

## Policy & Legal review for children in alternative care & unaccompanied and separated children from Ukraine arriving in: GREECE

**Contributors:** UNICEF Greece; The Smile of the Child, Eurochild

1. What are the laws and/or policies covering care arrangements for children temporarily or permanently deprived of family care (with translation into English if available)?

- Law 4837/2021 (ΦΕΚ 178/1/1-10/202): Prevention and treatment of incidents of abuse and neglect of minors, “Kypseli” Program for upgrading of the quality of services provided in nurseries and daycare schools, provisions for the promotion of foster care and adoption, “Personal Assistant for Persons with Disabilities” and other provisions. With Art. 52 of the L.4837/2021, the semi-independent model of care for children from 15 years old and above and young adults living in child care institutions has been established and will be implemented when the joint ministerial decision that will provide the operational framework will be published (see: <https://www.e-nomothesia.gr/kat-anilikoi/nomos-4837-2021-phek-178a-1-10-2021.html>).
- Art. 1532 Civil Code as amended by art. 14 Law 4800/2021: In cases of wrongful exercise of parental authority the public prosecutor (the prosecutor for minors or the local public prosecutor of first instance in cases where no prosecutor for minors is appointed) may order any appropriate measure for the protection of the child until a decision is made by the court, to which the prosecutor must refer the case within ninety (90) days, with the possibility of extending this period by a further ninety (90) days.
- When a child is deprived of family environment, among the measures that may be taken to ensure his/her best interests and well-being is foster care, namely the appointment of the child’s actual care to a third party by court order or by contract.
- Foster care is mostly regulated by the provisions of articles 1655-1665 of the Civil Code, issued by Law 2447/1996, PD 86/2009 and recently the Law 4538/2018. Each child protection and care unit (public or private law) has to keep a registry with the data and legal issues of minors they accommodate and notify the National Center for Social Solidarity in order to enter the data to the National Registry for Minors<sup>1</sup>.

A registry of candidate foster parents and approved foster parents has also been established<sup>2</sup>. Moreover, Law 4538/2018 provisions aim to ensure the systematic registration of all foster care important elements<sup>3</sup> and also a national coordinating authority, the National Fostering and Adoption Council has been established to supervise the implementation of the institution<sup>4</sup>. Special emphasis is awarded to kinship foster care, but there are also other forms of fostering

<sup>1</sup> L. 4538/2018, art. 5 available here <https://www.kodiko.gr/nomothesia/document/364289>

<sup>2</sup> Ibid., arts. 6 & 7

<sup>3</sup> Ibid., art. 7.

<sup>4</sup> Ibid. arts.1-4. Ministerial Decision D11 oik.57758/2484/2018 (B’ 5090).

introduced, such as professional fostering of children with disabilities or severe mental disorders and fostering as a reforming measure<sup>5</sup> for juvenile offenders.

- Currently in Greece the majority of children removed from family environment are placed in child care institutions which are mainly categorized as follows:
  - child care institutions of the Social Welfare Centers per Region supervised by the General Secretariat of Social Welfare of Ministry of Labor and Social Affairs;
  - shelters for minors as provided by the Minor’s Protection Companies of the Ministry of Justice and
  - child care institutions run by private law legal entities (NGOs, church institutions etc); the operational framework is about to be regulated through a specific ministerial decision that recently was open to public consultation: <https://paidi.gov.gr/diavoulefsi-prodiagrafes-gia-idrysi-kai-leitourgia-monadon-paidikis-prostasias/>
- The development of quality standards for accommodation (care) facilities is pending to be established by Ministerial Decisions since 1995 according to article 2 of Law 2345/1995 that foresees the establishment by Ministerial Decision of the conditions for establishing and operating child protection structures.

2. What are the laws and/or policies or bi-lateral agreements covering care arrangements for unaccompanied and separated children (UASC) from foreign countries (with translation into English if available)?

**Policy coordination for care of unaccompanied and separated children:**

The Special Secretariat for the Protection of Unaccompanied Minors has been established in February 2020 by the Presidential Degree 18/2020.

