

## Law No 4540 (GG A' 91/22.5.2018)

**Transposing into Greek Legislation the provisions of Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast, L180/96/29.06.2013) and other provisions - Amending Law No 4251/2014 (GG A' 80) transposing into Greek Legislation the Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer - Amending asylum procedures and other provisions.**

### THE PRESIDENT OF THE HELLENIC REPUBLIC

We hereby issue this Law enacted by Parliament:

#### PART A CHAPTER A PURPOSE, DEFINITIONS AND SCOPE

##### Article 1

###### Purpose

###### (Article 1 of Directive 2013/33/EU)

The purpose of this Law is to transpose into Greek legislation the Directive 2013/33/EU of the European Parliament and of the Council 'laying down standards for the reception of applicants for international protection'.

##### Article 2

###### Definitions

###### (Article 2 of Directive 2013/33/EU)

For the purposes of this Law, the following definitions shall apply:

(a) 'application for international protection' means an application for protection addressed to the Greek State by a third-country national or a stateless person, whereby the applicant requests to be recognised as a refugee or to be granted subsidiary protection status, in accordance with the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as supplemented by the New York Protocol of 31 January 1967 ('the Geneva Convention'), provided that the applicant does not explicitly request another kind of protection outside the scope of this Law that may be applied for separately;

(b) 'applicant' means a third-country national or a stateless person who has made an application for international protection in respect of which a final decision has not yet been taken within the meaning of Article 34(ε') of Law 4375/2016;

(c) 'family members' of the applicant for international protection means, in so far as the family already existed in the country of origin, the following members of the applicant's family who are present in Greece:

aa. the spouse of the applicant or his or her unmarried partner in a duly attested stable relationship,

bb. the applicant's minor children, regardless of whether they were born in or out of their parents' wedlock or adopted,

cc. the father or mother or another adult responsible for the care of the applicant in accordance with Greek law, when the applicant is a minor;

(d) 'minor' means a third-country national or stateless person below the age of 18 years;

(e) 'unaccompanied minor' means a minor who arrives on the Greek territory unaccompanied by an adult exercising parental responsibility over the minor or entrusted with the custody of the minor under the Greek law, or by an adult relative who effectively takes care of the minor and for as long as such duties have not been assigned to another person under the law. This definition includes any minor who is left unaccompanied upon entering the Greek territory;

(f) 'reception conditions' means the full set of measures that the Greek State grants to applicants, in accordance with the provisions of this Law;

(g) 'material reception conditions' means the reception conditions that include housing, food and clothing provided in kind or as financial allowances or in vouchers, or a combination of the three, and a daily expenses allowance;

(h) 'detention' means confinement of an applicant by a government authority within a particular place, where the applicant is deprived of his or her freedom of movement;

(i) 'accommodation centre' means any place used for the collective housing of applicants and unaccompanied minors;

(j) 'representative of unaccompanied minor' means the temporary or permanent guardian of the minor or a person appointed by the competent Public Prosecutor for Minors and, where there is no Public Prosecutor for Minors, by the Public Prosecutor at the Court of First Instance, for the purpose of protecting the minor's interests. The legal representative of a non-profit legal entity may also be appointed as representative under the above paragraph. In this latter case, the representative of the legal entity may authorise another person to represent the minor, in accordance with the procedures laid down herein;

(k) 'applicant with special reception needs' means a vulnerable person, in accordance with Article 20, who is in need of special procedural guarantees in order to benefit from the rights and comply with the obligations provided for herein.

##### Article 3

###### Additional definitions

For the purposes of this Law:

(a) 'authorities competent to receive and examine applications for international protection' means the Regional Asylum Offices, the Independent Asylum Units of the Asylum Service as well as the Mobile Asylum Units;

(b) 'competent reception authority' means, as appropriate, the Reception and Identification Service or the Asylum Seekers Protection Division under the General Secretariat for Migration Policy of the Ministry for Migration Policy;

(c) 'family members' of the applicant for international protection, in addition to those referred to in Article 2(γ'), also include the following:

(aa) in so far as the family already existed in the country of origin, the applicant's adult children suffering from a mental or physical disability who are unable to lodge an application on their own account;

(bb) in so far as the family did not exist in the country of origin, the spouse of the applicant or his or her unmarried partner in a duly attested stable relationship and the minor children of the applicant regardless of whether they were born in or out of their parents' wedlock or adopted, under the law of the applicant's country of origin;

(d) 'minor separated from his or her family' or 'separated minor' means a minor who arrives on the Greek territory unaccompanied by a person exercising parental responsibility over the minor under the Greek legislation or by any other person entrusted with parental responsibility over the minor under law, but who is accompanied by an adult relative who effectively takes care of the minor.

#### **Article 4**

##### **Scope**

##### **(Article 3 of Directive 2013/33/EU)**

1. The provisions of this Law shall apply to all third-country nationals and stateless persons who make an application for international protection on the Greek territory, including at the border, in the territorial waters or in the transit zones of Greece, as long as they are allowed to remain on the territory as applicants. The provisions of this Law shall also apply to the applicants' family members, if they are covered by such application for international protection according to Greek law. The provisions of this Law shall also apply to minors, whether unaccompanied or not, and to separated minors, regardless of whether they have lodged an application for international protection, without prejudice to any more favourable provisions.

2. The provisions of this Law shall not apply:

a. to requests for diplomatic or territorial asylum submitted to the Greek diplomatic authorities and permanent representations of Greece abroad;

b. in any situation where the provisions of Presidential Decree 80/2006 (GG A, 82) are applied.

