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**GOVERNMENT GAZETTE
OF THE HELLENIC REPUBLIC**

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National Guardianship System and Accommodation Framework for Unaccompanied Minors and other provisions within the competence of the Ministry of Migration and Asylum

THE PRESIDENT OF THE HELLENIC REPUBLIC

We issue the following law passed by Parliament:

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PART A

AIM AND SCOPE

Article 1

Aim

The aim of this law is to ensure the best interests, defend the rights and fully protect unaccompanied and separated third-country nationals or stateless persons located in Greece, by establishing a national guardianship system and arranging the accommodation and care framework for unaccompanied minors.

Article 2

Scope

The scope hereof shall be:



a) to replace and repeal provisions that regulate the guardianship of unaccompanied minors in Law 4939/2022 (A 111) and Law 4554/2018 (A 130) respectively;

b) to introduce new rules on the establishment of a national guardianship system for unaccompanied minors;

c) to make arrangements for a framework for accommodating unaccompanied minors; and

d) to establish an integrated system for the protection of unaccompanied minors through the implementation of the national strategy for the protection of unaccompanied minors, the introduction of procedures, the establishment of a streamlined register of protection of unaccompanied minors and the establishment of an emergency response mechanism for minors living in precarious conditions.

PART B

NATIONAL GUARDIANSHIP SYSTEM FOR UNACCOMPANIED MINORS AND ACCOMMODATION FRAMEWORK FOR UNACCOMPANIED MINORS – AMENDMENT TO LAW 4939/2022

Article 3

Definitions – Amendment to indent 15) and insertion of indents 29) to 54) to article 1 of Law 4939/2022

In article 1 of Law 4939/2022 (A 111), Definitions, indent 15) shall be amended as regards the definition of representative, indents 29) to 54) shall be inserted and article 1 shall now read as follows:

“Article 1

Definitions

For the purposes of the Code, the following definitions shall apply:

1) “Geneva Convention” means the Convention relating to the status of refugees, signed in Geneva on 28 July 1951 and ratified by legislative decree 3989/1959 (A 201), as amended by the New York Protocol of 31 January 1967, ratified by Law 389/1968 (A 125);



2) “application for international protection” or “application for asylum” or “application” means a request made by a third-country national or a stateless person for protection from the Greek State, who can be understood to seek refugee status, pursuant to the Geneva Convention, or subsidiary protection status, and who does not explicitly request another kind of protection, outside the scope of this Code, that can be applied for separately;

3) “applicant for international protection” or “asylum seeker” or “applicant” is a third-country national or stateless person who declares orally or in writing to any Greek authority, at points of entry into or within the Greek territory, that he is seeking asylum or subsidiary protection in Greece or in any way requesting not to be expelled to a country for fear of persecution on grounds of race, religion, nationality, political opinion or membership of a particular social group, in accordance with the Geneva Convention or because he is at risk of suffering serious harm, in accordance with Article 14 of this Code and on whose request a final decision has not yet been taken. Applicant for international protection shall also be a third-country national who lodged an application for international protection in another EU Member State pursuant to Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (L 180) or in another State bound by and applying the above Regulation, and transferred to Greece on the basis of the provisions of the above Regulation;

4) “international protection” means refugee status and subsidiary protection status as defined in points (27) and (29) of this article;

5) “country of origin” means the country of nationality or, for stateless persons, the country of their former habitual residence;



6) “stay in the country” means the stay on Greek territory, including the borders and transit zones;

7) “reception conditions” means the complete set of measures implemented by the Greek State for the benefit of applicants, in accordance with the provisions of this Code;

8) “material reception conditions” means reception conditions which include the provision of accommodation, food and clothing, in kind or in the form of financial assistance or vouchers or a combination thereof, as well as an allowance for daily expenses;

9) “detention” means restriction in a special area imposed by a State authority on an applicant, resulting in the deprivation of the person’s free movement;

10) “accommodation centre” means any premises used for the group accommodation of applicants and unaccompanied minors;

11) “applicants with special reception needs” means vulnerable persons, in accordance with point (23) of this article, who need special guarantees in order to enjoy the rights and comply with the obligations laid down in the Code;

12) “applicants in need of special procedural guarantees” means applicants whose ability to enjoy the rights and comply with the obligations laid down in this Code is limited by particular circumstances relating to their personal circumstances and in particular their state of health;

13) “unaccompanied minor” means a minor who arrives in Greece without being accompanied by a person exercising, in accordance with Greek law, his or her parental responsibility or custody or by an adult relative exercising his or her effective care and for as long as the performance of such duties has not been delegated to another person, in accordance with the law. This definition includes a minor who ceases to be accompanied after entering Greece,



14) “minor separated from his/her family” or “separated minor” means a minor who arrives in Greece without being accompanied by a person exercising his or her parental responsibility, in accordance with Greek law or by another person to whom it has been entrusted in accordance with the law, but accompanied by an adult relative who effectively cares for him/her;

15) “representative of an unaccompanied minor”: the natural person or the guardianship service provider designated by the court, in accordance with Article 1592 of the Civil Code, or the locally competent Prosecutor for minors, or, failing whom, a Prosecutor of the Court of First Instance, respectively, for the protection of the minor’s interests. If the guardian is a legal person designated in accordance with Articles 66-8 and 66-11 (the guardianship service provider), it shall authorise a natural person to exercise guardianship functions with regard to the unaccompanied minor, in accordance with Article 66-14;

16) “responsible Reception Authority” means the Reception and Identification Service of the Secretariat-General for Reception of Asylum Seekers of the Ministry of Migration and Asylum;

17) “competent authorities for the Receipt and Review of Applications for International Protection” are the Regional Asylum Offices, the Independent Units of the Asylum Service and the Mobile Asylum Units, as specified in presidential decree 106/2020 (A 255). For the full registration of applications for international protection submitted by third-country nationals or stateless persons, in accordance with the specific provisions of Article 69(7) of this Code, “competent authorities for the receipt” may also be the Regional Reception and Identification Services;

18) “Central Authority” shall be the Directorate for Support to the Asylum Service of the Ministry of Migration and Asylum;



19) “Determining Authority” means the official of the competent Receipt Authority, designated to handle the review of the application for international protection, unless otherwise specified in individual provisions of this Code. In the case of Article 96, the Determining Authority is the Directorate for Returns and Withdrawals of the Asylum Service. In the cases referred to in Article 89(1)(b), the Determining Authority shall also issue the relevant transfer deed in implementation of Regulation (EU) No 604/2013;

20) “competent Decision Authorities” shall be the Determining Authority and the Appeals Committees of the Appeals Authority;

21) “applicant for international protection card” or “card” means the specific individual card issued to the applicant during the administrative procedure for reviewing his or her application by the competent authorities and allowing him/her to remain on Greek territory until completion thereof;

22) “applicant’s advisor” means a doctor, psychologist, social worker who supports him/her during the procedure for reviewing his/her application;

