

OFFICIAL GAZETTE, Volume A´ 226/21-10-2013

PRESIDENTIAL DECREE No. 141 on the transposition into the Greek legislation of Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 (L 337) on minimum standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted (recast).

**THE PRESIDENT OF THE HELLENIC
REPUBLIC**

Having regard to:

1. The provisions of: (a) Article 1 paragraph 1 of Law 1338/1983 on "the application of Community Law" (O.G. A´-34), as amended by Article 6 paragraph 1 of Law 1440/1984 (O.G. A´-70) and paragraph 2 of the same article, (b) Article 3 of Law 1338/1983, as replaced by Article 65 of Law 1892/1990 (O.G. A´101), (c) Article 4 of Law 1338/1983, as replaced by Article 6 paragraph 4 of Law 1440/1984 and amended by Article 7 of Law 1775/1988 (O.G. A´101), Article 31 of Law 2076/1992 (O.G. A´-130), Article 19 of Law 2367/1995 (O.G. A´-261), Article 22 of Law 2789/2000 (O.G. A´-21), Article 48 of Law 3427/2005 (O.G. A´-312) and Article 91 of Law 3862/2010 (O.G. A´-113).

2. The provisions of Article 5 paragraphs 2 and 3 of Law 3907/2011 "On the establishment of an Asylum Service and a First Reception Service, transposition into Greek legislation of the provisions of Directive 2008/115/EC "on common standards and procedures in Member States for returning illegally staying third-country nationals" and other provisions" (O.G. A´-7).

3. The provisions of Article 9 of Law 4052/2012 "On the competence of the Ministry of Health and Social Solidarity and the Ministry of Labour and Social Security for the implementation of the law "Approval of the Draft Agreements on Funding Facilitation between the European Financial Stability Facility (E.F.S.F.), the Hellenic Republic and the Bank of Greece, of the Draft Memorandum of Understanding between the Hellenic Republic, the European Commission and the Bank of Greece and other urgent provisions for the reduction of the public debt and the rescue of the national economy" and other provisions", (O.G. A´-41) and Article 56 of Law 4075/2012 "On matters pertaining to Social Security with IKA-ETA, Social Security Agencies, transposition into the Greek legislation of the provisions of Directive 2010/18/EU and other provisions" (O.G. Series A´-89).

4. The provisions of Article 22 paragraph 3 of Law 2362/1995 "On public audit of the state expenditure and other provisions" (O.G. A´-247), as in force.

5. The provisions of Regulation (EC) No. 1030/2002 of 13.6.2002 "laying down a uniform format for residence permits for third-country nationals" (OJ L

157, 15.6.2002, and the annex thereto, as has been amended by Regulation No. 380/2008 of the Council of 18.4.2008 (OJ L 115/1, 18.4.2008).

6. The provisions of Article 90 of the Code of Legislation concerning the Government and Governmental Bodies, as codified by Article One of Presidential Decree No. 63/2005 (O.G. A´-98).

7. The provisions of Presidential Decree No. 85/2012 "Establishment and renaming of Ministries and the transfer and abolition of services" (O.G. A´-141), as amended by Presidential Decrees No. 88/2012 (O.G. A´ 143), 94/2012 (G.G. Series A, No. 149), 98/2012 (O.G. A´ 160) and 118/2013 (O.G. A´ 152).

8. The provisions of Presidential Decree No. 119/2013 (O.G. A´-153) "Appointment of the Vice-President of the Government, of Ministers, Alternate and Deputy Ministers".

9. The provisions of Decision No. Y48/9.7.2012 of the Prime Minister "Assignment of competencies to the Alternate Minister of Finance Christos Staikouras" (O.G. B´-2105).

10. The provisions of Decision No. Y305/1.7.2013 of the Prime Minister "Assignment of competencies to the Alternate Minister of Interior Leonidas Grigorakos" (O.G. B´-1628).

11. The provisions of Article 11 of Presidential Decree No. 113/2010 "On the assumption of responsibilities by the authorising officers" (O.G. A´194).

12. The provisions of Article 24 paragraph 1(c) and (d) of Law 1975/1991 (O.G. A´-184), as replaced by Article 1 of Law 2452/1996 (O.G. A´-283).

13. The provisions of Article 11 paragraph 1(f) of Law 1481/1984 "Organisation of the Ministry of Public Order" (O.G. A´-152).

14. The fact that the provisions of this Decree entail the following financial effects: (a) an annual expenditure of EUR 39,700 charged to the Budget of the Asylum Service (Expenditure Code No. ("KAE") 0843); (b) An annual expenditure of EUR 146,892 charged to the Public Investments Program (Collective Decision for Projects ("SAE") 050/2, Project 2012 SE05020003). In respect of the current year, this expenditure stands at EUR 87,112; (c) No expenditure is charged to the Budget of the Hellenic Police other than the one provided for in the provisions of Presidential Decree No. 96/2008.