## **CHAPTER B**

### **GENERAL PROVISIONS ON RECEPTION CONDITIONS**

#### **Article 5**

##### **Information**

##### **(Article 5 of Directive 2013/33/EU)**

1. The competent authorities shall inform applicants, within fifteen (15) days after they have lodged their application for international protection, of their rights and of the obligations with which they must comply relating to reception conditions and of any established benefits, by means of an information brochure supplied in a language they can understand, having due regard to each applicant's personal situation, including their age.

2. Such brochure shall be issued by care of the competent reception authority and shall include information on the bodies offering legal or psychological support, including any organisations that might be able to help the applicants or inform them concerning the available reception conditions and services, including health care.

3. If an applicant is unable to understand the languages in which the aforementioned information in writing has been issued or if the applicant is illiterate, this information shall be provided orally with the assistance of an interpreter.

#### **Article 6**

##### **Documentation**

##### **(Article 6 of Directive 2013/33/EU)**

1. Applicants are provided with an international protection applicant card issued subject to the terms, conditions and limitations laid down in Part Three of Law 4375/2016 (GG A, 51).

2. Applicants may be provided with a travel document when serious humanitarian reasons arise that require their presence in another State, e.g. documented serious health grounds, subject to the conditions and limitations of Article 25 of Presidential Decree 141/2013 (GG A, 226).

#### **Article 7**

##### **Residence and freedom of movement**

##### **(Article 6 of Directive 2013/33/EU)**

1. Applicants may move freely within the Greek territory or within an area assigned to them by means of a regulatory decision issued by the Director of the Asylum Service. The restriction of free movement within a designated geographical area shall not affect the unalienable sphere of private life and shall not prevent the exercise of the rights provided for hereunder.

2. Decisions to restrict free movement shall be made, when necessary, for the swift processing and effective monitoring of applications for international protection or for duly justified reasons of public interest or public order. Any such restrictions shall be stated in the international protection applicant cards.

3. Applicants subject to restrictions of free movement as above shall be offered material reception conditions within the geographical area designated in the restriction decision. In case the terms and conditions provided for in the relevant decision are breached by the applicant, material reception conditions shall be withdrawn.

4. Applicants assigned a specific area of movement pursuant to paragraphs (1) and (2) may be granted by the competent authority a temporary permission to leave that area upon request to that effect. Such permission shall not be necessary when the applicant is required to appear before a public authority.

5. The provisions of the preceding paragraphs shall apply without prejudice to the application of provisions under Article 14 of Law 4375/2016.

6. Applicants are required to inform the competent authorities of any change to their place of residence occurring while their application for international protection is pending.

#### **Article 8**

##### **Detention and guarantees for detained applicants**

##### **(Articles 8 and 9 of Directive 2013/33/EU)**

Issues concerning detention and guarantees for detained applicants shall be governed by the provisions of Article 46(1) to 46(9) and Article 46(11) of Law 4375/2016.

#### **Article 9**

##### **Conditions of detention**

##### **(Article 10 of Directive 2013/33/EU)**

Article 46(10) of Law 4375/2016 is replaced as follows:

'10. Whenever applicants are detained, the competent authorities shall ensure that:

a. applicants are detained in specialised detention facilities, separately from ordinary criminal-law detainees and, where possible, separately from other third-country nationals or stateless persons who have not lodged an application for international protection. Where this is not possible, the competent authorities shall ensure that the detention conditions meet the requirements of Article 15(1);

b. detained applicants have access to open-air spaces;

c. persons representing the United Nations High Commissioner for Refugees (UNHCR) as well as any organisations acting on behalf of the UNCHR in Greece by

virtue of a special agreement, have the possibility to communicate with and visit detained applicants in conditions that respect the privacy of the detained, pursuant to the provisions of Article 48(2) of Law 4375/2016;

d. family members, representatives, legal advisers or counsellors have the possibility to communicate with and visit applicants, and that any public bodies or accredited social welfare organisations have access to them for the purpose of offering to detained applicants, especially vulnerable persons and persons with special reception needs, pursuant to Article 18(1), legal services, psychosocial support or medical services, in conditions that respect their privacy. Limits to such access may be imposed only where they are objectively necessary for the security, public order or smooth administrative management of the detention facilities, provided that such limits do not render the access extremely difficult or impossible.

e. applicants in detention are systematically informed of the rules applied in the facility in which they are detained, as well as of their rights and obligations in a language they are reasonably supposed to understand, in accordance with the provisions of Articles 41, 44 and 60 of Law 4375/2016.

f. applicants are provided with adequate medical care;

g. the right of applicants to legal representation is respected.'

**Article 10**  
**Detention of vulnerable persons and of applicants with special reception needs**  
**(Article 11 of Directive 2013/33/EU)**

A new paragraph 10A is inserted after Article 46(10) of Law 4375/2016 as follows:

'10A. The health, including mental health, of applicants in detention who are vulnerable persons shall be of primary concern to the competent authorities.