23) “final decision” means: (a) the decision of the Independent Appeals Committees determining whether or not a third-country national or a stateless person is recognised as a refugee or beneficiary of subsidiary protection, issued on the appeal brought against the decisions of the Asylum Service, in accordance with Article 97; or (b) the decision of the Asylum Service against which such an appeal cannot be brought on account of the expiry of the time limits for bringing it;

24) “subsequent application” means an application for international protection lodged after a final decision has been taken on a previous application for international protection, including cases where the applicant has explicitly withdrawn his or her application and cases where the Determining Authority has rejected the application after its implied withdrawal;



25) “beneficiary of international protection” means a person who has been granted refugee status or subsidiary protection status as defined in points (27) and (29) of this Article;

26) “refugee” means a third-country national who, as a result of a well-founded fear of being persecuted on grounds of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of his/her nationality and cannot or, because of such fear, does not wish to bring himself under the protection of that country, or a stateless person who, outside the country of his former habitual residence for the same reasons, cannot or, because of such fear, does not wish to return to that country and to whom Article 11 does not apply;

27) “refugee status” means the recognition by the competent Greek authority of a third-country national or a stateless person as a refugee;

28) “person eligible for subsidiary protection” means, without prejudice to Article 16, a third-country national or a stateless person who does not qualify for recognition as a refugee but who has substantial grounds to show that, if returned to his/her country of origin or, in the case of a stateless person, to the country of his/her former habitual residence, he/she is at risk of suffering serious harm within the meaning of Article 14 and who cannot or, as a result of that risk, not wish to bring himself under the protection of that country;

29) “subsidiary protection status” means the recognition by the competent Greek authority of a third-country national or a stateless person as a beneficiary of subsidiary protection;

30) “withdrawal of international protection status” means the decision of the Determining Authority to withdraw refugee status or subsidiary protection status. In the event of refusal to renew a refugee’s residence permit or a beneficiary of subsidiary protection, the provisions and guarantees concerning the withdrawal of international protection status shall apply;



31) “residence permit” means any permit issued by the Greek authorities, in accordance with the form laid down in Greek law, which allows a third-country national or a stateless person to reside in the Greek territory;

32) “family members” of the beneficiary of international protection, provided that they are located on Greek territory in relation to the application for international protection and where the family already existed in the country of origin, shall be:

i. the spouse or partner with whom a stable relationship has been duly established;

ii. his/her unmarried minor children, whether they were born in or out of marriage of their parents or are adopted;

iii. the father or mother or other adult who has custody of the applicant, in accordance with Greek law, if the applicant is a minor;

iv. unmarried adult children who are mentally or physically disabled and cannot apply independently;

33) “vulnerable persons” means in particular minors unaccompanied or not, direct relatives of victims in shipwrecks (parents, siblings and spouses), persons with disabilities, elderly, pregnant women, single-parent families with minor children, victims of trafficking in human beings, persons with serious illnesses, persons with mental disabilities and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of genital mutilation;

34) “cooperation” or “administrative cooperation” means direct contact and exchange of information between the national contact points of the Member States and the European Commission;

35) “temporary protection” means a procedure of an exceptional nature which ensures, in the event of a mass influx or an imminent influx of displaced persons from third countries who cannot return to their country of origin, immediate and temporary protection for such persons,



in particular if there is a risk that the asylum system will not be able to cope with this influx without negative consequences for its proper functioning, the interests of the persons concerned and the interests of other persons seeking protection;

36) “displaced persons” means nationals of third countries or stateless persons who have been forced to leave their country or region of origin, or who have left, assisted by an evacuation programme, in particular at the request of international organisations and whose return under safe and stable conditions is impossible due to the situation in that country, which may fall within the scope of Article 1A of the Geneva Convention or other international or national instruments providing international protection and in particular:

i. persons who have left zones of armed conflict or endemic violence;

ii. persons who are at serious risk or have been victims of systematic or generalised violations of their human rights;

37) “mass influx” means the arrival of a significant number of displaced persons coming from a specified country or geographical area, irrespective of whether their arrival has been spontaneous or assisted, such as through an evacuation programme;

38) “resident” means a third-country national who enjoys temporary protection, in accordance with a decision provided for in Article 5(1) of Directive 2011/55 and who wishes to invite members of his/her family;

39) “minor” means a natural person who has not reached the age of 18;

40) “stateless person” means a natural person who no State recognises as its national under its law;

41) “third-country citizen” means a natural person who is not a citizen of the European Union (EU), as defined in Article 20(1) of the



Treaty on the Functioning of the European Union, the Member States of the European Economic Area (EEA) and Switzerland;

42) “the best interest of an unaccompanied minor” is the best interest within the meaning of Article 63(1);

43) “national guardianship system for unaccompanied minors” means the set of rules, operations, programmes and actions as well as bodies responsible for guardianship of unaccompanied minors;

44) “prosecutor” shall be the Prosecutor for minors or, failing whom, the Prosecutor of the Court of First Instance of the place of occasional or temporary residence of the unaccompanied minor, at the time of notification of the competent authority, in accordance with Article 66-11. In the case of a homeless unaccompanied minor or a minor living in precarious conditions, the local competence of the Public Prosecutor shall be determined on the basis of the place where the minor is located by a notifying body;

45) “guardianship of an unaccompanied minor” means the institution which aims to protect the personal and property interests of the unaccompanied minor by establishing a quasi-family relationship that replaces the parental responsibility of the unaccompanied minor, which is absent or not exercised during the time the minor is present in the country, for reasons of fact or law;

46) “guardian” means the legal person designated by the Prosecutor to take over the guardianship of an unaccompanied minor, with a view to safeguarding the best interests and safeguarding the rights, legitimate interests and overall well-being of the minor;

47) “guardianship status” means any case of an unaccompanied minor involving the appointment of a guardian;

48) “coordinator” means the natural person designated by the guardian as auxiliary body for the supervision of the acts of the guardianship mandated person and his/her temporary replacement in the event of impediment;



49) “guardianship mandated person” means the natural person designated by the guardian for the performance, in its name and stead, of guardianship duties;

50) “protection of childhood” means the protection of the child from violence, abuse, neglect, abandonment and exploitation, inside and outside the family environment, and the promotion and safeguarding of his/her rights, in the light, in particular, of the Constitution, the Charter of Fundamental Rights of the European Union, the International Convention on the Rights of the Child, ratified by Law 2101/1992 (A 192) and the International Covenant on Civil and Political Rights, ratified by Law 2462/1997 (A 25);

51) “conflict of interests” means any situation which objectively affects the impartial and independent performance of the duties of guardianship bodies;

52) “notifying body” means any public authority, agency, private body, international organisation that establishes the presence of an unaccompanied minor on Greek territory;

53) “maturity of a minor” is the overall mental and emotional composition of the minor which enables him/her to understand his/her best interests and the state of guardianship and to be aware of the consequences thereof;

54) “accompaniment” means the organised movement of unaccompanied minors within the country from a predetermined point to another, such as Reception and Identification Centres or accommodation facilities for asylum seekers or refugees referred to in Article 8(4) of Law 4375/2016 (A 51) and the emergency or long-term accommodation facilities for unaccompanied minors, using private or public means of transport, in the presence of staff specialised in child protection.