15. Documents dated 28.5.2013 and 4.6.2013 of the Asylum Service on the reservation of the relevant credit.

16. The Council of State Opinions No. 214/2013 and 267/2013, upon proposal by the Minister for Foreign Affairs, the Deputy Ministers of Finance and Interior and the Ministers of Development and Competitiveness, Education and Religious Affairs, Labour, Social Security and Welfare, Health, Justice, Transparency and Human Rights, Public Order and Citizen Protection, we hereby decide as follows:

**CHAPTER A
GENERAL PROVISIONS**

**Article 1
Purpose**

The objective of the present Presidential Decree is to conform to Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted (recast).

**Article 2
(Article 2 of the Directive)
Definitions**

For the purposes of the present Presidential Decree, the following terms have the specific meaning of:

(a) "Geneva Convention" means the Convention relating to the Status of Refugees signed in Geneva on 28 July 1951, and ratified by the Legislative Decree No. 3989/1959 (O.G. A' 201), as amended by the relating New York Protocol of 31 January 1967, which was ratified by the Obligatory Law 389/1968 (O.G. A' 125).

(b) "Application for international protection" or "asylum application" or "application" means the request for protection by the Greek state submitted by an alien or a stateless person whereby s/he requests to be recognized as a refugee under the Geneva Convention, or the granting of subsidiary protection status, and who does not explicitly request another kind of protection, outside the scope of this Decree, that can be applied for separately.

(c) "Applicant for international protection" or "asylum seeker" or "applicant" means a third-country national or a stateless person who declares either orally or in writing before any Greek authority at entry points of the Greek State or inland, that he/she requests asylum or subsidiary protection in our country or in any other way asks not to be deported to a country on the grounds of fear of persecution for reasons of race, religion, nationality, political opinions or membership of a particular social group, in accordance with the Geneva Convention, or because he/she risks suffering serious harm according to Article 15 hereof, in respect of which request a final decision has not yet been taken. Moreover, applicant for international protection is also the third-country national who applied for international protection in another EU Member State pursuant to Council Regulation (EC) No. 343/2003, establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (L 050/25.2.2003), or in another Member State which is bound by and implements the above Regulation and

who is transferred to Greece under the provisions of the above Regulation.

(d) "Beneficiary of international protection" is a person who has been granted refugee status or subsidiary protection status as defined in points (f) and (h).

(e) "Refugee" means a third country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom article 12 does not apply.

(f) "Refugee status" means the recognition by the competent Greek authority of a third-country national or stateless person as a refugee.

(g) "Person eligible for subsidiary protection" means, without prejudice to article 17, a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15 and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country.

(h) "Subsidiary protection status" means the recognition by the competent Greek authority of a third-country national or a stateless person as a person eligible for subsidiary protection.

(i) "Family members" means, in so far as the family already existed in the country of origin, the following members of the family of the beneficiary of international protection who are present in the territory of Greece in relation to the application for international protection:

i. The spouse of the beneficiary of international protection or his or her unmarried partner in a stable relationship, according to Greek law;

ii. The minor, unmarried and dependent children, regardless of whether they were born in or out of wedlock or adopted;

iii. The adult descendants, who suffer from a mental or physical disability which renders them unable to submit an application separately;

iv. The father, mother or another adult responsible for the beneficiary of international protection whether by Greek law or by the practice, when that beneficiary is a minor and unmarried.

(j) "Unaccompanied minor" means a third-country national or a stateless person below the age of 18 who arrives in the Greek territory unaccompanied by an adult responsible for

him/her whether by Greek law or by the practice, and for as long as he/she is not effectively taken into the care of such a person, or a minor who is left unaccompanied after he/she has entered Greece.

(k) "Country of origin" means the country of nationality or, for stateless persons, of former habitual residence.

(l) "Residence permit" means any permit or authorisation issued by the Greek authorities, in the form provided for under the Greek law, allowing a third-country national or stateless person to reside on the Greek territory.

(m) "Competent Receiving Authorities of the international protection application" or "competent receiving authorities", "Competent Examination Authorities competent of the international protection application" or "competent examination authorities", "Determining Authority" and "Competent Decision Authorities" are the competent authorities as defined in Article 2(m), (n), (r) and (s) of Presidential Decree No. 113/2013.

Article 3
Interpretation and application

The interpretation and application of this Decree shall be in accordance with the 1951 Geneva Convention relating to the Status of Refugees, as amended by the 1967 New York Protocol, as well as the international and European conventions on the protection of human rights ratified by Greece.

CHAPTER B
ASSESSMENT OF APPLICATIONS FOR INTERNATIONAL PROTECTION

Article 4
(Article 4 of the Directive)
Submission and assessment of information

1. The competent receiving and/or the examination authorities shall inform the applicant on his/her duty to submit, as soon as possible, all the elements needed to substantiate his/her application for international protection and, in cooperation with the applicant, shall assess these elements.