In case of detention, the competent authorities shall ensure regular monitoring and adequate support taking into account their particular situation, including their health, and shall ensure that:

(a) minors are not detained, unless as a measure of last resort, with due consideration to their best interest, and after it has been established that other less coercive alternative measures cannot be applied. Such detention shall be for the shortest period of time and all efforts shall be made to withdraw detention and to refer the minors to accommodation centres suitable for them, and never to prison accommodation. In any case, the procedure for the referral of minors to accommodation centres should be completed within twenty five (25) days at the latest. If, due to extraordinary circumstances, such as a substantial increase in the number of minors entering the Greek territory, the competent authorities are unable, despite reasonable efforts, to ensure safe referral of minors within the period of twenty five (25) days set out above, the detention period may be extended for twenty (20) days;

(b) unaccompanied minors are detained separately from adults;

(c) minors have the possibility to engage in leisure activities, including play and educational/recreational activities appropriate to their age;

(d) detained families are provided with separate accommodation, with the consent of all adult family members, under conditions that guarantee adequate protection of their privacy and family life;

(e) detained women are accommodated separately from men, unless the latter are family members and on the

condition that all individuals concerned consent thereto; detention of women should be avoided throughout pregnancy and for three (3) months after childbirth and their transfer and placement to suitable accommodation facilities should be sought.'

**Article 11**  
**Families**  
**(Article 12 of Directive 2013/33/EU)**

The competent authorities shall take appropriate measures to maintain the family unity of applicants for international protection present within the Greek territory, if applicants are provided with housing. Such measures shall be implemented with the applicant's consent.

**Article 12**  
**Medical screening**  
**(Article 13 of Directive 2013/33/EU)**

1. Third-country nationals or stateless persons entering the Greek territory irregularly shall undergo medical screening as part of the identification process set out in Article 9 of Law 4375/2016, in line with the written instructions of the Ministry of Health services responsible for the prevention of disease transmission, in order to establish whether they suffer from any disease involving a risk of epidemic, based on the World Health Organisation standards, or any diseases that can be transmitted through the air or by human contact. The competent authorities shall ensure that all necessary preventive and therapeutic measures are applied to protect public health, and shall treat all patient medical records as confidential.

2. Medical screening shall be conducted with due respect for human dignity and applicants subject to such screening shall be properly informed, in a language they are able to understand, of the reasons for such screening and of the treatment to be applied, if necessary, with due regard to their individual situation, including their age and gender.

**Article 13**  
**Education of minors**  
**(Article 14 of Directive 2013/33/EU)**

1. Minor third-country nationals or minor stateless persons shall, during their stay in Greece, be granted access to the public education system under similar conditions as those applicable to Greek citizens and with facilitation as to enrolment in case they face objective difficulties in submitting the documentation required, and for so long as an expulsion measure against them or against their parents is not actually enforced. The right to secondary education may not be withdrawn for the sole reason that the minor has reached the age of majority. The specific terms and conditions governing the application of this paragraph shall be laid down by decision of the Minister for Education, Research & Religious Affairs.

2. Integration into the education system shall take place not later than three (3) months from the date on which the identification of the minor has been completed.

3. To facilitate integration into the public education system, informal education actions may be provided, including within accommodation centres.

4. Where access to the education system is not possible on grounds relating to the specific situation of the minor, appropriate measures shall be taken in respect thereof, in accordance with the provisions of the applicable law.

5. The specific terms and conditions governing the application of paragraphs 3 and 4 may be regulated by joint

decision of the Ministers for Migration Policy; Labour, Social Security and Social Solidarity; and Education, Research and Religious Affairs.

#### **Article 14**

Access to secondary education shall not be limited to minors but may also be granted to adult applicants, provided they are legally residing in Greece.

#### **Article 15 Employment (Article 15 of Directive 2013/33/EU)**

1. Applicants shall have access to the labour market subject to the terms and conditions of Article 71 of Law 4375/2016.

2. The right of access to the labour market shall not be withdrawn during appeals procedures, until such time as a negative decision on the appeal is notified.

#### **Article 16 Vocational Training (Article 16 of Directive 2013/33/EU)**

1. Applicants shall have the right to enrol for and attend vocational training programmes, under the same conditions as Greek citizens, irrespective of whether they have access to the labour market. Access to vocational training relating to an employment contract shall depend on the access to the labour market in accordance with Article 15 hereof.

2. The Minister for Labour, Social Security and Social Solidarity, the Minister for Education, Research and Religious Affairs and the Minister for Migration Policy shall issue a joint decision setting out the special terms for qualifications assessment where applicants do not hold the documentation required.

#### **Article 17 General rules on material reception conditions and health care (Articles 17 and 19 of Directive 2013/33/EU)**

1. The competent Reception Authority, in cooperation with the competent public bodies, international organisations or accredited social welfare organisations, as appropriate, shall ensure that material reception conditions are available to applicants through use of national, EU or other resources. Material reception conditions may be provided in kind or in the form of a financial allowance, and shall provide an adequate standard of living for applicants, which guarantees their subsistence and protects their physical and mental health, with due regard to respect for human dignity. The same standard of living shall also be provided to applicants who are in detention. Particular care shall be taken in relation to persons with special reception needs pursuant to Article 20(1).

2. Applicants shall have the right to free access to public health services as well as to receive nursing and health care, including the necessary treatment for diseases and the necessary mental health care, as required, pursuant to Article 33 of Law 4368/2016 (GG A 21).

3. The provision of all or some of the material reception conditions pursuant to paragraph 1 is subject to the condition that applicants are unemployed or that their employment does not provide sufficient means to ensure a standard of living adequate to safeguard their health and subsistence, subject to the income criteria laid down in Article 235 of Law 4389/2016.