Article 4

Reception of unaccompanied and separated minors and notification of competent authorities – Amendment to article 64 of Law 4939/2022

The following changes shall be made to Article 64 of Law 4939/2022 (A 111): a) paragraph 1 shall be amended as regards the authorities to be notified of the entry into Greek territory of an unaccompanied or separated minor and, after the word “unaccompanied”, the word “minor” shall be deleted; (b) paragraph 2 shall be replaced and Article 64 shall now read as follows:

“Article 64

Unaccompanied and separated minors

1. The competent authorities at the points of entry into Greek territory, as well as any competent authority establishing the entry into Greek territory of an unaccompanied or separated minor, shall promptly notify the Special Secretariat for the Protection of Unaccompanied Minors of the Ministry of Migration and Asylum and the nearest Prosecutor’s Office.

2. The Reception and Identification Service shall be responsible for the reception and identification of unaccompanied and separated minors in the Reception and Identification Centres or the Closed Controlled Access Centres. In this context, it shall also ensure, through the Special Secretariat for the Protection of Unaccompanied Minors of the Ministry of Migration and Asylum and the competent Prosecutor, that the daily care of an unaccompanied or separated minor is immediately assigned to an adult blood relative up to the third (3rd) degree or to a person of his friendly environment, provided that this is considered to be in the best interests of the minor, in accordance with Article 66-11(3).”



Article 5

Competent authority for the protection of unaccompanied minors – Amendment to Article 65 of Law 4939/2022

The following changes shall be made to Article 65 of Law 4939/2022 (A 111): a) the title of the article shall be replaced, b) in the first indent of paragraph 1, the word “representation” shall be replaced by the word “housing”, c) the second indent of subparagraph (e) of paragraph 1 empowering the Minister for Migration and Asylum shall be deleted; d) subparagraph (g) of paragraph 1 providing for the organisation and maintenance of the Register of Accommodation Centres for Unaccompanied Minors and entrusting the Minister for Labour and Social Affairs and Migration and Asylum with the arrangement of more specific relevant details shall be deleted; (e) paragraph 2 shall be replaced, and Article 65 shall now read as follows:

“Article 65

Competent authority for the protection of unaccompanied minors

1. The competent authority for the protection, guardianship and accommodation of unaccompanied and separated minors shall be the Special Secretariat for the Protection of Unaccompanied Minors of the Ministry of Migration and Asylum, which, in collaboration with other competent authorities, shall:

a) ensure the search of the family members of the unaccompanied minor and the separated minor, with the assistance of certified bodies and organisations, as soon as possible after an application for international protection has been lodged. If there is risk of threats to the life or integrity of the minor or his/her close relatives, in particular if they reside in the country of origin, the collection, processing and transmission of information concerning those persons shall be confidential so as not to jeopardise their safety;

b) ensure that unaccompanied minors are referred and accompanied to special accommodation centres for unaccompanied minors or other



type of accommodation suitable for minors or other accommodation centres, provided that there are suitable facilities for this purpose, for the duration of their stay in the country or until they are placed with a foster family or supervised apartments. Changes in the place of residence of unaccompanied minors shall be kept to a minimum and only to the extent necessary. In particular, it shall:

b-i) manage the housing requests of unaccompanied minors, prioritise them according to vulnerability or disability criteria and coordinate their transition, placement and accommodation in properly designed accommodation centres operated by collaborating State and non-State bodies;

b-ii) manage temporary accommodation spots, such as safe zones, operated by collaborating State and non-State bodies to meet the immediate housing needs of unaccompanied minors;

b-iii) monitor the implementation of the operating specifications of the accommodation centres for unaccompanied minors in accordance with the applicable legislation;

b-iv) monitor and regularly evaluate the quality of the services provided by the accommodation centres for unaccompanied minors;

b-v) improve the quality of the services provided by the accommodation centres for unaccompanied minors, by systematically investigating the difficulties encountered and providing of continuous training and support to their staff;

b-vi) manage requests for urgent accommodation of unaccompanied minors identified by the police authorities, any other authority or agency or civil society bodies or third persons, and who are deprived of safe or known residence;

c) ensure that minors are housed with their adult relatives or in a family that will have custody of the minor or with other adult persons suitable to take care of them, provided that this is in the best interests of the minors and that procedures for placing minors with such persons have



taken place in accordance with the law. The minor's opinion shall be taken into account depending on his/her age and degree of maturity;

d) ensure that siblings are housed and live together, taking into account the age, gender, maturity and general interest of each minor.

e) ensure that unaccompanied minors aged 16 or over are accommodated in supervised apartments, without prejudice to the protection of minority;

f) coordinate the actions required for the relocation of unaccompanied minors to other States under transnational agreements;

g) [Repealed];

h) coordinate the actions of all agencies and bodies, whether public or private, involved in matters relating to the protection of unaccompanied minors, such as health, education and work, and define the national strategy for the protection of unaccompanied minors in collaboration with other competent authorities, in accordance with their competence;

i) collaborate with international organisations, bodies and/or agencies of the European Union or other States to take initiatives and measures and implement programmes that contribute to the protection of unaccompanied minors;

j) ensure that the public is informed and aware of the issue of protection of unaccompanied minors and that voluntary actions are taken;

k) take knowledge of and deliver an opinion on arrangements to be included in a law or regulatory act concerning the protection of unaccompanied minors.

2. The Special Secretariat for the Protection of Unaccompanied Minors shall:

a) take as soon as possible all necessary measures to ensure that unaccompanied or separated minors have a guardian acting in their best interests and ensuring their overall well-being;



b) be responsible for the implementation of the institution of guardianship of unaccompanied and separated minors and ensure the availability of the necessary means for the unimpeded exercise of their guardianship. In exercising this power, it shall monitor and maintain data on the number of unaccompanied and separated minors under guardianship, the effectiveness of the implementation of the institution, the problems identified and, more generally, any matter relating to the guardianship of unaccompanied or separated minors;

c) cooperate with the competent agencies and bodies of the Ministry of Labour and Social Affairs for the integration of unaccompanied minors into the national foster system under Law 4538/2018 (A 85);

3. The staff of the bodies dealing with cases of unaccompanied minors and separated minors and persons taking up their care shall have and continuously receive appropriate training on the needs of minors. Such staff shall be bound by a code of ethics and shall have a duty of confidentiality in respect of the personal data of which they become aware in the performance of or in the course of carrying out their duties.”