2. The elements referred to in paragraph 1 consist of the applicant's statements and all the documentation at his/her disposal regarding the applicant's age, background, including that of relevant relatives, identity, nationality(ies), country(ies) and place(s) of previous residence, previous related applications, travel routes, identity and travel documents and the reasons for applying for international protection.

3. The assessment of an application for international protection is carried out on an individual basis and includes taking into account, in particular:

(a) all relevant facts as they relate to the country of origin at the time of taking a decision on the application, including laws and regulations of the country of origin and the manner in which they are applied;

(b) The relevant statements and documentation presented by the applicant including information on whether the applicant has been or may be subject to persecution or serious harm;

(c) The individual position and personal circumstances of the applicant, including factors such as background, gender and age, so as to assess whether, on the basis of the applicant's personal circumstances, the acts to which the applicant or his/her family members has/have been or could be exposed would amount to persecution or serious harm;

(d) Whether the applicant's activities since leaving the country of origin were engaged in for the sole or main purpose of creating the necessary conditions for applying for international protection, so as to assess whether those activities would expose the applicant to persecution or serious harm if returned to that country;

(e) Whether the applicant could reasonably be expected to avail himself or herself of the protection of another country where he or she could assert citizenship.

4. The fact that the applicant has already been subject to persecution or serious harm or to direct threats of such persecution or such harm, is a serious indication of the applicant's well-founded fear of persecution or real risk of suffering serious harm.

In exceptional cases, asylum may be granted even if there are good reasons to consider that such persecution or serious harm will not be repeated.

5. Where aspects of the applicant's statements are not supported by documentary or other evidence, those aspects shall not need confirmation when the following conditions are met:

(a) the applicant has made a genuine effort to substantiate his application;

(b) all relevant elements at the applicant's disposal have been submitted, and a satisfactory explanation has been given regarding any lack of other relevant elements;

(c) the applicant's statements are found to be coherent and plausible and do not run counter to available specific and general information relevant to the applicant's case;

(d) the applicant has applied for international protection at the earliest possible time, unless the applicant can demonstrate good reason for not having done so; and

(e) the general credibility of the applicant has been established.

In any case, the benefit of the doubt shall apply.

Article 5
(Article 5 of the Directive)

International protection needs arising sur place

1. International protection is granted to the applicant also when a well-founded fear of being persecuted or a real risk of suffering serious harm may be based on:

(a) Events which have taken place since the applicant left the country of origin.

(b) Activities which the applicant has engaged in since he or she left the country of origin, in particular where it is established that the activities relied upon constitute the

expression and continuation of convictions or orientations held in the country of origin.

2. Without prejudice to the provisions of Geneva Convention, Member States may determine that an applicant who files a subsequent application shall not normally be granted international protection status if the risk of persecution is based on circumstances which the applicant has created by his or her own decision since leaving the country of origin.

Article 6

(Article 6 of the Directive)

Actors of persecution or serious harm

Actors of persecution or serious harm include:

- (a) the State;
- (b) parties or organisations controlling the State or a substantial part of the territory of the State;
- (c) non-State actors, if it can be demonstrated that the actors mentioned in points (a) and (b), including international organisations, are unable or unwilling to provide protection against persecution or serious harm as defined in Article 7.

Article 7

(Article 7 of the Directive)

Actors of protection

1. Protection against persecution or serious harm can only be provided by:

- (a) the State; or
- (b) parties or organisations, including international organisations, controlling the State or a substantial part of the territory of the State; provided they are willing and able to offer protection in accordance with paragraph 2.

2. Protection against persecution or serious harm must be effective and of a non-temporary nature. Such protection is generally provided when the actors mentioned in paragraph 1 take reasonable steps to prevent the persecution or suffering of serious harm, inter alia, by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and when the applicant has access to such protection.

3. When assessing whether an international organisation controls a State or a substantial part of its territory and provides protection as described in paragraph 2, any guidelines provided for in relevant European Union acts and any relevant United Nations' reports shall be taken into account.

Article 8

(Article 8 of the Directive)

Internal protection

1. As part of the assessment of the application for international protection, the competent decision authorities may determine that an applicant is not in need of international protection if in a part of the country of origin, he or she:

- (a) has no well-founded fear of being persecuted or is not at real risk of suffering serious harm; or
- (b) has access to protection against persecution or serious harm as defined in Article 7; and he or she can safely and legally travel to and gain admittance to that part of the country and can reasonably be expected to settle there.

2. In examining whether an applicant has a well-founded fear of being persecuted or is at real risk of suffering serious harm, or has access to protection against persecution or serious harm in a part of the country of origin in accordance with paragraph 1, the competent decision authorities shall at the time of taking the decision on the application have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant in accordance with Article 4. To that end, the competent decision authorities shall ensure that precise and up-to-date information is obtained from relevant sources, such as the United Nations High Commissioner for Refugees and the European Asylum Support Office.