#### **Article 18**

#### **Modalities for material reception conditions (Article 18 of Directive 2013/33/EU)**

1. Where housing of applicants is provided in kind, it should take one or a combination of the following forms:

(a) accommodation in premises used for the purpose of housing applicants during the examination of an application for international protection made at the border or in transit zones;

(b) accommodation centres established in suitably adapted public or private buildings, managed by public or private non-profit organisations or international organisations;

(c) private houses, flats, hotels leased as part of housing programs for applicants, operated by public or private non-profit organisations or international organisations.

All the above forms of housing shall be subject to supervision by the competent reception authority, acting in cooperation with any jointly competent public bodies, as applicable.

2. Without prejudice to any specific conditions of detention pursuant to Articles 8 and 9, it should be ensured that:

(a) families are accommodated in the same premises and any dependent adults with special reception needs are accommodated together with close adult relatives who are responsible for them under the Greek law, while appropriate measures are taken to protect privacy and family life;

(b) applicants have the possibility of communicating with relatives, legal advisers or counsellors and persons representing UNHCR or other accredited social welfare organisations. Family members, legal advisers or counsellors, persons representing UNHCR and other certified social welfare organisations are granted access in order to assist the applicants. Limits on such communication may be temporarily imposed only on grounds relating to the security of the accommodation premises and of the applicants accommodated thereat;

(c) in referring applicants to appropriate accommodation facilities, the competent authorities take into consideration gender and age-specific concerns as well as whether the applicants are characterised as vulnerable persons;

(d) appropriate measures are taken to prevent assault and gender-based violence, including violence based on gender identity, sexual assault and harassment within the accommodation centres;

(e) transfers of applicants from one housing facility to another shall take place only when necessary and on the condition that applicants have been given the possibility to inform their legal advisers or counsellors of the transfer and of their new address.

3. Personnel working in accommodation centres shall be adequately trained, shall be bound by a code of conduct and shall treat as confidential any personal data that may come to their knowledge in the performance of their duties or in the course of their work, in accordance with the national law.

4. The management authorities of accommodation centres may involve applicants in managing the material resources and non-material aspects of life in the centre, with a view to better organising the centre's operation and supporting applicants in leaving as independently as possible.

5. In duly justified cases, the Minister for Migration Policy may exceptionally issue a decision setting special terms regarding material reception conditions different from those provided for in this Article, for a reasonable period which shall be as short as possible, when:

(a) an assessment of the specific needs of the applicant is required, in accordance with Article 20 of this Law, or

(b) housing capacities available are temporarily exhausted.

In any case, any derogation from the above provisions shall not release the competent reception authority of the obligation to provide applicants with the material and non-material resources necessary to meet their basic subsistence needs.

#### **CHAPTER C REDUCTION OR WITHDRAWAL OF MATERIAL RECEPTION CONDITIONS**

##### **Article 19 Reduction or withdrawal of material reception conditions (Article 20 of Directive 2013/33/EU)**

1. Material reception conditions may be reduced or withdrawn where an applicant:

(a) abandons the accommodation centre where (s)he has been placed without informing the competent authority or without permission, where such permission is required, in situations where housing is provided;

(b) fails to comply with reporting duties or with requests to provide information or to appear for a personal interview in the context of the procedure for the examination of the application for international protection within the time-limit set by the authorities responsible for receiving and examining the application for international protection;

(c) has lodged a subsequent application as defined in Article 34(κ') of Law 4375/2016.

In relation to cases under (a) and (b), when the applicant is traced or voluntarily reports to the competent authority, a duly motivated decision shall be taken, based on the reasons that led the applicant to leave the accommodation premises, regarding the re-installation of the grant of some or all of the material reception conditions withdrawn or reduced.

2. The competent Reception Authority may reduce material reception conditions when it can establish that the applicant, for no justifiable reason, has not lodged an application for international protection as soon as reasonably practicable after arrival in the Greek territory.

3. The competent Reception Authority may reduce or withdraw access to material reception conditions where it is established that an applicant has concealed financial resources, and has therefore unduly benefited from material reception conditions.

4. Provision of accommodation is withdrawn in case of serious breach of the Regulation of Operation of the accommodation centres, as well as when seriously violent behaviour is established.

5. Decisions for reduction or withdrawal of material reception conditions shall be taken by the competent Reception Authority individually, objectively and impartially and reasons shall be given. Decisions for reduction or withdrawal of material reception conditions shall take into account the particular situation of the person concerned, especially with regard to vulnerable persons pursuant to Article 20. Decisions for reduction or withdrawal of material reception conditions may not affect the applicant's access to health care in accordance with Article 17(2) nor hinder the applicant's access to basic resources that ensure a dignified standard of living. Decisions for reduction or withdrawal of material reception conditions shall be notified to applicants in a language they are able to understand.

6. Material reception conditions shall not be withdrawn or reduced before a decision is adopted in accordance with paragraph 5.

#### **CHAPTER D PROVISIONS FOR VULNERABLE PERSONS**

##### **Article 20 General principle for vulnerable persons and assessment of the special reception needs of vulnerable persons (Articles 21 and 22 of Directive 2013/33/EU)**

1. In implementing the provisions of Chapter B the particular situation of vulnerable persons, such as minors, whether unaccompanied or not, separated minors, disabled persons, persons with mental disorders or incurable or serious illnesses, elderly people, pregnant women or women who have recently given birth, single parent families with minor children, persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence or exploitation, victims of female genital mutilation and victims of human trafficking, shall be taken into consideration.

2. Whether a person entering the Greek territory irregularly is vulnerable shall be assessed during the identification procedure under Article 9 of Law 4375/2016, regardless of the assessment of international protection needs pursuant to the provisions of Presidential Decree 141/2013.