Article 6

National Strategy for the Protection of Unaccompanied Minors – Replacement of Article 66 of Law 4939/2022

Article 66 of Law 4939/2022 (A 111) shall be replaced as follows:

“Article 66

National Strategy for the Protection of Unaccompanied Minors

1. The National Strategy for the Protection of Unaccompanied Minors is the set of all policies and directions of the country and the coherent framework of actions, interventions and projects to ensure such protection. It aims to ensure the provision of comprehensive protection in the reception and accommodation of unaccompanied minors by promoting their rights, seeking and implementing a sustainable solution for each unaccompanied minor, preventing and providing effective



protection against all forms of violence, exploitation and abuse, and streamlining the system for data collection and processing on unaccompanied minors and accommodation facilities, in accordance with the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council, of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC [L 119 (General Data Protection Regulation)] and Law 4624/2019 (A 137).

2. The National Strategy for the Protection of Unaccompanied Minors shall be compiled by the Special Secretariat for the Protection of Unaccompanied Minors of the Ministry of Migration and Asylum and shall be revised every five (5) years.

In order to implement the national strategy, the Special Secretariat shall:

a) cooperate with any other competent authority and agency, European organisations and agencies, international organisations, and civil society bodies;

b) prepare an annual action plan, incorporating the components of the national strategy per pillar, the implementation and monitoring indicators, as well as impact and effectiveness indicators, so as to provide, at the end of each year, the corresponding implementation rate and results, by objective, goal and field of action.

In compiling the National Strategy, account shall be taken, in particular, of:

a) the EU Strategy on the Rights of the Child;

b) the “European Child Guarantee”, and the annual action plan of the Ministry of Labour and Social Affairs for the implementation of Council Recommendation 2021/1004 of 14 June 2021 establishing a European Child Guarantee (L 223);

c) the Council of Europe Strategy on the Rights of the Child;



d) the National Strategy for the Integration of asylum seekers and beneficiaries of international protection of the Ministry of Migration and Asylum; and

e) the National Action Plan for the Rights of the Child of the Ministry of Justice.”

Article 7

**National Guardianship System for Unaccompanied Minors –
Insertion of article 66-I to Law 4939/2022**

The following shall be inserted after Article 66 of Law 4939/2022 (A 111): a) Chapter C, entitled “National Guardianship System for Unaccompanied Minors”, b) Sub-Chapter A, entitled “Scope - General Principles” and c) Article 66-I, which shall form part of Sub-Chapter A of Chapter C, as follows:

“CHAPTER C

NATIONAL GUARDIANSHIP SYSTEM FOR
UNACCOMPANIED MINORS

SUB-CHAPTER A

SCOPE – GENERAL PRINCIPLES

Article 66-I

Scope

1. The provisions of this Chapter shall apply to any unaccompanied minor, irrespective of whether or not an application for international protection has been lodged.

2. For the purposes hereof, the definition of unaccompanied minors referred to in Article 1(13) shall also comprise separated minors referred to in Article 1(14) as well as a minors who are third-country nationals or stateless persons who, during their stay on Greek territory, are abandoned, neglected or abused by their parents, and Articles 1532 and 1533 of the Civil Code (Presidential Decree 456/1984, A 164) on the consequences of improper exercise of parental responsibility shall apply as appropriate.”



Article 8

General principles – Insertion of article 66-2 to Law 4939/2022

Article 66-II shall be inserted after Article 66-1 of Law 4939/2022 (A 111):

“Article 66-II

General principles

1. Any decision, order or action of the competent authorities and bodies, taken within the framework of the National Guardianship System of Unaccompanied Minors (NGSUM), shall aim to ensure the best interest of minors, protect their rights, protect their legitimate interests in dealing with third parties and secure their transactions.

2. The authorities and bodies, within their powers, must, before making any decision relating to guardianship, inform minors of the rights, procedures, decisions and consequences thereof in a language they understand, seek the opinion of unaccompanied minors and take it into account, depending on their age and degree of maturity.

3. The assessment of the best interests of minors shall take into account information sought from the minors, the professionals and carers accompanying them, concerning, as a minimum, the minors’ personal data, family environment and separation therefrom, current living and care conditions, safety, health and access to healthcare, nutrition, hygiene, education, daily activities, psychosocial well-being and protection, as well as efforts to find and locate members of their family. The assessment of the best interests shall aim, in particular, to plan the actions taken for each minor, and seek a sustainable solution for them.

4. Every authority and body, within their competence, must rapidly seek a sustainable solution that is compatible with the well-being of the unaccompanied minor and the best interests thereof, such as social integration, family reunification, relocation and repatriation.



5. Guardianship services for unaccompanied minors shall be provided in a non-discriminatory manner and respecting the personal, social, religious and intercultural needs of unaccompanied minors.”

Article 9

Guardianship functions for unaccompanied minors – Insertion of Article 66-III to Law 4939/2022

The following shall be inserted to Chapter C after Article 66-II of Law 4939/2022 (A 111): a) Sub-chapter B entitled “Content of guardianship of unaccompanied minors” and b) Article 66-III, which shall form part of the new Sub-Chapter B of Chapter C, as follows:

“SUB-CHAPTER B

CONTENT OF THE GUARDIANSHIP OF UNACCOMPANIED MINORS

Article 66-III

Guardianship functions of unaccompanied minors

The guardianship functions of unaccompanied minors shall be:

- a) the custody of an unaccompanied minor;
- b) the representation in civil matters, and
- c) the assistance regarding property matters.”

Article 10

Custody of an unaccompanied minor –Insertion of Article 66-IV to Law 4939/2022

Article 66-IV shall be inserted after Article 66-III of Law 4939/2022 (A 111) as follows:

“Article 66-IV

Custody of an unaccompanied minor

1. The guardian shall take care of the unaccompanied minor during his/her stay on Greek territory.

2. The guardian shall take any action provided for in the relevant legislation, in particular with regard to:



a) Housing, such as searching for and determining a place for the suitable and safe accommodation of the unaccompanied minor, submitting housing requests, collaborating with the Management of UAMs Accommodation Referrals & Relocation Unit of the Special Secretariat for the Protection of Unaccompanied Minors and the Reception and Identification Service responsible for the accommodation of unaccompanied minors and third-country nationals respectively, as well as with the staff of the Long-Term Accommodation Centres and the Urgent Accommodation Centres, with a view to provide information and verify the quality, safety and suitability of the supporting services provided, placing the unaccompanied minor with a foster family, pursuant to articles 1655 to 1665 of the Civil Code and articles 5 to 19 of Law 4538/2018 (A 85), collaborating and communicating with the services of the Ministries of Migration and Asylum and of Labour and Social Affairs and the prosecuting authorities for accommodating unaccompanied minors with disabilities or chronic conditions in specialised and suitable facilities or providing other forms of specialised accommodation and care;

b) Medical care, such as access to the competent health services for the provision of medical care to the represented unaccompanied minor, daily health care of the minor in cooperation with the staff of the accommodation facilities for unaccompanied minors and the medical staff of the health services, the provision of consent to medical treatment relating to the minor's current health issues, issuance of Temporary Alien Social Security and Healthcare (TASSH) and Social Security Number (SSN) or Temporary Social Security Number (TSSN), the procedure for the transition from TSSN or SSN to TASSH and from TASSH to SSN, access to the medical records of the represented minor, ensuring an adequate level of health, including mental health, access to social solidarity benefits and services, provided that the represented person meets the relevant requirements;