CHAPTER C

GRANTING OF REFUGEE STATUS

Article 9

(Article 9 of the Directive)

Acts of persecution

1. In order to be regarded as an act of persecution within the meaning of Article 1(A) of the Geneva Convention, an act must:

(a) be sufficiently serious by its nature or repetition as to constitute a severe violation of basic human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms (Legislative Decree No. 53/1974, O.G. A'-256), or

(b) be an accumulation of various measures, including violations of human rights which is sufficiently severe as to affect an individual in a similar manner as mentioned in point (a).

2. Acts of persecution as qualified in paragraph 1 can, inter alia, take the form of:

(a) acts of physical or mental violence, including acts of sexual violence;

(b) legal, administrative, police and/or judicial measures which are in themselves discriminatory or which are implemented in a discriminatory manner;

(c) prosecution or punishment which is disproportionate or discriminatory;

(d) denial of judicial redress resulting in a disproportionate or discriminatory punishment;

(e) prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts falling under the exclusion clauses as set out in Article 12(2);

(f) acts of a gender-specific or child-specific nature.

3. In accordance with point (e) of Article 2, there must be a connection between the reasons mentioned in Article 10 and the acts of persecution as qualified in paragraph 1 of this Article or the absence of protection against such acts.

Article 10
(Article 10 of the Directive)
Reasons for persecution

1. The competent examination and decision authorities shall take the following elements into account when assessing the reasons for persecution:

(a) the concept of race shall in particular include considerations of colour, descent, or membership of a particular ethnic group;

(b) the concept of religion shall in particular include the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from, formal worship in private or in public, either alone or in community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief;

(c) the concept of nationality shall not be confined to citizenship or lack thereof but shall, in particular, include membership of a group determined by its cultural, ethnic, or linguistic identity, common geographical or political origins or its relationship with the population of another State;

(d) a group shall be considered to form a particular social group where in particular:

i) members of that group share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, or

ii) that group has a distinct identity in the relevant country, because it is perceived as being different by the surrounding society.

Depending on the circumstances in the country of origin, a particular social group might include a group based on a common characteristic of gender, age, invalidity or health condition or sexual orientation. Sexual orientation cannot be understood to include acts considered to be criminal in accordance with applicable provisions. Gender related aspects, including gender identity, shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group.

(e) the concept of political opinion shall, in particular, include the holding of an opinion, thought or belief on a matter related to the potential actors of persecution and to their policies or methods, whether or not that opinion, thought or belief has been acted upon by the applicant.

2. When assessing if an applicant has a well-founded fear of being persecuted it is immaterial whether the applicant actually possesses the racial, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution.

Article 11
(Article 11 of the Directive)
Cessation

1. A third-country national or a stateless person shall cease to be a refugee if he or she:

(a) has voluntarily re-availed himself or herself of the protection of the country of nationality; or

(b) having lost his or her nationality, has voluntarily re-acquired it; or

(c) has acquired a new nationality, and enjoys the protection of the country of his or her new nationality; or

(d) has voluntarily re-established himself or herself in the country which he or she left or outside which he or she remained owing to fear of persecution; or

(e) can no longer, because the circumstances in connection with which he or she has been recognized as a refugee have ceased to exist, continue to refuse to avail himself or herself of the protection of the country of nationality;

(f) being a stateless person, he or she is able, because the circumstances in connection with which he or she has been recognized as a refugee have ceased to exist, to return to the country of former habitual residence.

2. In considering points (e) and (f) of paragraph 1, the competent decision authorities shall have regard to whether the change of circumstances is of such a significant and non-temporary nature that the refugee's fear of persecution can no longer be regarded as well-founded.

3. Points (e) and (f) of paragraph 1 shall not apply to a refugee who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself or herself of the protection of the country of nationality or, being a stateless person, of the country of former habitual residence.

Article 12
(Article 12 of the Directive)
Exclusion

1. A third country national or a stateless person shall be excluded from being a refugee, if:

(a) he or she falls within the scope of Article 1(D) of the Geneva Convention, relating to protection or assistance from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees. When such protection or assistance has ceased for any reason, without the position of such persons being definitely settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, those persons shall *ipso facto* be entitled to the benefits of this Decree;

(b) he or she is recognised by the competent authorities of the country in which he or she has taken up residence as having the rights and obligations which are attached to the possession of the nationality of that country, or rights and obligations equivalent to those.

2. A third country national or a stateless person shall be excluded from being a refugee where there are serious reasons for considering that:

(a) he or she has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b) he or she has committed a serious non-political crime prior to his or her admission in the Greek territory. Cruel actions, even if committed with an allegedly political objective, may be classified as serious non-political crimes;

(c) he or she has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations.

3. Paragraph 2 shall apply to persons who incite or otherwise participate in the commission of the crimes or acts mentioned therein. In any case, the degree/weight of involvement shall be taken into consideration.

CHAPTER D REFUGEE STATUS

Article 13 (Article 13 of the Directive) Granting of refugee status

Competent decision authorities shall grant refugee status to a third-country national or stateless person who qualifies as a refugee in accordance with Chapters B and C.