Its mission is to develop, implement and supervise the National Strategy for the Protection of Unaccompanied in Greece. It is the competent national authority for the protection of unaccompanied minors and is designated to coordinate and supervise all actions taken by other competent authorities, agencies or organisations regarding unaccompanied minors. The Special Secretariat also initiates and implements policies and actions to ensure the protection and well-being of third-country nationals and stateless individuals, who are unaccompanied or separated minors in Greek territory.

Its responsibilities are set out in articles 32 and 60 of Law 4636/2019, as applicable and are related to the management of accommodation and relocation requests for unaccompanied minors; the

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<sup>5</sup> According to articles 122 para.1 case (c) and 123 para. 1 case (a) of the Penal Code.

monitoring and evaluation of accommodation facilities and supervised apartments for minors; the promotion of social integration of unaccompanied minors; and the statutory protection of unaccompanied minors.

It has to be noted that children third country nationals might also be placed in child care institutions as described above in the response to sub question (a) mainly in cases that parents are deprived of parental care in Greece, or in cases that children third country nationals arriving in the country are very young or have a disability.

### Care arrangements for unaccompanied minors:

- Articles 32 and 60 of Law 4636/2019 - <https://www.kodiko.gr/nomothesia/document/572171> - set responsibility for Special Secretariat for the Protection of Unaccompanied Minors, established in February 2020 by the Presidential Degree 18/2020. Its mission is to develop, implement and supervise the National Strategy for the Protection of Unaccompanied in Greece. It is the competent national authority for the protection of unaccompanied minors and is designated to coordinate and supervise all actions taken by other competent authorities, agencies or organisations regarding unaccompanied minors.

Its responsibilities are set out in, as applicable and are related to the management of accommodation and relocation requests for unaccompanied minors; the monitoring and evaluation of accommodation facilities and supervised apartments for minors; the promotion of social integration of unaccompanied minors; and the statutory protection of unaccompanied minors.

- Arts. 32, 41, 60 par. 3, 71, L.4639/2019 outlines the steps to arrange care placement for unaccompanied minors. In Greek:  
<https://www.kodiko.gr/nomothesia/document/572171>
- Since 2018 NGOs cooperate with state authorities to provide supported independent living to children above the age of sixteen and in late 2019 standards, as established by the Ministerial Decision D11/60207/2717/2019 (GG 4924/B/31-12-2019).
- Since 2018 all NGOs located or acting in Greece in the sector of migration and international protection are obliged to register in the National Registry for Greek and Foreign NGOs and since 2020 more comprehensive criteria and efficient procedures for registering have been established - Joint ministerial Decision 10616/2020 (GG B 3820/9.09.2020), available in Greek here <https://www.e-nomothesia.gr/kat-allodapoi/koine-upourgike-apophase-oik-10616-2020.html>.
- All actors operating accommodation facilities for unaccompanied minors should register each shelter in the National Registry for accommodation facilities as established by L.4554/2018 - Part 3 (Art.13 - 32) L. 4554/2018 in Greek:  
<https://www.kodiko.gr/nomothesia/document/384356>; and also Ministerial Decision

D11/26945/1074/12-6-2019 (GG B 2399/19-06-2019), in Greek:  
<https://www.taxheaven.gr/circulars/31098/26945-1074-2019>.

### Legal guardianship for minors deprived of parental care

- Regulated by the articles 1589 to 1654 of the Greek Civil Code – Chapter 14 of the Civil Code available in Greek <https://www.kodiko.gr/nomothesia/document/572171>.
- Particularly concerning unaccompanied and separated children who are third country nationals or stateless persons, the Public Prosecutor is responsible by law to take all necessary action for the appointment of a permanent guardian for unaccompanied minors<sup>6</sup> and, hence, may appoint a person or legal entity to exercise guardianship actions for this child.<sup>7</sup>
- In September 2021, the guardianship and representation responsibility for unaccompanied children have been transferred to the Secretary Special for the Protection of Unaccompanied Minors in the Ministry of Migration and Asylum: Art 3 PD 70/2021 (A' 161), in Greek: <https://www.kodiko.gr/nomothesia/document/746343>. A legal reform on guardianship has been announced but it is still pending.