3. Special reception conditions shall apply to persons referred to in paragraph 1 immediately after they have lodged an application for international protection, including under Article 36(1)(B') of Law 4375/2016, especially to minors after they have been identified. An applicant's particular situation, even if it becomes evident at a subsequent phase of the procedure for the examination of the application for international protection, shall be taken into account throughout this procedure and shall be monitored closely.

4. Only persons referred to in paragraph 1 may be considered to have special reception needs and thus benefit from the special reception conditions.

5. The competent authorities are liable to promptly notify the National System for Identification and Referral of Victims of Human Trafficking, pursuant to Article 6 of Law 4198/2013 (GG A, 215), as soon as they identify a victim of human trafficking.

#### **Article 21**

##### **Minors**

##### **(Article 23 of Directive 2013/33/EU)**

1. The best interests of the child shall be a primary consideration for the competent Authorities when implementing the provisions of this Law. Minors shall be provided with a standard of living adequate for their physical, mental, spiritual, moral and social development. In assessing the best interests of the child, the competent authorities shall in particular take due account of the family reunification possibilities, the minor's well-being and social development, safety and security considerations, especially where there is a risk of the minor being a victim of human trafficking, and the views of the minor in accordance with his or her age and maturity.

2. The competent authorities shall ensure access to rehabilitation services for minors who have been victims of any form of abuse, neglect, exploitation, torture or cruel, inhuman and degrading treatment, or who have suffered from armed conflicts, and ensure that appropriate mental health care is provided to them as well as specialised treatment, if needed.

3. The competent authorities shall ensure that minors have access to leisure activities, including play and recreational activities appropriate to their age and gender, within the premises of accommodation centres, and also to open-air activities.

#### **Article 22**

##### **Unaccompanied minors and separated minors (Article 24 of Directive 2013/33/EU)**

1. The competent authorities at the points of entry into the Greek territory, as well as any other competent authorities establishing the entry of an unaccompanied minor or separated minor into the Greek territory shall notify without delay the nearest public prosecution authority and the competent authority for the protection of unaccompanied minors and separated minors.

2. The Reception and Identification Service shall be responsible for the reception and identification of unaccompanied minors at the Reception and Identification Centres. In this context, it shall also ensure, through the competent public prosecutor, that the care of the separated minor is assigned to an adult relative, where this is deemed to be in the best interest of the minor. This relative shall act as representative of the minor and shall perform the duties assigned by the competent public prosecutor.

3. The Directorate-General for Social Solidarity of the Ministry of Labour, Social Security and Social Solidarity is designated to be the competent authority for the protection of unaccompanied minors and separated minors. It shall:

a. immediately take appropriate measures to ensure compliance with the obligations imposed to it hereunder and to ensure that unaccompanied minors and separated minors are properly represented and able to benefit from the rights and comply with the obligations provided for in this Law.

To that end, the competent authority shall take the necessary actions to ensure the appointment of a representative by the Public Prosecutor having material and territorial jurisdiction and shall immediately inform the unaccompanied minor of the appointment of such representative. Where a legal person is appointed as representative, a natural person among its members shall be essentially authorised to carry out the duties of representative. The competent authority for the protection of unaccompanied minors and separated minors shall assess on a regular basis the appropriateness of representatives and the availability of the necessary means for representation of unaccompanied minors;

b. trace the members of the unaccompanied or separated minor's family, with the assistance of accredited bodies and organisations, as soon as possible after an application for international protection has been lodged. 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 must be taken to ensure that the collection, processing and circulation of information concerning those persons is undertaken on a confidential basis, so as to avoid jeopardising their safety;

c. ensure the placement of unaccompanied minors with a foster family and shall ensure their supervision;

d. ensure that unaccompanied minors are referred to and escorted to accommodation centres for unaccompanied minors or to other accommodation centres where there are areas suitably adapted for this purpose, for as long as the unaccompanied minors are staying in the country or until they are placed with a foster family or at supervised lodgings. Changes of residence of unaccompanied minors shall be limited to a minimum and shall only take place where it is absolutely necessary;

e. ensure that minors are accommodated with their adult relatives or other adults suitable to undertake their care, if this is in the best interest of the minors and provided that formal procedures for the assignment of the minor's care to these persons have been followed according to law;

f. ensure that siblings are accommodated and live together, taking into account the age, gender, maturity and best interest of the minor concerned;

g. ensure accommodation of unaccompanied minors over 16 years old at supervised lodgings, without prejudice to their protection as minors. The supervisory bodies, the minimum specifications, the terms and procedures for selection, referral, accommodation or termination of the accommodation provided and all pertinent details shall be regulated by decision of the Minister of Labour, Social Security and Social Solidarity.

4. Personnel working for bodies responsible for handling cases of unaccompanied minors and separated minors shall be adequately and regularly trained on the needs of minors. This personnel shall be bound by a code of conduct and by confidentiality regarding personal data that come to their knowledge in the performance of their duties or in the course of their work.

5. The representative of an unaccompanied minor appointed pursuant to paragraph (1)(a) must have the necessary knowledge and experience to carry out his or her duties in a manner that serves the minors' best interests and overall well-being. Any person whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be eligible to be appointed as a representative. A person appointed as representative may be replaced by the authority referred to in paragraph 1 only when this person is unable to represent the minor on real or legal grounds.