Article 14 (Article 14 of the Directive) Revocation of, ending of or refusal to renew refugee status

1. Refugee status shall be revoked, or not renewed by the Determining Authority, if the person concerned has ceased to be a refugee in accordance with Article 11.

2. Without prejudice to the duty of the refugee in accordance with Article 4 paragraph 1 to disclose all relevant facts and provide all relevant documentation at his/her disposal, the Determining Authority shall, on an individual basis, demonstrate that the person concerned has ceased to be or has never been a refugee.

3. The Determining Authority shall revoke, end or refuse to renew the refugee status of a third-country national or a stateless person if, after he or she has been granted refugee status, it is established that:

(a) The person concerned should have been or is excluded from being a refugee in accordance with Article 12.

(b) His or her misrepresentation or omission of facts, including the use of false documents, was decisive for the granting of refugee status.

4. The determining authority shall revoke, end or refuse to renew the status granted to a refugee when:

(a) there are reasonable grounds for regarding him or her as a danger to national security;

(b) he or she, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the country.

5. Persons to whom paragraph 4 applies are entitled to rights set out in or similar to those set out in Articles 3, 4, 16, 22, 31, 32 and 33 of the Geneva Convention in so far as they are present in the Greek territory.

CHAPTER E QUALIFICATION FOR SUBSIDIARY PROTECTION

Article 15 (Article 15 of the Directive) Serious harm

Serious harm consists of:

(a) the death penalty or execution; or
(b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or

(c) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

Article 16 (Article 16 of the Directive) Cessation

1. A third-country national or a stateless person shall cease to be eligible for subsidiary protection when the circumstances which led to the granting of subsidiary protection status have ceased to exist or have changed to such a degree that protection is no longer required.

2. In applying paragraph 1, the decision competent authorities shall have regard to whether the change in circumstances is of such a significant and non-temporary nature that the person eligible for subsidiary protection no longer faces a real risk of serious harm.

3. Paragraph 1 shall not apply to a beneficiary of subsidiary protection status who is able to invoke compelling reasons arising out of previous serious harm for refusing to avail himself or herself of the protection of the country of nationality or, being a stateless person, of the country of former habitual residence.

Article 17 (Article 17 of the Directive) Exclusion

1. A third-country national or a stateless person is excluded from being eligible for subsidiary protection where there are serious reasons for considering that:

(a) he or she has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b) he or she has committed a serious crime before his/her entry in the country; "serious crime" includes any felonies or misdemeanours entailing a minimum imprisonment of three years as well as the crimes of severe bodily injury (310 PC), abduction of minors (324 PC), involuntary abduction (327 PC), insult of sexual dignity (337 par. 2 and 5 PC), seduction of minors (339 PC), child sexual abuse (342 PC), child pornography (348A PC), child attraction with sexual intent (348B PC), pandering (350 PC), prostitute exploitation (351 PC), sexual intercourse with minors against payment (351A PC) and blackmail (385 PC);

(c) he or she has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations.

(d) having been convicted by means of a final court judgment for a serious crime within the meaning of point (b), he or she constitutes a danger to the national security or the community.

2. The provisions of previous paragraph shall also apply to persons who incite or otherwise participate in the commission of the crimes or acts mentioned therein. In any case, the degree/weight of involvement shall be taken into consideration.

3. A third-country national or a stateless person shall not be eligible for subsidiary protection, if he or she, prior to his or her admission to the country, has committed one or more crimes, outside the scope of paragraph 1, which would be punishable by imprisonment, had they been committed in the territory of Greece, and if he or she left his or her country of origin solely in order to avoid sanctions resulting from these crimes, unless these sanctions are excessively disproportionate to the prison sentence provided for the same crime in Greece.

CHAPTER F

SUBSIDIARY PROTECTION STATUS

Article 18

(Article 18 of the Directive)

Granting of subsidiary protection status

Decision competent authorities shall grant subsidiary protection status to a third-country national or a stateless person eligible for subsidiary protection in accordance with Chapters B and E.

Article 19

(Article 19 of the Directive)

Revocation of, ending of or refusal to renew subsidiary protection status

1. Subsidiary protection status shall be revoked, end or not renewed by the Determining Authority if the person concerned has ceased to be eligible for subsidiary protection in accordance with Article 16.

2. The Determining Authority shall revoke or refuse to renew the subsidiary protection status of a third-country national or stateless person if, after having been granted subsidiary protection status, he or she should have been excluded from being eligible for subsidiary protection in accordance with Article 17 paragraph 3.

3. The Determining Authority shall revoke or refuse to renew subsidiary protection status to a third-country national or stateless person if, after this status has been granted, it is established that:

(a) he or she should have been or is excluded from being eligible for subsidiary protection in accordance with Article 17 paragraph 1 and 2, or

(b) his or her misrepresentation or omission of facts, including the use of false documents, was decisive for the granting of subsidiary protection status.