c) education and training, such as enrolment of the represented unaccompanied minor to school, access to non-formal education or vocational training services, cooperation and communication with teaching staff, ensuring that the minors learn their mother tongue or Greek and other foreign languages;

d) daily care, such as regard and supervision to ensure adequate and healthy nutrition that meets the minor's needs, age and state of health, adequate and decent garments for the unaccompanied minor, depending on the season of the year, age, development and gender, personal and daily hygiene, preparation of the child for school, supervision of pastimes; activities and associations of the unaccompanied minor, as well as the promotion of positive behaviour patterns, prevention of delinquency and strengthening of participation in activities suitable for their age and interests, online education and awareness of the minor on online risks, cooperation and regular communication with the facility staff or with the adult relative or friend of the unaccompanied minor or the family or his/her foster family, for the purpose of establishing a common action plan for each minor, on the basis of the rules applicable to the operating framework of the accommodation facilities, as well as supervision thereof, reporting the disappearance of the minor to the competent police authority, in accordance with Article 124 of Presidential Decree 141/1991 (A 58) and Regulatory Order 2/1985 of the Chief of the Hellenic Police.

3. By way of exception, in the event of a serious health issue of the unaccompanied minor requiring medical operation, the Prosecutor may, if the guardian provides a reasoned refusal, give the necessary authorisation immediately, at the request of the doctor responsible for the treatment or the director of the clinic where the unaccompanied minor is treated or any other competent health body, which shall be notified to the Institutional Protection Unit. The Prosecutor shall take into account the opinion of the guardian and, without prejudice to Article 12 of the



Code of Medical Ethics [Law 3418/2005 (A 287)], the opinion of the minor, provided that the minor, at the discretion of the doctor, has the age, mental and emotional maturity to understand his/her state of health, the content, consequences and risks of the medical treatment.”

Article 11

Representation in civil matters– Insertion of Article 66-V to Law 4939/2022

Article 66-V shall be inserted after Article 66-IV of Law 4939/2022 (A 111), as follows:

“Article 66-V

Representation in civil matters

1. Without prejudice to Articles 134 to 137 of the Civil Code applicable to the minor’s limited legal capacity, the guardian shall represent the unaccompanied minor:

a) in any legal act open to direct representation;

b) the procedures laid down in the legislation on international protection, as well as in the legislation on migration and social inclusion, and

c) any other administrative or judicial proceedings.

2. The guardian shall, in the name and on behalf of the unaccompanied minor, take any action, particularly on matters of:

a) international protection and migration, such as reception and identification procedures, in accordance with Articles 37 to 62, lodging an asylum request, being present during the procedure for recording the relevant request, in accordance with Article 69, signing any document, in particular when the unaccompanied minor is under fifteen (15) years of age, in accordance with Article 69(12) to (15) and Article 80(1), taking receipt of the original asylum seeker card, in accordance with Articles 48 and 75, being present during the personal interview of the minor in support of the asylum request, in accordance with Article 80(1), taking receipt of asylum decisions, in accordance with Article 69(14),



lodging administrative appeals and remedies provided for in the relevant rules in case of rejection of the asylum request, in accordance with Articles 97 to 118, assisting in the procedures for issuing a residence permit in the context of granting international protection, issuance and receipt of travel documents, in accordance with Articles 23 and 24, assisting in the procedures for granting temporary protection in accordance with Article 124, lodging an application for a residence permit on humanitarian or other grounds, and taking receipt thereof, and submitting an application for the renewal of a residence permit, in accordance with Article 9 of Law 4251/2014 (A 80);

b) assessment of minority, in accordance with Article 80(3), such as informing the represented unaccompanied minor on the methodology, stages and tests, in accordance with the decision under Article 7(8) of Law 4375/2016 (A 51) on the procedure and conditions for determining the minority of applicants for international protection, being present in the procedure for determining the age and taking action to submit a relevant appeal;

c) family reunification, such as assisting in procedures for the identification of family members of the represented unaccompanied minor, restoring communication with family members and collecting information to this end, cooperating with the competent services, assisting in carrying out medical tests for genetic identification (DNA) of the minor with family members and carrying out a “best interest assessment”, in accordance with Articles 6 and 8 of Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (L 180), Commission Implementing Regulation (EU) No 118/2014 of 30 January 2014 amending Regulation (EC) No 1560/2003 laying down implementing measures for Council Regulation



(EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national and Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down implementing measures for Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (L 222) ;

d) relocation, such as lodging the necessary documents and applications and cooperating with the competent services and bodies, such as the Asylum Service, the Reception and Identification Service, the Hellenic Police, EU bodies and Member States, partner States, European and international organisations;

e) judicial proceedings, such as cooperating with the competent prosecutors and investigating authorities and the Juvenile Service, in the event of a criminal offence, the exercising the remedies provided for in the relevant procedural and substantive provisions, being present in court, without prejudice to Articles 63, 64, 66 and 742 of the Code of Civil Procedure [Presidential Decree 503/1985 (A 182)] on the ability to appear in court and taking receipt of any document addressed to the unaccompanied minor;

f) legal protection, such as ensuring free legal aid, in accordance with Article 76(3) of this Code, before administrative authorities or courts, and legal assistance under Law 3226/2004 (A 24) or cooperating with the legal advisor or attorney of the accommodation facility, or with another attorney or civil society organisation or legal person, for the attendance of the attorney in civil, criminal or administrative courts and bringing actions or other remedies, in accordance with Article 58(2) and (3) of Law 4194/2013 (A 208).



Article 12

Assistance in property matters – Insertion of Article 66-VI to Law 4939/2022

Article 66-VI shall be inserted after Article 66-V of Law 4939/2022 (A 111) as follows:

“Article 66-VI

Assistance in property matters

1. The guardian shall assist the unaccompanied minor in managing property matters.

2. The guardian shall take any action provided for in the relevant legislation, in particular on matters of:

a) access to immigration policy and social protection benefits, such as information, counselling and support on procedures for granting financial assistance to ensure an adequate standard of living for the unaccompanied minor;

b) participation in economic life and employment, such as the issuance of a registration number in the Electronic National Social Security Institution, the granting of social security capacity, the assignment of Tax Identification Number and the issuance of an employment book;

c) access to banking services and operations, such as opening, maintaining and closing a payment account, in accordance with Law 4465/2017 (A 47), the acquisition of payment instruments and the execution of any payment transaction.

