. The supporting services accompanying accommodation may be in particular:
 - a. transportation to the accommodation for the placement of the beneficiary as well as to the competent services for examining the application for international protection, if necessary.
 - b. information, counselling and support on the procedures that concern the beneficiary—including information for rights and obligations, enrolment in public education—but also the processing of the required procedures as is registration in the tax and social security registry and opening of a bank account and enrolment to organisations promoting employment or social protection.
 - c. psychosocial support services according to the beneficiary's needs and the circumstances.
 - d. interpretation in a language that the beneficiary understands.

Article 5
Internal regulation

1. In order to uniformly regulate stay in the programme's accommodation, an internal regulation (Regulation) is developed by the programme manager, which is submitted for approval to the competent authority for reception within two months from the entry of this decision into force.
2. The Regulation includes, with specific reference to the Code of Conduct for staff employed and the principle of confidentiality and respect for the beneficiaries' personal data, minimum arrangements for:
 - a. the procedures for entering, exiting, suspending or terminating the accommodation of beneficiaries.
 - b. the services provided, the conditions, organization and methodology of their provision.
 - c. the rights and obligations of beneficiaries, such as the careful use of facilities and equipment of the accommodation.
 - d. the possibility and conditions of absence of the beneficiaries from the accommodation for a short period of time or for lawful employment or for humanitarian reasons.
 - e. the duties of the staff employed and the beneficiaries' duty to cooperate on the issues and the procedures related to them.
 - f. the terms and procedures for entry of visitors.
 - g. the monitoring and quality assessment of the provided services system.

Article 6
Terms of accommodation

1. Staying under the programme's accommodation is subject to the following terms regarding the beneficiary:
 - a. that s/he can take care of himself/herself without a carer or has the appropriate supportive environment.

- b. that s/he does not display any behaviour that would endanger the personal security of the beneficiary, other beneficiaries or staff members.
 - c. that s/he does not use illegal and addictive substances.
 - d. that s/he signs and accepts the terms of accommodation and adheres to the Regulation.
2. For the assessment of vulnerability, accommodation conditions and the above-mentioned terms of accommodation, the competent authority for reception may request the expert opinion of health professionals as well as mental health professionals or other necessary documents. Similarly, in cases of severe mental disorders, the competent authority for reception may request a psychiatric opinion as to whether the beneficiary needs to be hospitalized or hosted to facilities of psychosocial rehabilitation or can support safe living or cohabitation and under what conditions.
3. The referral of beneficiaries to an accommodation facility of the programme is carried out in cooperation with the Department for the Management of Accommodation Requests of the competent authority for reception.
4. Any information or notice about the terms of accommodation, is given in a language that the beneficiaries understand.

Article 7

Withdrawal and reduction of provisions

1. Without prejudice to the terms, procedures and guarantees of Article 19 of L. 4540/2018, provisions are reduced or withdrawn on a case-by-case basis. Withdrawal or reduction shall be effected by an act issued by the competent authority for reception and implemented in cooperation with the programme manager and the implementing partners
2. The reduction or withdrawal of provisions shall be effected as follows:
 - a. If the beneficiary of accommodation under the programme abandons the accommodation place without prior notice according to the programme's Internal Regulation, and communication with the beneficiary is not feasible-, a decision to

withdraw the provision of accommodation and the supporting services is issued seven days after the knowledge of the act of abandoning. In this case, the cash assistance is provided for as long as the beneficiary remains an applicant for international protection and appears in the periodic checks in order for this status to be verified.–The same applies, regarding cash provision, when the applicant abandons an accommodation place which is not provided under the programme.

b. If the beneficiary violates a geographical restriction decision, the provisions are withdrawn thirty days after the notification to the beneficiary of the discontinuation decision of the examination of the application for international protection, and if this is not feasible, after the expiration of the International Protection Applicant's Card. If the card expired prior to the issuance of the decision of discontinuation, the provisions are withdrawn thirty days after the issuance of the latter. If, within the above thirty days, the applicant submits, in accordance with the Internal Regulation of the programme, a copy of his/her application for the continuation of the examination of the application for international protection, the material reception conditions shall be extended until the issuance of the final decision on the application for continuation. The same applies in all cases of issuance of discontinuation decisions.

c. If the beneficiary concealed the financial resources from his / her lawful employment and conditions of Article 17 par. 3 of L. 4540/2018 apply, the provision of cash assistance shall be withdrawn proportionally, only regarding the part pertaining to the employed beneficiary.

d. If the beneficiary severely violates the Regulation or indulged in particularly violent behaviour, the provision of accommodation is withdrawn and a period of 15 days after the knowledge of the violation shall be granted to the beneficiary to leave the accommodation facility.

3. The programme manager and each competent authority shall immediately inform the competent authority for reception when becoming aware of any of the above circumstances of withdrawal or reduction of provisions.