4. Without prejudice to the duty of the third-country national or stateless person in accordance with Article 4 paragraph 1 to disclose all relevant facts and provide all relevant documentation at his or her disposal, the Determining Authority shall justifiably consider on the basis of strong evidence that the

person concerned has ceased to be or is not eligible for subsidiary protection in accordance with paragraphs 1, 2 and 3 of this Article.

CHAPTER G

CONTENT OF INTERNATIONAL PROTECTION

Article 20

(Article 20 of the Directive)

General rules

1. This chapter shall be without prejudice to the rights laid down in the Geneva Convention.

2. This Chapter shall apply both to refugees and to persons eligible for subsidiary protection unless otherwise indicated.

3. When implementing this Chapter, the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence shall be taken into account. The specific situation shall be determined following the assessment of each case.

4. The best interest of the child shall be a primary consideration when implementing provisions that involve minors.

Article 21

(Article 21 of the Directive)

Protection from refoulement

1. The competent authorities shall respect the principle of non-refoulement in accordance with the international obligations of the country.

2. Where not prohibited by its international obligations and subject to compliance with the relevant procedural guarantees, the competent authorities may refoulement a refugee when:

(a) there are reasonable grounds for considering him or her as a danger to the security of the state; or

(b) he or she, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community.

3. The Determining Authority may revoke or refuse to renew the residence permit of a refugee to whom conditions of previous paragraph apply.

Article 22

(Article 22 of the Directive)

Information

The competent receiving and examination authorities shall provide persons recognized as refugees or beneficiaries of subsidiary protection, as soon as possible after respective status has been granted, with access to information, in a language that they understand, on the rights and obligations relating to that status.

Article 23
(Article 23 of the Directive)
Maintaining family unity

1. The competent authorities shall ensure that all necessary measures are taken so that family unity is maintained.

2. (a) The family members of the beneficiary of international protection in whose name he/she applied for international protection shall be granted same status as the one granted to the beneficiary, unless they do not wish or such status is incompatible with other protection already granted to them.

(b) The family members of the beneficiary of international protection who are present in the country, provided that they do not fall within the ambit of point (a) and do not individually qualify for such protection, are entitled to claim the benefits referred to in Articles 24 to 36, in accordance with relevant procedures and if this is compatible with any other status already granted to them. These benefits must guarantee an adequate standard of living to the beneficiary and, if provided, they are maintained separately even after the minor comes of age or the marital relationship is ended following divorce, estrangement or the death of the beneficiary of international protection.

3. The above rights are not granted or are revoked if the family member is or should have been excluded from international protection under Chapters C and E.

4. The Director of the regional asylum office may by decision deny, limit or revoke the aforementioned benefits for reasons of national security or public order.

5. The provisions of this Article, except for paragraph 1(b), shall apply also to the parents of the beneficiary of international protection who lived together as part of the family at the time of leaving the country of origin, and who were wholly or mainly dependent on the beneficiary of international protection at that time, provided that they are present in the country and do not individually qualify for international protection.

Article 24
(Article 24 of the Directive)
Residence permits

1. The competent receiving and/or examination authorities shall issue to third country nationals or stateless persons, who are recognized as refugees, a residence permit valid for 3 years, without prejudice to article 21 paragraph 3. The residence permit shall be renewable by decision of the determining authority following an application by the person concerned, which is submitted at the competent receiving and/or examination authority at the latest thirty calendar days prior to its expiry. The fact that such renewal application is lodged belatedly and without justification cannot, in itself, lead to its rejection.

2. The competent receiving and/or examination authorities shall issue to third country nationals or stateless persons, who are granted subsidiary protection status, a residence permit valid for three years. This permit shall be renewed by decision of the Determining Authority following an application by the person concerned, which is submitted at the competent receiving and/or examination authority at

the latest thirty calendar days prior to its expiry. The fact that such renewal application is lodged belatedly and without justification cannot, in itself, lead to its rejection.

3. The residence permits referred to in paragraphs 1 and 2 shall not be issued or renewed when compelling reasons of national security or public order otherwise require by decision of the Director of the regional asylum offices.

4. Similar residence permits shall be issued for the family members of beneficiaries of international protection in the case of Article 23 paragraph 2(a). In the case of Article 23 paragraph 2(b) the family members of beneficiaries of international protection are granted a residence permit valid for a term equal to that of the beneficiary. If a beneficiary of international protection has a child in the context of a family which existed prior to his/her admission in the country, that child is granted a residence permit similar to that granted to the other family members, following an application made by the beneficiary where the required child's birth certificate is to be also attached.

5. To the family members of a beneficiary of international protection, when the family is created within the Greek territory after the beneficiary's admission in the country, shall be granted a residence permit valid for a term equal to that of the beneficiary, following an application of the latter filed together with relevant marriage certificate evidencing the beneficiary's marriage to a holder of a valid residence permit, a birth certificate or child recognition declaration, unless they do not wish or such status is incompatible with other protection already granted to them.