### Additional relevant laws in Greece:

- Civil Code - Art. 24, Arts. 1589–1654 deals with Guardianship; el: <http://5dim-n-irakl.att.sch.gr/documents/AstikosKodikas.pdf>
- Code of Civil Procedure (Κώδικας Πολιτικής Δικονομίας), 16 September, 1968 - Art. 681 C deals with Guardianship; el: [https://hellenicmunicipalpolice.files.wordpress.com/2011/02/epidosi\\_thyrokolisi-kodikas-politikis-dikonomias.pdf](https://hellenicmunicipalpolice.files.wordpress.com/2011/02/epidosi_thyrokolisi-kodikas-politikis-dikonomias.pdf)
- Law 4554/2018, Social Security and Pension Provision, Addressing Undeclared Work, Reinforcing of Protection of Workers, Guardianship for Unaccompanied Minors and Other Provisions (Νόμος 4554/2018, Ασφαλιστικές και συνταξιοδοτικές ρυθμίσεις – Αντιμετώπιση της αδήλωτης εργασίας – Ενίσχυση της προστασίας των εργαζομένων – Επιτροπεία ασυνόδευτων ανηλίκων και άλλες διατάξεις [Πρόστιμο για την αδήλωτη εργασία – 26η Δεκεμβρίου ως ημέρα υποχρεωτική αργίας) and its implementing acts; el: <https://www.e-nomothesia.gr/kat-ergasia-koinonike-asphalise/nomos-4554-2018-phek-130a-18-7-2018.html>
- Law 4636/2019, On international protection and other provisions, OG169/A/1-11-2019, (Νόμος 4636/2019, Περί Διεθνούς Προστασίας και άλλες διατάξεις, ΦΕΚ 169/A/1-11-2019) -

<sup>6</sup> Art. 32 & 60 L. 4636/2019.

<sup>7</sup> Art. 60 para 4 L. 4636/2019.

Guardianship: Arts. 25, 32, 60, 71, 83, 90; el: <https://www.e-nomothesia.gr/kat-allodapoi/prosphuges-politiko-asulo/nomos-4636-2019-phek-169a-1-11-2019.html>

- Law 4686/2020, Improvement of the migration legislation, amendment of L. 4636/2019 (A' 169), 4375/2016 (A' 51), 4251/2014 (A' 80) and other provisions, OGGG A' 96/12-5-2020 (Νόμος 4686/2020, Βελτίωση της μεταναστευτικής νομοθεσίας, τροποποίηση διατάξεων των νόμων - 4636/2019 (A' 169), 4375/2016 (A' 51), 4251/2014 (A' 80) και άλλες διατάξεις), 18 December 2020 - Guardianship: Art. 75, para. 1; el: <https://www.e-nomothesia.gr/kat-allodapoi/nomos-4686-2020-phek-96a-12-5-2020.html>

3.

- a. What is the legal status of unaccompanied and separated children (UASC) [from Ukraine] in this country?
- b. Does this status guarantee that a child will be able to return to Ukraine once the situation normalises? Or if there is no such “guarantee”/clause please also indicate.
- c. Is there a difference in how the legal system treats the child classified as unaccompanied vs. separated?
  - a. Does this status allow the adoption of the Ukrainian child who has entered this country without the consent or participation of parents and/or representatives of Ukrainian relevant state parties?

a.

Unaccompanied minors from Ukraine entering Greece may be entitled temporary protection, following the activation of the PD 80/2006 (A' 82)<sup>8</sup> incorporating the Council Directive 20 01/55/EC of 20 July 2001<sup>9</sup> with the Ministerial Decision 172172/24.03.2022.<sup>10</sup> The Minister of Migration and Asylum issued very recently a decision on the procedures for issuing Residence Permits to Beneficiaries of Temporary Protection (MD, GG B' 1462/28.03.2022).<sup>11</sup>

The MD regulates the beneficiaries of temporary protection, the categories of beneficiaries of temporary protection, the competent administrative/public authority – Asylum Service, the procedure for issuing residence permits to the beneficiaries; the applicant should submit the pre-registration form through the Ministry of Migration website<sup>12</sup> and appear in person before the Asylum Service and provide and show all documents proving that he/she satisfies the conditions

<sup>8</sup> Available in Greek here <https://www.kodiko.gr/nomothesia/document/398679>

<sup>9</sup> Council Directive 20 01/55/EC of 20 July 2001 on Minimum Standards for Giving Temporary Protection in the Event of a Mass Influx of Displaced Persons and on Measures Promoting a Balance of Efforts Between Member States in Receiving such Persons and Bearing the Consequences Thereof.