**Article 23**  
**Victims of torture and violence**  
**(Article 25 of Directive 2013/33/EU)**

1. Victims of torture, rape or other serious acts of violence shall be attested by means of a medical certificate issued by a public hospital, military hospital or qualified doctors employed in public bodies providing health services, including forensic specialists, and shall receive the necessary treatment for the damage caused by such acts, in particular access to appropriate medical and psychological treatment or care.

2. Personnel working for bodies responsible for, handling cases relating to victims of torture, rape or other serious acts of violence shall have undergone and shall continue to receive appropriate training concerning the needs of such victims, and shall be bound by confidentiality regarding personal data that come to their knowledge in the performance of their duties or in the course of their work.

**CHAPTER E**  
**APPEALS**

**Article 24**  
**Appeals**  
**(Article 26 of Directive 2013/33/EU)**

1. Applicants against which a decision reducing or withdrawing reception conditions pursuant to Article 17 or a decision taken under Article 6(4) is issued, are entitled to appeal against such decisions before administrative courts, pursuant to the provisions of the Code of Administrative Procedure (Law 2717/1999).

2. In case of an appeal before a court, the applicant shall receive free legal assistance and representation subject to the terms and conditions laid down in Law 3226/2004.

[...]

**PART C**  
**AMENDMENT OF ASYLUM PROCEDURES**

**Article 28**  
**Amendment of Law 4375/2016 (GG A, 51)**

1. Four new sections are added to Article 2(5) of Law 4375/2016 as follows:

'By decision of the Director of the Asylum Service or the Director of the Appeals Authority of the Ministry of Migration Policy, special task forces comprised of staff of the Asylum Service or the Appeals Authority, respectively, may be set up to carry out duties outside the regular work schedule or the overtime work schedule, and potentially off-base, for the purpose of speeding up the delivery of decisions on asylum applications and delivering any supporting actions necessary, at the request or with the consent of the employees concerned. The relevant decision shall be thoroughly

substantiated and shall be integrated in the framework of a funded or co-funded national, EU or international program. The decision to set up a task force as above shall include a thorough description of the deliverable project, indicating the delivery date and the person responsible for it and regulating all pertinent details. The task force members shall be remunerated in accordance with the provisions of Articles 21(1) and 21(2) of Law 4354/2015 (GG A, 176).'

2. The second section of Article 5(1) of Law 4375/2016 is replaced as follows:

'The Administrative Director shall be appointed by virtue of a decision of the Minister of Migration Policy, following a public notice for expression of interest and in accordance with the selection procedure laid down in paragraphs 9 and 10.'

3. In Article 5(4) of Law 4375/2016, the first section is replaced as follows:

'Judges appointed as members of the Independent Appeals Committees are replaced by joint decision of the Minister of Migration Policy, the Minister of Justice, Transparency and Human Rights and the Minister of Finance, under the same procedure as applies to their appointment at their request. They may also be replaced under the same procedure in the case of substantial and unjustifiable delays identified in handling the cases of applicants for international protection. Such replacement is effected by means of a similar joint Ministerial Decision, subject to prior authorisation by the General State Commissioner for Ordinary Administrative Courts.'

4. Paragraphs 9 and 10 of Article 5 of Law 4375/2016, are replaced as follows:

'9. By decision of the Minister of Migration Policy, a three-member Selection Board shall be set up to assess nominations and propose three candidates for the post of Administrative Director of the Central Service of the Appeals Division. The Selection Board shall comprise the following members: (a) The General Secretary of the Ministry of Migration Policy, as Chairman; (b) one Councillor of the Supreme Council for Civil Personnel Selection (ASEP) and his/her deputy, as member; (c) one member of the faculty of a Greek University of Law or Political Sciences, as member, and his/her equally qualified deputy, both designated by the UNHCR.'

10. The members of the Selection Board shall be designated within an exclusive time limit of fifteen (15) days from submission of a request to that effect by the Minister of Migration Policy. If the above time limit lapses or if the Board fails to deliver a proposal within thirty (30) days from expiry of the time limit for the submission of nominations, the Administrative Director shall be appointed by decision of the Ministry of Migration Policy.'

5. In Article 34 of Law 4375/2016, point (e) is replaced as follows:

'e. "Final decision" means a decision that determines whether an alien or a stateless person is recognized or not as a refugee or as a person eligible for subsidiary protection, which: (a) is issued pursuant to an appeal lodged in accordance with Article 7(5) or (b) is no longer subject to such appeal, due to lapse of the applicable appeal deadlines. Final decisions are subject to an application for annulment under Article 64.'

6. In Article 34(κ') of Law 4375/2016, the first section is replaced as follows:

'κ. "Subsequent application" means an application for international protection which is lodged following a decision that is no longer subject to any judicial remedy under Article 64 or following a decision to discontinue the examination of the application under Article 47(2).'

7. A new paragraph 11 is added in Article 36 of Law 4375/2016 as follows:

'11. In cases of emergency, the Asylum Service may be assisted by Greek-speaking staff, deployed by the European Asylum Support Office, in registering applications for international protection, in applying, *mutatis mutandis*, Article 60(4)(β'), or in carrying out any other administrative actions related to handling applications for international protection.'

8. In Article 47(4) of Law 4375/2016, the first section is replaced as follows:

'Where a decision to discontinue has been issued, the applicant is entitled, within nine (9) months from the date such decision was issued, to submit a request to the authority that rendered the decision to resume the assessment procedure for his/her application; such request shall contain specific evidence solidly indicating that the decision to discontinue the examination was rendered under circumstances independent of the applicant's own will.'