Article 8

Termination of provisions

1. The programme's provisions are automatically terminated following the final decision on the application for international protection. Specifically:
 - a. in case of a negative decision at 2nd instance on the admissibility or on the merits of an application for international protection, the provisions are terminated thirty days after the notification of the decision, and if not feasible, thirty days after the expiration of the International Protection Applicant's Card. In the event of a final negative decision on admissibility, because a Member State bound by Regulation (EU) 604/2013 has assumed responsibility for examining the application for international protection of the beneficiary, the provisions are automatically extended until the beneficiary's transfer to that State.
 - b. in case of a negative decision at 1st instance on the admissibility or on the merits when no appeal has been lodged, the provisions are terminated thirty days after the expiration of the deadline for the submission of the appeal. If, within the above thirty days, an out-of-date appeal is lodged, provisions shall be extended at least until a decision on the admissibility of the out-of-date appeal.
 - c. in case the beneficiary explicitly withdraws the application for international protection, the provisions are terminated immediately following the withdrawal.
2. In order to maintain family unity, provisions continue until the notification of the decision on the application for international protection or the expiration of the International Protection Applicant's Card, as specified above, for all family members.
3. Submission of a subsequent application for international protection does not entail the initiation, continuation or renewal of the programme's provisions, until the application is deemed admissible.
4. If the beneficiary refuses to leave the accommodation facility on the day that the accommodation is suspended or terminated, the competent authority for reception, the programme's implementing partners, the programme manager and the lessor, reserve all rights to take due measures to enforce the exit of the beneficiary, including legal action, in accordance with the legislation in force.

5. Any communication or notification of documents, shall be made in a language that the beneficiary understands.

Article 9

Continuation of provisions to beneficiaries of international protection

1. The programme's provisions shall continue automatically for a period of six (6) months after the notification of the decision granting a status of international protection and if this is not possible, after the expiration of the International Protection Applicant's Card of the beneficiary of international protection. This period may be more than six months until the completion of the current school year, for families with minor members attending primary and secondary education.
2. Provisions shall continue beyond the six-month period and in the cases of beneficiaries (a) in state of advanced or threatened pregnancy and if they have recently given birth up to two months after delivery. In this case, provisions are continued for family members with affinity of 1st degree, b) without a family support network, who have incurable or illnesses difficult to be cured, until their referral to appropriate public health and rehabilitation facilities, c) families, whose members face very serious health reasons, which make it absolutely necessary not to change the environment due to danger for the life of the beneficiary d) whose stay in the programme is required for imperative reasons of a humanitarian nature. All the above reasons are substantiated on the basis of a proposal by the programme manager.
3. Beneficiaries of international protection who while reaching adulthood reside in accommodation centres for unaccompanied minors or places of temporary accommodation for unaccompanied minors, receive cash assistance for six months after leaving those centres or accommodation facilities. For those with grounds of vulnerability or continuation of studies in public and private institutions of secondary, higher or vocational, formal and informal education in which they are enrolled, a referral to the programme's accommodation facilities can be made. In this case, cash assistance and accommodation are provided for a six-month period, or more, after their placement to an accommodation facility, in order to complete the current school year.

4. Throughout the course of their accommodation under the programme, and in particular in the above-mentioned periods, the beneficiaries ought to cooperate according to the Internal Regulation of the programme in order to develop a personalized integration plan and to carry out the relevant administrative procedures, such as, in particular, registration in the tax and social security registry, opening a bank account and enrolment to organizations promoting employment or social protection. Similarly, the programme's implementing partners provide support so as the beneficiaries of international protection benefit from the social and welfare measures or the assistance in accommodation provided by the Greek authorities, if necessary.
5. The competent authority for reception may set as a condition for the continuation of the provisions, the participation of beneficiaries in integration activities, such as the attendance of Greek language courses or other activities.
6. Upon expiration of the periods provided for in the paragraphs above, the provisions are terminated automatically.

Article 10

Final and transitional provisions

1. The provisions of Articles 8 and 9 shall apply in cases where the change to the status of the beneficiary described therein, occurs after the entry into force of the present decision. For the programme's beneficiaries whose application for international protection was rejected by a final decision before 1.1.2019, the programme manager's regulations, set out and in force until that date, shall be applied.
2. In case, at the date of entry into force of the present decision, the cash assistance is provided to third country nationals and stateless persons who are not applicants for international protection, including case b' of para. 1 of art. 36 L. 4375/2016, or beneficiaries of international protection, cash assistance will be discontinued one month after the publication of the present decision in the Government Gazette.

Article 11

Entry into force and cessation

The provisions of this decision shall enter into force on 1 January 2019 and cease to apply on 31 December 2019.

The decision shall be published in the Official Gazette.

Athens, 22 February 2019

THE MINISTER

DIMITRIOS VITSAS