<sup>10</sup> Available in Greek here <https://migration.gov.gr/wp-content/uploads/2022/03/%CE%A1%CE%A01146%CE%9C%CE%94%CE%A8%CE%9F-%CE%A9%CE%994.pdf>

<sup>11</sup> Available in Greek here <https://lawnet.gr/law-news/diakikasia-chorigisis-adeias-diamonis-prosorinis-prostasias-fek-v-1462-2022/>

<sup>12</sup> <https://apps.migration.gov.gr/temporary-protection/?lang=uk>

laid down in the MD (e.g., passport, residence permit, travel documents or, if none of these documents can be presented, the Police Note issued by the Hellenic Police upon their arrival in the Greek territory) and to consent to the mandatory fingerprinting.

The MD also describes the procedures to be followed for UAC (Asylum Service should inform without delay the Prosecutor for Minors or the Prosecutor of First Instance) as well as for other categories of dependent persons (unmarried children or adults with a mental or physical disability).

The MD provides that the validity period of the residence permit is until 4 March 2023 with a possibility of extension (automatically for 6 months, i.e. until 4 Sep 2023 and then for further 6 months i.e. until 4 March 2024) as well as the expiration of the residence permit (following Decision of the Council on the termination of the temporary protection or due to the transfer of the beneficiary to another MS or due to the acquisition of a residence permit by another MS); Lastly, the JMD also specifies that in case of submission of an international protection application under Law 4636/2019, the relevant residence permit shall not be revoked.

b. There is no such classification in the relevant legislation specific for the UASC from Ukraine.

c.

Unaccompanied minor means a minor who arrives on the Greek territory not accompanied by an adult responsible for him/her in accordance with the Greek legislation or practice, and for as long as he/she is not effectively taken into the care of by such a person; or the minor who is left unaccompanied after he/she has entered the Greek territory<sup>13</sup>. These minors, due to their particular situation, are acknowledged as a vulnerable group in need of special protection.<sup>14</sup>

“Separated” minor is a person under 18 who is deprived of parental care, but is accompanied by an adult relative who in practice cares for him/her.<sup>15</sup>

d.

Adoption is regulated by articles 1542-1588 of the Civil Code<sup>16</sup> as amended by Law 2447/1996<sup>17</sup> and Law 4538/2018<sup>18</sup>. Adopted persons must be underage.<sup>19</sup> The adoption of a person who is 18 years old or older is lawful only if the adopted person is a child of the spouse of the person adopting.<sup>20</sup>

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<sup>13</sup> L. 4636/2019, art. 2 (j).

<sup>14</sup> L. 4636/2019, art. 39 para 5 (d).

<sup>15</sup> L. 4636/2019, art. 41 (i).

<sup>16</sup> For the Civil code, check the link as above 4, Chapter 13

<sup>17</sup> Available here <https://www.kodiko.gr/nomothesia/document/208808>

<sup>18</sup> Available here <https://www.kodiko.gr/nomothesia/document/364289>

<sup>19</sup> Article 1542, Greek Civil Code

<sup>20</sup> Art. 1579 of the Greek Civil Code

Adoption is only granted by judicial decision, on a request filed by the future adopter. Consent must be obtained from the adopter, the child, if they are over the age of 12 years and the child's parents or legal guardians. The adoption must be in the interests of the person to be adopted. The person who adopts a minor must have legal capacity, be between 30 and 60 years old and be at least 18 years (but not over 50 years) older than the person to be adopted. These age limits do not apply to the adoption by a spouse of a person who is to be adopted or has already been adopted by the other spouse. It is not possible for persons in a civil partnership, whether heterosexual or same sex to adopt a child jointly, but a single man or woman may adopt.<sup>21</sup>

Interstate adoptions are regulated by the provisions of PD 226/1999, while Greece has also ratified by Law 3765/2009 the Convention on Protection of Children and Cooperation in respect of on Intercountry Adoption<sup>22</sup>.