9. In Article 51(2) of Law 4375/2016, the first section is replaced as follows:

'The examination of applications must be completed as soon as possible, and in any case within six (6) months, where the regular procedure is applied, or within thirty (30) days, in cases where the accelerated procedure is applied.'

10. A new paragraph is added in the end of Article 53 of Law 4375/2016 as follows:

'Especially in what concerns the procedure described in Article 60, the Authorities competent to receive or decide on applications, particularly the Regional Asylum Offices or Independent Asylum Units, may refer applicants to the Medical Screening and Psychosocial Support Unit of the Reception and Identification Centres, for an assessment of their vulnerability, under Article 14(8). Once a medical and psychosocial assessment has been conducted, the Unit shall notify the Head of the competent Regional Asylum Office by means of a written recommendation. Such recommendation shall also be notified to the Manager of the Centre, to ensure that provision is made for the applicants' specific needs.'

11. Article 59(2) of Law 4375/2016, first section is replaced as follows:

'2. A subsequent application shall be examined within five (5) days, initially at a preliminary stage, during which it is assessed whether new substantial evidence has arisen or been presented by the applicant.'

12. In Article 59(4) of Law 4375/2016, the first section is replaced as follows:

'If, during the preliminary examination of applications under paragraph (2), new material evidence arises or is presented by the applicant, which the applicant was unable to invoke during the examination of the previous application without fault on his/her own, and if such evidence affects the decision on the application for international protection, then the application is declared admissible and is further examined, under the provisions of this Part, and the applicant is provided with a document certifying his/her status as applicant for international protection.'

13. A new paragraph 9 is added in Article 59 of Law 4375/2016 as follows:

'9. An asylum seeker may not stay in the country in the following cases: (a) when the asylum seeker has lodged a first subsequent application merely for the purpose of delaying or frustrating the enforcement of a removal order, and such application is rejected as inadmissible, or (b) when the asylum seeker lodges a second subsequent application, after a final decision has been issued rejecting the first subsequent application as inadmissible or unfounded.'

14. A new section is added after Article 60(4)(γ') first section of Law 4375/2016 as follows:

'The time limit of Article 61(6) is fifteen (15) days.'

15. Article 61(5) of Law 4375/2016 is replaced as follows:

'5. Appeals shall be submitted to the receiving authorities and shall be promptly forwarded to the Appeals Authority, initially together with the electronic file and subsequently together with the administrative file.'

16. Article 61(6) of Law 4375/2016 is replaced as follows:

'6. If the decision issued at first instance has not been served to the applicant for any reason or cause, the time limit to appeal is thirty (30) days from the date of expiry of the international protection applicant's card or, in case the card had expired before the decision was issued, thirty (30) days from the date the decision was issued.'

17. The last section of Article 62(2) of Law 4375/2016 is replaced as follows:

'The appellant and the Asylum Service may file supplementary evidence or a memorandum, no later than two (2) days before the hearing of the appeal, otherwise these are deemed inadmissible.'

18. The first section of Article 62(4) of Law 4375/2016 is replaced as follows:

'Any appeals lodged after the time limits set under Article 61(1) have lapsed shall be examined in priority, at the latest within ten (10) days from the date they were lodged. If the appellant presents written evidence indicating solidly that the late lodging of the appeal was due to *force majeure*, then the appeal is examined in the merits, otherwise it is rejected as inadmissible.'

19. Article 62(7) of Law 4375/2016 is replaced as follows:

'7. The examination procedure for appeals is completed and a decision is issued as soon as possible after the date the appeal was lodged, in any case within three (3) months, when the ordinary procedure is applied, or within forty (40) days when the accelerated procedure is applied.'

If the President or any member of the Committee is impeded from attending at least three (3) consecutive sessions, they may be provisionally replaced for a period of three (3) months, which may be extended if the impediment persists. The procedure applicable under Article 5 hereof to the appointment of the Chairman or any member of the Committee shall also apply for their replacement. The substitute Chairman or member shall forfeit as soon as the impeded Chairman or member resumes office. Any cases heard by the Committee in the presence of the impeded Chairman or member, for which a decision is pending, shall be re-entered for hearing before, and decided by, the same Committee, comprised by a substitute Chairman or member.'

20. A last section is added to Article 62(8) of Law 4375/2016 as follows:

'Especially in the cases under Article 40(4) and 40(5), service may be effected alternatively:

a. to the applicant's procedure representative or to the attorney who signed the appeal or attended the hearing or filed a memorandum before the Appeals Committee, or

b. to the Manager of the Reception and Identification Centre or to the head of the Temporary Reception or Temporary Accommodation Facility where the appellant has declared being accommodated, or

c. by means of an announcement posted on a dedicated website. Upon lodging the appeal, the appellant receives a unique password to access the appeal along with written instructions on how to monitor the progress of the appeal, in a language the applicant has declared that he or she



understands. Service shall be considered to have taken place after ten (10) days from online posting as above.'

21. A new paragraph 9 is added in Article 62 of Law 4375/2016 as follows:

'9. A case may be referred back to the first instance only in the case of Article 61(1)(γ) hereof.'