6. The aforementioned residence permits, which also certify the identity of the beneficiaries of international protection, are printed by the Passports Department of the Hellenic Police Headquarters.

Article 25
(Article 25 of the Directive)
Travel documents

1. Following an application by a beneficiary of refugee status, the competent receiving and/or examination authorities shall issue a travel document (titre de voyage) in the form set out in the Schedule to the Geneva Convention for the purpose of traveling abroad, irrespective of the country in which he/she was granted refugee status, unless compelling reasons of national security or public order linked to the person concerned otherwise require, or if a procedure for the application of the cessation or the exclusion clause, or for the revocation or the cancellation of status granted is pending against him/her.

2. The aforementioned travel document is to be printed by the Passports Department of the Hellenic Police Headquarters. The issuance, renewal or replacement procedure, the documentation required, the form, the content

and the period of validity of these travel documents shall be determined by decision of the Minister for Public Order and Citizen Protection, in accordance with Article 1 paragraph 3 of Law 3103/2003 (O.G. A' -23).

3. The provisions of this article shall also apply to beneficiaries of subsidiary protection who are unable to obtain a national passport, unless compelling reasons of national security or public order otherwise require.

4. The provisions of this article shall also apply to applicants for international protection who are unable to obtain a national passport when there are duly documented health reasons that require their presence abroad, unless compelling reasons of national security or public order otherwise require.

5. The decision to grant or refuse the issuance of a travel document as per above is issued by the Director of the regional asylum office.

Article 26
Documentation and certificates

The regional asylum offices shall issue for beneficiaries of refugee status the necessary documentation and certificates as per Article 25 of the Geneva Convention, whose content is related and derives from data kept by the Asylum Service

Article 27
(Article 26 of the Directive)
Access to employment

1. Beneficiaries of international protection shall be authorized to engage in employed or self-employed activities subject to the provisions of Presidential Decree No. 189/1998 (O.G. A' -140).

2. Beneficiaries of international protection can participate in employment-related education opportunities for adults, vocational training, including training courses for upgrading skills, practical workplace experience and counseling services afforded by employment offices under equivalent conditions as Greek nationals.

3. The law in force applicable to remuneration, access to social security systems relating to employed or self-employed activities and other conditions of employment shall also apply to beneficiaries of international protection.

Article 28
(Article 27 of the Directive)
Access to education

1. All minors granted international protection status shall have access to education under the same conditions as Greek nationals.

2. Access to the general education system and to programs of further training or retraining shall be allowed to adults granted international protection status under the same conditions as third-country nationals legally resident in Greece.

Article 29
(Article 28 of the Directive)
Access to procedures for recognition of qualifications

1. Beneficiaries of international protection shall enjoy equal treatment to Greek nationals in the context of the existing recognition procedures for foreign

diplomas, certificates and other evidence of formal qualifications.

2. Beneficiaries of international protection who cannot provide documentary evidence of their qualifications shall be facilitated as regards their full access to appropriate schemes for the assessment, validation and accreditation of their prior learning. To this end apply Articles 2 paragraph 2 and 3 paragraph 3 of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 (P.D. 38/2010 (O.G. A' -78).

Article 30
(Article 29 of the Directive)
Social welfare

Beneficiaries of international protection shall receive the necessary social assistance on the same conditions as provided to Greek nationals.

Article 31
(Article 30 of the Directive)
Health care

1. Beneficiaries of international protection shall have access to health care under the same eligibility conditions applicable to Greek nationals.

2. Beneficiaries of international protection who have special needs, in particular pregnant women, disabled people, persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence, minors who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman or degrading treatment or persons who have suffered from armed conflict shall be provided with adequate health care, including treatment for mental disorders, when needed, under the same eligibility conditions as Greek nationals.

Article 32
(Article 31 of the Directive)
Unaccompanied minors

1. As soon as possible after the granting of international protection the Department of Refugees and Asylum Seekers' Protection, Directorate of Social Solidarity, Ministry of Employment, Social Security and Welfare shall take all necessary measures to ensure the representation of unaccompanied minors by the appointment of a guardian or, when needed, by the assignment of relevant responsibility to an organisation responsible for the care and protection of minors, or by any other appropriate representation in accordance with legislation in force and Courts' decisions.

2. The above mentioned authority shall also ensure that the minor's needs are duly met according to the present Presidential Decree by the appointed guardian or representative and shall make regular assessments of the minor's condition.

3. The aforementioned authority shall ensure that unaccompanied minors are placed either:

(a) with adult relatives, or

(b) with a family having the minor's custody, or
 (c) in centres specialised in accommodation for minors; or

(d) in other accommodation suitable for minors.

The views of the minor shall be taken into account in accordance with his or her age and degree of maturity.

4. Siblings shall be kept together, taking into account the best interests of the minor concerned and, in particular, his or her age and degree of maturity. Changes of residence of unaccompanied minors shall be limited to a minimum.