3. By way of exception, in the event of special circumstances, referred to in the prosecutor’s order for the appointment of guardian, that require custody of the property of the unaccompanied minor, such as a) management acts without formalities, b) administration of property granted under management conditions, c) management acts requiring the authorisation of the supervisory board referred to in Article 1634 of the Civil Code and d) management acts requiring, in addition to the opinion



of the supervisory board, the court’s permission, the following articles of the Civil Code shall apply: Article 1615 on the management capacity of a minor, 1616 on the administration of the property of the minor that devolved thereto by donation or will, 1619 on the conclusion of a contract of employment or apprenticeship of the minor, 1620 on the granting of general consent or consent to exercise a profession by the minor, 1621 on the right of the guardian to bring proceedings in the name of the minor, and 1624 on the specific cases in which the guardian seeks to act in the name of the minor. The powers of the supervisory board and the court referred to in the articles set out in the preceding sentences shall be exercised by the Guardianship Council of Unaccompanied Minors. In implementing this provision, the guardian shall not use on his own account any property, tangible and intangible, of the unaccompanied minor.”

Article 13

Competent authority and agencies for guardianship of unaccompanied minors – Insertion of Article 66-VII to Law 4939/2022

The following shall be inserted to Chapter C after Article 66-VI of Law 4939/2022 (A 111): a) Sub-Chapter C, entitled “Procedures for selection and appointment of guardian – termination of guardianship”, and b) Article 66-VII shall be inserted, which shall form part of the new Sub-Chapter C of Chapter C, as follows:

“SUB-CHAPTER C

PROCEDURES FOR SELECTION AND APPOINTMENT OF
GUARDIAN – TERMINATION OF GUARDIANSHIP

Article 66-VII

Competent authority and agencies of guardianship of unaccompanied minors

1. The Institutional Protection Unit of the Special Secretariat for the Protection of Unaccompanied Minors of the Ministry of Migration



and Asylum shall be responsible for the planning, scheduling, organising, coordinating, monitoring, reviewing and evaluating operational programmes, actions and procedures regarding the guardianship of unaccompanied minors.

2. The guardianship agencies for unaccompanied minors shall include: a) the Prosecutor, b) the guardian, c) the guardianship mandated person and d) the Guardianship Council of Unaccompanied Minors referred to in Article 66-19.”

Article 14

Guardianship service providers – Insertion of Article 66-VIII to Law 4939/2022

Article 66-VIII shall be inserted after Article 66-VII of Law 4939/2022 (A 111) as follows:

“Article 66-VIII

Guardianship service providers

1. In the NGSUM, services may be provided as guardianship service providers (GSPs) by:

a) the legal persons in public law (NPDD) referred to in Article 14(1)(c) of Law 4270/2014 (A 143);

b) the first-tier Local Authorities (OTAs) and their subordinate legal persons within the meaning of Article 14(1)(d) of Law 4270/2014;

c) State legal persons in private law;

d) the associations referred to in Articles 78 to 106 of the Civil Code;

e) the charitable foundations referred to in Law 4182/2013 (A 185);

f) civic nonprofit societies;

g) the associations of persons referred to in Article 107 of the Civil Code;

h) the civic society organisations referred to in Article 4(1)(a) of Law 4873/2021 (A 248);



i) foreign non-governmental organisations with a branch on Greek territory;

j) international organisations.

2. The GSPs referred to in paragraph 1 shall:

a) pursue a demonstrably non-commercial purpose;

b) implement, on the basis of regulations or constituent and statutory acts, actions and programmes for the protection of childhood, as evidenced by the evaluation of the work undertaken in the past two (2) years;

c) in the case of GSPs referred to in indents (d), (e), (f), (g), (h) and (i) of paragraph 1, be registered in the Register of Greek and Foreign Non-Governmental Organisations (NGOs) referred to in Article 78 of this Code; and

d) adhere to a Child Protection Policy (CPP), which follows the general principles of the United Nations Convention on the Rights of the Child, ratified by Law 2101/1992 (A 192), which is based on international, European and national law for the protection of children from all forms of violence, abuse or exploitation.

The CPP shall include, as a minimum: (d-a) description of the roles of GSP staff for CPP implementation and monitoring, (d-b) description of the procedures followed to ensure staff compliance with the CPP, (d-c) the mechanism for complaints by unaccompanied minors, and (d-d) the monitoring mechanism of CPP implementation.

A joint decision of the Ministers of Migration and Asylum and of Labour and Social Affairs may specify the content and procedures for compiling and issuing the CPP.

3. The selection of GSPs shall be carried out by the Ministry of Migration and Asylum by means of:

a) specific procedures for the allocation of the financial resources of European programmes and financial instruments, such as the EEA Financial Mechanism and the Asylum, Migration and Integration Fund



under Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund (L 251);

b) a tender procedure, in accordance with Law 4412/2016 (A 147) on public procurement;

c) the conclusion of the planning contract referred to in Article 61 of Law 4609/2019 (A 67);

d) subsidy from the Ministry of Migration and Asylum to GSPs of the nonprofit private sector meeting the criteria set out herein;

e) execution of a cooperation memorandum or agreement between the Ministry of Migration and Asylum and the GSP.

4. When the procedures referred to in paragraph 3 are concluded with the execution of a legally binding document and the deadlines for the exercise of the remedies provided for in the relevant legislation have expired, the selected GSP shall be entered in a list which shall be notified immediately by the Institutional Protection Unit to the prosecuting authorities for the initiation of the procedure for the appointment of guardians referred to in Article 66-11(2).

5. The Institutional Protection Unit shall ensure that the list referred to in paragraph 4 is regularly updated.”

Article 15

Sources of funding – Insertion of Article 66-IX to Law 4939/2022

Article 66-IX shall be inserted after Article 66-VIII of Law 4939/2022 (A 111), as follows:

“Article 66-IX

Sources of funding

1. With a view to making available resources more efficient, the Institutional Protection Unit shall recommend and submit proposals for funding, at national and European level, actions and programmes for guardianship of unaccompanied minors.



2. The NGSUM may be financed, in particular, by:

a) the national and co-funded part of the public investment programme for the implementation of international protection, migration and social integration actions for unaccompanied minors;

b) the regular budget appropriations of the Ministry of Migration and Asylum;

c) GSPs own resources;

d) donations and bequests; and

e) funding of programmes by international organisations.”

Article 16

Notification of guardianship status – Insertion of Article 66-X to Law 4939/2022

Article 66-X shall be inserted after Article 66-IX of Law 4939/2022 (A 111) as follows:

“Article 66-X

Notification of guardianship status

1. Any notifying body, as soon as it becomes aware of the presence, either at points of entry or on the mainland, of a third-country national or stateless person who: a) is manifestly a minor or has been registered as a minor by the competent Greek authorities, and b) meets the criteria for inclusion in the definition of unaccompanied minor in accordance with Article 66-1(2), shall notify, by means of Information and Communication Technologies (ICT), the Institutional Protection Unit and the Prosecutor within twenty-four (24) hours, disclosing any information relating to the personal situation of the unaccompanied minor.

2. The notification of guardianship status of an unaccompanied minor shall commence when a minor is identified or registered as unaccompanied by the competent services of the Hellenic Police or the Hellenic Coast Guard, the Reception and Identification Service or the Asylum Service or other competent authority.