22. A last section is added to Article 80(4) of Law 4375/2016 as follows: 'If the above term of office is not extended after 31 December 2016 and regardless of whether the Appeals Authority has entered effective operation under paragraph 1, any pending appeals as above shall be examined by the Appeals Committees provided for in Articles 26 and 32 of Presidential Decree 114/2010 (GG A, 195), in accordance with the procedure described in this Law and under the responsibility of the Minister of Migration Policy. The above Committees shall also retain the power to examine any appeals lodged under the procedure laid down in Presidential Decree 114/2010, under the competence of the Minister of Interior. The Committees, with the exclusive powers described in the preceding sections, are under the authority of Appeals Authority or, until the latter begins its operation, by the Appeals Authority of the transition phase under paragraph 2. Any ministerial decisions regulating matters pertaining to the composition and operating procedures of the above Committees or any pertinent details shall be issued by the Minister of Migration Policy. The Ministry of Interior shall offer secretarial support to the Appeals Committees by supplying staff deployed from the Hellenic Police services, as well as by providing facilities intended to accommodate the Committees' operations. By decision of the Minister of Migration Policy, a Coordinator is appointed, holding a university degree and having good management skills and proven expertise or experience in the fields of international protection of human rights, international law or administrative law and shall be responsible for the coordination of the above Committees and their respective staff.'

23. Article 80(26) of Law 4375/2016 is amended as follows:

'26. The exceptional procedure laid down in Article 60(4) applies until 31/12/2018.'

24. Article 5(11) of Law 4375/2016 (GG A, 51) is hereby repealed.

25. In Article 41 of Law 4375/2016, point (δ.γγ') is repealed.

#### **Article 29**

#### **Amendment of Law 3068/2002 (GG A, 274) and of the Code on the Statutes of Courts and the Status of Judges (CSCSJ)**

1. The first section of Article 15(3) of Law 3068/2002 is replaced as follows:

'(a) the recognition of foreign nationals as refugees, within the meaning of the Geneva Convention, as ratified by the Sole Article of Legislative Decree 3989/1959 (GG A, 201) and of the relevant 1967 New York Protocol, as ratified by the Sole Article of Mandatory Law 389/1968 (GG A, 125). In such situations, a hearing date shall be immediately scheduled, essentially within forty-five (45) days from the date the appeal is lodged. The court shall render a judgement within two (2) months from the hearing. In all other respects, the provisions of the Presidential Decree 18/1989 shall apply *mutatis mutandis*.'

2. A new paragraph 5 is added in Article 15 of Law 3068/2002 as follows:

'5. In the context of the appeal proceedings provided for in paragraph 3(a), the President of the competent court may grant interim judicial protection in a single-phase, by means of

a concisely reasoned order, following a request for suspension of enforcement. Within two (2) working days after the application has been lodged, it shall be notified by care of the applicant to the competent Minister, who is then liable to forward the case file to the court within five (5) working days from such notice. Within the same time limit, the Minister may express his/her views and the applicant may submit the evidence on which he/she bases his/her assertions. The president of the court shall render a judgement on the application within seven (7) days from expiry of the aforementioned time limits, provided that the court has received the relevant proof of notification. In all other respects, the provisions of the Presidential Decree 18/1989 shall apply *mutatis mutandis*.'

3. A new point (δ') is hereby inserted into Article 4(6) of Law 1756/1988 'Code on the Statutes of Courts and the Status of Judges' (GG A, 35) as follows:

'(d) By decision of the three-member administration board or the head of the court, special departments may be set up within the administrative courts of appeal comprising at least five (5) departments, to hear litigations arising from the implementation of legislation on international protection status, in accordance with the procedure described in points two and three of point (a) and in point (b).'

#### **PART D OTHER PROVISIONS MINISTRY OF MIGRATION POLICY**

#### **Article 30**

#### **Amendment of Law 4375/2016 (GG A, 51)**

1. a. The following sections are added in the end of Article 2(1) of Law 4375/2016:

'When absent or impeded, the Director shall be substituted in his/her duties by the Head of the Coordination Department in the Central Asylum Service. The Head of the Coordination Department in the Central Asylum Service shall carry out the duties laid down in the preceding section when the Director's tenure is terminated or expires, until a new Director is appointed.'

b. Point a' shall take effect from 01.01.2018.

2. A new section is added to Article 11(2) of Law 4375/2016 as follows:

'If the Manager is temporarily impeded from carrying out his/her duties, the Director of the service shall designate a deputy Manager from among the employed staff, by means of a decision issued to that effect''.

3. Article 11(5) second indent of Law 4375/2016 is replaced as follows:

'These structures shall be directed by a civil servant or a private individual holding a university degree and having adequate management skills and experience and/or expertise on human rights, appointed by decision of the Service Director or contracted with the Government by means of an employment contract of one (1) year, which may be renewed up to two (2) times, following a public notice for expression of interest.'

4. Article 11(14) of Law 4375/2016 is replaced as follows:

'14. The Regional Services of the Reception and Identification Service shall operate on alternate shifts on a 24/7 basis, including on Sundays, holidays and non-business days. The particular duties and responsibilities of the staff employed in the Regional Services of the Reception and Identification Service, as well as the employment regime, terms and work schedule, the terms of overtime work - which

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may under no circumstances exceed the time limits applicable under relevant legislative provisions - and any other particular matters - except for cases where additional expenses are induced by any change to the work schedule, which will be regulated by joint decision of the Minister of Finance and the Minister of Migration Policy - shall be regulated by decision of the Minister of Migration Policy.'

5. Article 17(1) of Law 4375/2016 is replaced as follows:

'1. Regular positions for the staff of the Central Service and the Regional Services of the Reception and Identification Service may be established or abolished by means of a Presidential Decree issued following a recommendation by the Ministers of Migration Policy and Finance.'

6. As of the entry into force of this Law, the Presidential Decree No. 220/2007 (GG A, 251) shall be repealed, with the exception of Article 19(1) which remains in force.