4.

- a. What is the legal status (especially the length of the status, benefits and restrictions) of the Ukrainian guardian accompanying a Ukrainian separated child arriving in this country (for example a member of staff from the evacuated institutions which has been appointed by the Ukrainian authorities as a guardian for a group of children during evacuation of an institution)?
- b. What safeguarding measures are in place to check and protect the best interests of the child if the child has a guardian from Ukraine (i.e., verifying who the guardian is, approve the guardian status in relation to the child, provide support and monitoring, etc.)?

a.

For separated minors<sup>23</sup>, who are deprived of parental care but are accompanied by adult kin who takes care of them, the Public Prosecutor may authorise the relative for certain guardianship acts<sup>24</sup> and authorise professionals for their legal representation.

In case that a court decision exists from Ukraine appointing an adult as guardian, then private international legal rules law will apply

<sup>21</sup> Art. 1456 Civil Code, Art. 9 and 11 Law 4356/2015

<sup>22</sup> See also circular with protocol number οικ. Δ11 53189/2249, 11.10.2018 of MoLSSS available in Greek here <https://www.taxheaven.gr/circulars/29562/d11-53189-2249-2018>

<sup>23</sup> L. 4636/2019, art. 41, case (i)

<sup>24</sup> L. 4636/2019, art. 60, para 2.

b.

The National Emergency Response mechanism of the Secretary Special for the Protection of UAM is providing support to separate minors (accompanied by an adult declaring as a relative) aiming to verify the family links and provide documentation to the public prosecutor acting as temporary guardian in order to decide on appoint the relative as guardian.

5.

- a. What are the regulations and procedures in case a child arrives without parents and any legal guardian (or any papers authorizing the person to care for the child), e.g., a child which is looked after by an adult (e.g., a family friend, a neighbour, someone who found the child alone on the street and took it along to keep it safe...)?
- b. May the return of these children to Ukraine, after the normalisation of the situation, be questioned/hampered by the legal status they receive?

a.

**Care arrangements for unaccompanied minors:**

Upon the identification of an unaccompanied minor, all necessary steps are taken for the placement of unaccompanied minors in an appropriate accommodation facility or modality (shelter, supported independent living apartment, safe zone, emergency accommodation). A referral is made by state authorities or NGOs to the Accommodation Department of the Special Secretariat for the Protection of Unaccompanied Minors (SSPUAM) of the Ministry of Migration and Asylum, in order to lodge a request for accommodation.<sup>25</sup> A very brief social history is sent along with some vulnerability indicators in order to make proper arrangements for each minor's case.

With regard to accommodation (care) facilities, quality standards are pending to be established by Ministerial Decisions since 1995 according to article 2 of Law 2345/1995 that foresees the establishment by Ministerial Decision of the conditions for establishing and operating child protection structures.

As far as unaccompanied minors' shelters are concerned, only if an agency or NGO intends to be financed by the Asylum, Migration and Integration Fund there is an obligation of compliance with specific structural and staffing standards. Since 2018 NGOs cooperate with state authorities to provide supported independent living to children above the age of sixteen and in late 2019 standards were established by the Ministerial Decision D11/60207/2717/2019 (GG 4924/B/31-12-2019).

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<sup>25</sup> Art. 60 par. 3 L.4639/2019 available in Greek here <https://www.kodiko.gr/nomothesia/document/572171>



Since 2018 all NGOs located or acting in Greece in the sector of migration and international protection are obliged to register in the National Registry for Greek and Foreign NGOs and since 2020 more comprehensive criteria and efficient procedures for registering have been established.<sup>26</sup> Additionally, all actors operating accommodation facilities for unaccompanied minors should register each shelter in the National Registry for accommodation facilities as established by L.4554/2018.<sup>27</sup>

### **Legal Guardianship and representation:**

Legal guardianship for minors deprived of parental care is regulated by the articles 1589 to 1654 of the Greek Civil Code.<sup>28</sup> It is foreseen that in case where no parent can exercise his/her parental responsibilities either because both parents are unknown or absent/deceased or were deprived their parental rights by court order or are incapable of exercising their parental duties, the competent authorities or relatives who are aware of such a case shall immediately notify the court, or the court ex officio shall act, and the minor shall be appointed a guardian by court order<sup>29</sup>.