5. In the context of the protection of the unaccompanied minor's best interests, the aforementioned authority shall endeavor to trace the members of the minor's family as soon as possible. In cases where there may be a threat to the life or integrity of the minor or his or her close relatives, particularly if they have remained in the country of origin, care shall be taken to ensure that the collection, processing and circulation of information concerning those persons is undertaken on a confidential basis.

6. Those working with unaccompanied minors shall have had or receive appropriate training concerning their needs.

Article 33
(Article 32 of the Directive)
Access to accommodation

Beneficiaries of international protection shall have access to accommodation under equivalent conditions and restrictions as other third-country nationals legally resident in Greece, always with a view to offering equal opportunities regarding access to accommodation.

Article 34
(Article 33 of the Directive)
Freedom of movement

Freedom of movement of beneficiaries of international protection shall be allowed under the same conditions and restrictions as those provided for other third-country nationals legally resident in the country, without prejudice to the reservations mentioned in Article 26 of the Geneva Convention which refer to our country.

Article 35
(Article 34 of the Directive)
Access to integration facilities

Beneficiaries of refugee status shall attend the appropriate social integration programmes established by the competent departments of the Ministry of Labour, Social Security and Welfare.

Article 36
(Article 35 of the Directive)
Repatriation

The competent authorities shall provide assistance to beneficiaries of international protection status who wish to be repatriated.

CHAPTER H
ADMINISTRATIVE COOPERATION
Article 37
(Article 36 of the Directive)
Cooperation

The Department of Strategic Planning Legislative Work International and European Cooperation of the Asylum Service is hereby designated as the national contact point for the administrative cooperation with the European Commission. It shall also take, in liaison with the Commission, all appropriate measures to establish direct cooperation and an exchange of information with the respective competent authorities of other Member States of the European Union.

Article 38
(Article 37 of the Directive)
Staff

The staff of the Services implementing the provisions of the present Presidential Decree is required to have received the necessary training; they are also obliged to maintain confidentiality for any information they obtain in the course of their work in accordance with the provisions of the present Decree.

CHAPTER I
FINAL PROVISIONS
Article 39
Repealed provisions

From the entry into force of this Presidential Decree the provisions of P.D. 96/2008 (O.G. A'63) shall be repealed with the exception of Article 24 and Article 25 paragraphs 1, 2 and 3 are repealed, as well as any other general or special provision that is contrary to its provisions or regulates differently the issues that fall under this.

Article 40
Transitional provisions

1. The provisions of the present Decree shall be applied also by the authorities provided for in Presidential Decree 114/2010, as in force, to the applications for international protection that have been submitted and are examined in accordance with the provisions thereof. The provisions of the present shall also apply to third-country nationals or stateless persons who have been granted international protection status at the time of its entry into force.

2. The provisions of Article 24 and Article 25 paragraphs 1, 2 and 3 of Presidential Decree 96/2008 (O.G. A'63) shall be applied exclusively by the competent authorities, as defined in P.D. 114/2010, in respect of third-country nationals or stateless persons who have been granted international protection status at the time of entry into force of the present.

3. By derogation from the provisions of Article 24 paragraph 1 of the present, third-country nationals or stateless persons who had

been granted refugee status as at the date of entry into force of the present shall be granted a residence permit valid for five years.

4. For the implementation of paragraph 1, as competent authority in the cases provided for in Articles 11 paragraph 2) 16 paragraph 2) 24, 25 paragraph 5 and 26 is designated the Foreigners' Directorate of the Hellenic Police Headquarters. The provisions of Article 25 paragraphs 3 and 4 of the present shall apply *mutatis mutandis*.

5. For the implementation of paragraph 1 and for the purposes of Article 37 of the present, the Department of Refugees and Asylum of the Hellenic Police Headquarters is hereby designated as the national contact point.

Article 41 **Entry into force**

The provisions of the present Presidential Decree shall enter into force on the date of its publication to the Official Gazette.

We assign the publication and execution of this Decree to the Minister of Public Order and Citizen Protection.

Athens, 15 October 2013

THE PRESIDENT OF THE REPUBLIC
KAROLOS GR. PAPOULIAS

THE MINISTERS

FOREIGN AFFAIRS
EVANGELOS VENIZELOS

THE ALTERNATE MINISTER OF FINANCE
CHRISTOS STAIKOURAS

THE ALTERNATE MINISTER OF
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LEONIDAS GRIGORAKOS

DEVELOPMENT AND
COMPETITIVENESS
KONSTANTINOS HATZIDAKIS

EDUCATION AND RELIGIOUS
AFFAIRS
**KONSTANTINOS
ARVANITOPOULOS**

HEALTH
**SPYRIDON-ADONIS
GEORGIADIS**

LABOUR, SOCIAL SECURITY AND
WELFARE
IOANNIS VROUTSIS

JUSTICE, TRANSPARENCY & HUMAN
RIGHTS
HARALAMBOS ATHANASIOU

PUBLIC ORDER AND CITIZEN PROTECTION
NIKOLAOS - GEORGIOS DENDIAS