3. The Institutional Protection Unit, in collaboration with the Prosecutor, shall ensure the immediate appointment of a guardian in accordance with Article 66-11.”

Article 17

Procedure for appointment of guardian – Insertion of Article 66-XI to Law 4939/2022

Article 66-XI shall be inserted after Article 66-X of Law 4939/2022 (A 111) as follows:

Article 66-XI

Procedure for appointment of guardian

1. The Prosecutor shall (a) order guardianship, b) designate the guardian, c) determine the personal details and place of residence of unaccompanied minors under guardianship and d) determine the field of action of the guardian.

2. The Prosecutor ordering guardianship shall, in principle, appoint a guardian from the list of GSPs referred to in Article 66-8(4). If for any reason the compilation of such list has not been completed, the Prosecutor shall designate as guardian any legal person meeting the criteria set out in Article 66-8(1) and (2) a) at the request of the legal person, or b) on recommendation of the Institutional Protection Unit, notifying a guardianship status.

3. The Prosecutor ordering guardianship may assign, by means of an order, the daily care of an unaccompanied minor within the meaning of Article 66-4(2)(d) to an adult blood relative up to the third degree or an adult person in his/her friendly environment, following an assessment of suitability, in the light of the best interests of the minor. For the purposes of the first sentence, the opinion of the minor shall be taken into account, the relationship between the minor and the adult person shall be assessed and inquires shall be made as to whether such person is in possession of a permanent or temporary residence permit, consents to and is capable of taking care of the minor. To this end, account shall



be taken of the best interest assessment or social report prepared by the guardian or the Reception and Identification Service or another competent authority or child protection agency.

4. The appointment of guardian to an unaccompanied minor shall be recorded in a special public register kept by the clerk of the Prosecutor’s Office at the First Instance Court. The relevant clerk shall procure the service of the prosecutor’s order to the Institutional Protection Unit and the guardian. The Institutional Protection Unit shall promptly communicate the appointment of a guardian to the notifying body and the latter shall immediately inform the unaccompanied minor in a language he or she understands.”

Article 18

Renouncement and resignation of guardian – Insertion of Article 66-XII to Law 4939/2022

Article 66-XII shall be inserted after Article 66-XI of Law 4939/2022 (A 111) as follows:

“Article 66-XII

Renouncement and resignation of guardian

1. The guardian appointed by the Prosecutor shall have the right, within four (4) calendar days of service of the relevant order thereto, to renounce the appointment, unless designated in accordance with the first sentence of Article 66-11(2).

2. In the event of explicit acceptance of the appointment or expiry of the deadline referred to in paragraph 1, the guardian must, within three (3) calendar days, notify the Institutional Protection Unit of the details of the coordinators and guardianship mandated persons appointed for minors placed under guardianship by the specific order of the Prosecutor.

3. The renouncement shall be notified to the Prosecutor and the Institutional Protection Unit and shall be entered in the book referred to in Article 66-11(4).



4. The guardian shall be entitled to resign if is objectively impossible to continue guardianship, such as in case of bankruptcy.

5. The resignation shall be recorded in the book referred to in Article 66-11(4) and shall be notified to the Institutional Protection Unit.

6. The guardian must renounce appointment or resign in circumstances which may affect its independence and impartiality, in accordance with Article 66-16.”

Article 19

Termination of guardianship – Insertion of Article 66-XIII to Law 4939/2022

Article 66-XIII shall be inserted after Article 66-XII of Law 4939/2022 (A 111) as follows:

“Article 66-XIII

Termination of guardianship

1. The guardianship of the unaccompanied minor shall automatically expire on:

a) adulthood;

b) death;

c) departure from the Greek territory in any way;

d) finding that he/she is not a minor, in accordance with the decision referred to in Article 7(8) of Law 4375/2016 (A 51) on the procedure and the conditions for determining the minority of applicants for international protection, following a judgment on an administrative appeal or after the relevant deadline has expired;

e) acquisition of Greek citizenship, in accordance with the Code of Greek Citizenship [Law 3284/2004 (A 217)];

f) one (1) month after the disappearance of the unaccompanied minor has been reported, provided that the relevant search was ineffective following an investigation by the Hellenic Police for the detection of the minor, in accordance with Article 24 of Presidential



Decree 141/1991 (A 58), Regulatory Order No 2/1985 and the relevant circulars/orders of the Hellenic Police.

If the unaccompanied minor shows up one (1) month after his/her disappearance was reported, the procedure for notification of guardianship status referred to in Article 66-10 shall be followed;

g) reunification on Greek territory with the person(s) exercising parental responsibility.

2. By way of exception, following the departure of the unaccompanied minor from Greek territory, the guardian shall continue to represent him/her in pending administrative and judicial proceedings until conclusion thereof.

3. In any case of termination of guardianship, the guardian shall promptly notify the Institutional Protection Unit and the Prosecutor.”

Article 20

Guardianship mandated person – Insertion of Article 66-XIV to Law 4939/2022

The following shall be inserted in Chapter C after Article 66-XIII of Law 4939/2022 (A 111): a) Sub-Chapter D, entitled “Employed staff and institutions” and b) Article 66-XIV shall be inserted, which shall form part of the new Sub-Chapter D of Chapter C, as follows:

“SUB-CHAPTER D

EMPLOYED STAFF AND INSTITUTIONS

Article 66-XIV

Guardianship mandated person

1. The GSP designated by the Prosecutor as guardian of unaccompanied minors shall assign the exercise of guardianship duties to a guardianship mandated person under any employment relationship or form of employment. The guardianship mandated person shall act in the name and on behalf of the guardian and shall have the same guardianship powers. In carrying out the duties referred to in Articles 66-4, 66-5 and 66-6, the guardianship mandated person shall follow the



instructions and orders of the guardian. Apprenticeship contracts, de facto provision of work and all forms of voluntary employment shall be excluded from the employment status hereunder.

2. The guardianship mandated person, at the time when guardianship duties are assigned, must:

a) hold a degree in humanities or law or social sciences or a diploma awarded by national or equivalent foreign university in the same disciplines;

b) have a thorough knowledge of Greek and good knowledge of English or French, or Arabic, Urdu or other language spoken by a significant number of unaccompanied minors in Greece; and

c) be registered in the Register of Members of Non-Governmental Organisations referred to in Article 78. When the guardianship mandated person is used by public-sector GSPs or an international organisation, Article 7 of Law 4837/2021 (A 178) on impediments to staff employment in child protection bodies and Article 8 of the Code on the Status of Civil Servants and NPDD Officials [Law 3528/2007 (A 26)] on incapacity for appointment to civil servants posts shall apply *mutatis mutandis*. Every guardianship mandated person, whether in the public or private sector, shall be required to re-produce a copy of judicial or general-purpose criminal record within the last two months of each year and the recruitment body shall monitor compliance with this obligation. In case of non-compliance, the sanctions laid down in Article 7(5) and (6) of Law 4837/2021 shall apply accordingly.