An individual is appointed as legal guardian after extensive social assessment over his or her capacities and intentions, conducted by state social workers. According to the Civil Code, guardianship includes the rights and responsibilities that a parent would have<sup>30</sup>, namely taking care of the minor, cater for his/her matters, such as education, housing, sound psychosocial development, and health<sup>31</sup>, manage his/her property and his/her legal representation<sup>32</sup>.

An exception is when more guardians are appointed to serve different purposes each<sup>33</sup>. A legal guardian appointed by court order is the person who is fully responsible for a minor's upbringing and care, is able to cover it financially and hosts the minor under his or her roof. The actions of the guardian are supervised by a Supervisory Board. Notwithstanding that, as stated in article 4 of the Civil Code, persons who do not hold the Greek citizenship have equal civil rights deriving from this Law (Civil Code) with the Greek citizens.

Moreover, Greek courts have jurisdiction over the appointment of a guardian to a non-Greek citizen minor, if he/she has his/her place of habitual residence in the country<sup>34</sup>. However, if the minor merely stays at the moment in Greece, only injunction can be issued<sup>35</sup>. In case a guardian has not yet been appointed, or the appointed guardian is temporarily unable to exercise his/her duties, or

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<sup>26</sup> Joint ministerial Decision 10616/2020 (GG B 3820/9.09.2020), available in Greek here <https://www.e-nomothesia.gr/kat-allodapoi/koine-upourgike-apophase-oik-10616-2020.html>

<sup>27</sup> Art. 26 L. 4554/2018 available in Greek here <https://www.kodiko.gr/nomothesia/document/384356> and also Ministerial Decision D11/26945/1074/12-6-2019 (GG B 2399/19-06-2019) available in Greek here <https://www.taxheaven.gr/circulars/31098/26945-1074-2019>

<sup>28</sup> Chapter 14 of the Civil Code available in Greek <https://www.kodiko.gr/nomothesia/document/572171>

<sup>29</sup> Art. 1589

<sup>30</sup> art. 1603

<sup>31</sup> See also: art. 1518, Civil Code

<sup>32</sup> art. 1603 CC

<sup>33</sup> art. 1604 CC

<sup>34</sup> CC, art. 24 para 2

<sup>35</sup> art. 24 Civil Code

the guardian waives his/her appointment, the head of the pertinent social service takes all appropriate measures for the protection of the minor<sup>36</sup>.

Such social service has never been established since 1996. In the meantime, if it is urgent for the minor to be represented in a legal action or court hearing, the court issues a provisional order appointing a temporary guardian<sup>37</sup>. By analogy to the aforementioned clause, the Public Prosecutor for Minors/First Instance Public Prosecutor acts by Law as the temporary guardian of any third country national or stateless minor identified in Greece unaccompanied.

The Civil Code-based process rarely takes place for unaccompanied minors. The necessity to appoint a representative as soon as possible upon an unaccompanied minor's arrival, the changes in minors' placements (border points and mainland), the need for a swift appointing process and the qualifications that a person undertaking the representation of an unaccompanied minor should have, required the establishment of a new procedure, as well as a pool of trained and qualified professionals to be already in place.

Therefore, particularly concerning unaccompanied and separated children who are third country nationals or stateless persons, the Public Prosecutor is further responsible by law to take all necessary action for the appointment of a permanent guardian for unaccompanied minors<sup>38</sup> and, hence, may appoint a person or legal entity to exercise guardianship actions for this child<sup>39</sup>. The "guardian"-representative of an unaccompanied minor is to represent the minor in all procedures necessary and ensure that his/her best interests and overall well-being are safeguarded especially within the scope of the Qualifications, Reception conditions and Asylum procedures EU Directives<sup>40</sup>.

For separated minors<sup>41</sup>, who are deprived of parental care but are accompanied by adult kin who takes care of them, the Public Prosecutor may authorize the relative for certain guardianship acts<sup>42</sup> and authorize professionals for their legal representation.

Under law 4554/2018 the role of the professional guardian for unaccompanied minors has been established and the representation of non-Greek or stateless citizenships was regulated.<sup>43</sup> The establishment of a body of professional guardians was foreseen, aiming to be appointed by the Public Prosecutor.

Registries for professional guardians and for unaccompanied children have been established by the same law and have been developed in order to make coordinated and suitable choices of professionals for each minor. The National Center for Social Solidarity (EKKA) was provided as the coordinating actor and a supervisory board was provided to oversee and guide on crucial decision-making. Until 2021 the L4554/2018 on professional guardians remained inactive and only

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<sup>36</sup> art. 1601 CC

<sup>37</sup> art. 1601 CC

<sup>38</sup> Art. 32 & 60 L. 4636/2019.

<sup>39</sup> Art. 60 para 4 L. 4636/2019.

<sup>40</sup> See indicatively L. 4636/2019, art. 75.

<sup>41</sup> L. 4636/2019, art. 41, case (i)

<sup>42</sup> L. 4636/2019, art. 60, para 2.

<sup>43</sup> L. 4554/2018, Part 3 (Art.13 - 32) available in Greek here <https://www.kodiko.gr/nomothesia/document/384356>

transitional representation programs were implemented covering partially the representation needs of the unaccompanied minor.

In September 2021, the guardianship and representation responsibility have been transferred to the Secretary Special for the Protection of Unaccompanied Minors in the Ministry of Migration and Asylum.<sup>44</sup> A law reform on guardianship of UAC has been announced but it is still pending.

Relevant articles include: Art. 1589 (guardianship appointment); art. 1603 (guardianship rights and responsibilities); art. 1518 (areas of care for minor); art. 1603 (legal representation); art. 1604 (when more guardians are appointed to serve different purposes each); art. 24 para 2 (Greek courts have jurisdiction over the appointment of a guardian to a non-Greek citizen minor, if he/she has his/her place of habitual residence in the country).

However, if the minor merely stays at the moment in Greece, only injunction can be issued); art. 1601 (whereby a guardian has not yet been appointed, or the appointed guardian is temporarily unable to exercise his/her duties, or the guardian waives his/her appointment, the head of the pertinent social service takes all appropriate measures for the protection of the minor; and provision for temporary guardianship by the Public Prosecutor for Minors/First Instance Public Prosecutor).

**Regarding children with statelessness status:**

The Ministry of Migration and Asylum has announced that temporary protection up to one year will be offered to UA nationals residing in Ukraine before 24 February 2022, TCNs or stateless persons legally residing (as refugees or with an equivalent national status) in Ukraine before 24 February 2022 and to family members of the above groups (See here, in Gr: <https://www.gov.gr/arxes/oloi-foreis/metanasteuses-kai-asulou/parokhe-prosorines-prostasias-se-ektopismenous-polites-apo-ten-oukrania>).

b. We are not able to provide information for this specific question.

6. Which government ministry/department is responsible for the:

- a. the care of children temporarily or permanently deprived of family care & would it be possible to provide immediate contacts?
- b. the care of unaccompanied and separated children (UASC) [from Ukraine] & would it be possible to provide immediate contacts?

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<sup>44</sup> Art 3 PD 70/2021 (A' 161) available in Greek here <https://www.kodiko.gr/nomothesia/document/746343>

c.

Government level: Ministry of Labor and Social Affairs, General Secretariat of Social Solidarity, Department of Family and Child.

Portfolio of Deputy Minister for Social Welfare and Social Solidarity Dr. Domna Maria Michailidou, address: 29 Stadiou street, 105 59 Athens, Tel. 213 1516649.

Email: [welfare@yeka.gr](mailto:welfare@yeka.gr)

National authority level: National Center for Social Solidarity (E.K.K.A) which is the competent authority among others for the operation of child protection helpline (1107), the operation of platform anynet.gr supporting the Foster Care and Adoption Registries, the coordination of child protection units within (OPA) within municipalities, the National Referral Mechanism for the Protection of Victims of trafficking.

Address: Vas. Sofias 135 & Zacharov, 115 21 Athens

Email: [paidikiprostasia@ekka.org.gr](mailto:paidikiprostasia@ekka.org.gr) (Department of Foster Care and Adoption EKKA), Tel. 213 20 39 777

Regional level: The Centers of Social Welfare and the regional services are offering specialised services to children.

In terms of prevention, the social services of the Municipalities are involved in the process and are collaborating closely with the Public Prosecutors.

d.

Special Secretariat for the Protection of the Unaccompanied Minors, (SSPUAM) of the Ministry of Migration and Asylum, address: Thivon str. 196-198, 182 33, Agios Ioannis Rentis, Greece, Tel. 213.212.8506, email: [secretaryspecial.uam@migration.gov.gr](mailto:secretaryspecial.uam@migration.gov.gr); [ss.uam@migration.gov.gr](mailto:ss.uam@migration.gov.gr)

7. Has the government adopted specific legislation/policy or bi-lateral agreements on USAC from Ukraine? If not, would the government develop such legislation / regulations or bilateral agreements?

An informal Task Force has been established recently under the Secretary Special for the Protection of Minors consisting of UN agencies and the EU Asylum Agency aiming to facilitate any possible relocation of unaccompanied children directly from Ukraine or border countries.

In the same light and in order to express willingness to support any UAM relocation needs the SSUAM has initiated bi-lateral discussion with Ukraine and neighbouring countries (Moldova, Slovakia, Romania, Hungary, Poland) in order to get an understanding of the current needs. A best interest assessment is highly recommended to be part of the process prior to any possible transfer and placement of the Ukraine children in Greece.

8.

- a. Has the government in this country put in place a system/process to track children from Ukraine, especially UASC?
- b. Who is responsible for identification and registration of these children, as well as accommodation and care?

a.

An Emergency Response Mechanism for unaccompanied minors is operational from December 2020 under the Secretary Special for the Protection of Unaccompanied Minors. More specifically, this mechanism addressed the needs of unaccompanied minors who are homeless or live in precarious conditions and/or are unregistered/unidentified.

These minors are traced most commonly during outreach work of grassroots organisations or the police or they may approach a state service themselves. Unaccompanied minors supported by the emergency response mechanism are being offered child-appropriate living conditions and psychosocial support, are orientated with regard to the available legal options and are provided with the necessary representation.

As for the identification and registration of Ukraine nationals holding passports, the national police stamp the passports within the date of entry and are entitled to a 90 days of stay. For those who do not hold travel documents, they may enter from the Passport Control Department in the Promahon region in the Northern land borders of Greece (tel. 0030-23230 41079) where they are being issued a document by the staff of the Ukrainian Embassy in Greece. This procedure allows a maximum stay of 90 days. In case of children who do not have travel documents, National Police officials will note under the entry stamp of the adults' passport the number of children that adults are accompanying.

For unaccompanied minors (including separated minors) regardless of the entry point the National Emergency Response mechanism, as explained above, is informed through a specific referral form to facilitate the identification and registration of unaccompanied minors. Additionally, the mechanism is providing support to separate minors (accompanied by an adult declaring as a relative) aiming to verify the family links and provide documentation to the public prosecutor acting as temporary guardian in order to decide on appoint the relative as guardian.

Contacts of the mechanism: phone numbers 0030-2132128888 & 0030-6942773030 through Whatsapp and Viber (24/7 operational help line with translation).

b.

The National Police - Passport Control Department in the Promhaon Region (tel. 0030-23230 41079).

9. Which authorities have responsibility for family tracing and reunification? Contact information provided where available.

For the family tracing, different actors are involved since Family tracing refers to the i.e. finding information about a minor's family members and detecting them and restoring family contacts. Thus, police authorities, the reception and identification service, the asylum service, public prosecutors, international organisations (UNHCR, IOM, UNICEF, EUAA), national and local NGOs are all playing a role in the family tracing processes.

The International Red Cross and Red Crescent Movement is operational in Greece and also undertaking requests for family tracing in the following address [ath\\_tracing@icrc.org](mailto:ath_tracing@icrc.org)

The competent authority for receiving family reunification requests through the asylum procedure (Dublin III Regulation) is the Dublin Unit of the Asylum Service. Contact details: [as.dpt.ndu@migration.gov.gr](mailto:as.dpt.ndu@migration.gov.gr)