3. The number of unaccompanied minors assigned to a guardianship mandated person may not exceed fifteen (15).”

Article 21

Coordination and supervision of guardianship mandated persons – Insertion of Article 66-XV to Law 4939/2022

Article 66-XV shall be inserted after Article 66-XIV of Law 4939/2022 (A 111) as follows:



“Article 66-XV

Coordination and supervision of guardianship mandated persons

1. The GSP designated by the Prosecutor as guardian of unaccompanied minors shall place, appoint or use a coordinator under any employment relationship or form of employment, in order to supervise the acts of the guardianship mandated person. Apprenticeship contracts, de facto provision of work and all forms of voluntary employment shall be excluded from the employment status hereunder.

2. The tasks of the coordinator shall be:

a) to supervise and coordinate guardianship mandated persons in the exercise of their guardian duties;

b) to provide expertise in matters of guardianship functions;

c) to notify the guardian of any change in the composition of either guardianship mandated persons or unaccompanied minors under guardianship;

d) to effectively manage the cases of unaccompanied minors, taking into account the number and nature of the cases, the characteristics and particular needs of the persons represented, as well as the level of support provided by guardianship mandated persons;

e) to search for and locate impediments or incompatibilities in the person of the guardianship mandated persons;

f) to ensure that the individual files of unaccompanied minors under guardianship are archived on the basis of the principles of accuracy of information, security and confidentiality of minors’ personal data, as laid down in Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC [L 119 (General Data Protection Regulation), General Data Protection Regulation] and Law 4624/2019 (A 137);



g) to report to the Institutional Protection Unit in accordance with Article 66-20; and

h) to ensure the procedure for lodging, examining and resolving complaints of unaccompanied minors, in accordance with Article 66-22.

3. The coordinator shall always substitute for the guardianship mandated person, where the latter is unable, due to accident or force majeure, to carry out all or part of the guardian duties and there is an urgent need for the unaccompanied minor. The period of substitution cannot exceed one (1) month. In the event of a permanent and proven inability to perform, the guardian shall, on recommendation of the coordinator, terminate the guardianship mandated person's mandate, in accordance with Article 66-17(4), and shall assign guardianship duties to a new guardianship mandated person.

4. The number of guardianship mandated persons supervised by a coordinator shall not exceed fifteen (15).

5. At the time of assignment of the duties referred to in paragraph 2, the coordinator must:

a) hold a degree or diploma awarded by a domestic or equivalent foreign university or technical education establishment in psychology, social work, sociology, social anthropology, pedagogy, law or political science;

b) hold Greek or another EU Member State nationality;

c) have a good knowledge of English or French and excellent knowledge of Greek;

d) have at least two years' professional experience in programmes and actions for the protection of children or international protection of unaccompanied minors;

e) be registered in the Register of Members of Non-Governmental Organisations referred to in Article 78. In case that the coordinator is used by public-sector GSPs or an international organisation, Article 7 of Law 4837/2021 (A 178) on impediments to staff employment in child



protection bodies and Article 8 of the Code on the Status of Civil Servants and NPDD Officials [Law 3528/2007 (A 26)] on incapacity for appointment to civil servants posts shall apply *mutatis mutandis*. Every coordinator, whether in the public or private sector, shall be required to re-produce a copy of judicial or general-purpose criminal record within the last two months of each year and the recruitment body shall monitor compliance with this obligation. In case of non-compliance, the sanctions laid down in Article 7(5) and (6) of Law 4837/2021 shall apply accordingly.”

Article 22

Conflict of interest – Insertion of Article 66-XVI to Law 4939/2022

The following shall be inserted in Chapter C after Article 66-XV of Law 4939/2022 (A 111): a) Sub-Chapter E entitled “Conflict of interests – Suspension and liability of the guardian and of the guardianship mandated person” and b) Article 66-XVI shall be inserted, which shall form part of the new Sub-Chapter E of Chapter C, as follows:

“SUB-CHAPTER E

CONFLICT OF INTERESTS – SUSPENSION AND LIABILITY OF THE GUARDIAN AND THE GUARDIANSHIP MANDATED PERSON

Article 66-XVI

Conflict of interest

1. The members of the management body of the GSP designated by the Prosecutor as guardian, the coordinator and the guardianship mandated person may not perform the duties provided for herein when the interests of the represented unaccompanied minor conflict with their own interests or those of their spouses or partners, within the meaning of Article 1 of Law 4356/2015 (A 181), relatives by blood or affinity, in straight unlimited line and lateral line up to the second degree.



2. The impartial and independent performance of the duties shall, in particular, be affected where there is:

a) Benefit, financial or otherwise, for the guardianship bodies referred to in paragraph 1, relatives by blood or affinity, straight unlimited line and lateral line up to the second degree, or persons, natural or legal, with whom there is a special bond or special relationship, cumulatively;

b) loss, financial or otherwise, to the unaccompanied minor represented.

3. The GSP designated by the Prosecutor as guardian of an unaccompanied minor, provided that it has been designated in accordance with the first indent of Article 66-11(2), may not at the same time operate of a facility in which the same minor is accommodated.”

Article 23

**Termination of guardian and guardianship mandated person –
Insertion of Article 66-XVII to Law 4939/2022**

Article 66-XVII shall be inserted after Article 66-XVI of Law 4939/2022 (A 111) as follows:

“Article 66-XVII

Termination of guardian and guardianship mandated person

1. The function of the guardian shall terminate:

a) automatically, if, after the commencement of guardianship, it no longer meet the registration criteria under Article 78 on the Register of Greek and Foreign Non-Governmental Organisations;

b) By order of the Prosecutor, at the request of anyone who has a legitimate interest, or complaint of the Institutional Protection Unit, in case of wrongful conduct or situation considered to be liable to jeopardise the best interests and rights of the unaccompanied minor, such as:

b-i) neglecting guardianship duties;



b-ii) infringement of restrictions and procedures provided for herein;

b-iii) serious and permanent conflict of interests of a guardian and an unaccompanied minor.

2. The performance of guardianship duties by the guardianship mandated person shall terminate:

a) Automatically in case of:

a-i) change of the place of residence of the unaccompanied minor, taking into account the geographical proximity to his/her place of work and the possibility of performing his/her duties effectively;

a-ii) existence of the conditions laid down in Article 1650 of the Civil Code on automatic termination of the guardian;

a-iii) resignation.

b) By decision of the management body of the GSP appointed by the Prosecutor as guardian, in case of:

b-i) culpable breach of the guardianship duties assigned thereto;

b-ii) permanent inability to meet its obligations;

b-ii) conflict of interest between the guardianship mandated person and the unaccompanied minor.

3. Upon termination of the guardian, the Institutional Protection Unit, in collaboration with the competent Prosecutor, shall ensure that the guardian is immediately replaced by a new GSP for each unaccompanied minor under its guardianship.

4. Upon termination of the guardianship mandated person, the guardian shall ensure that he/she is replaced immediately and shall notify the Institutional Protection Unit within three (3) days of designation of a new guardianship mandated person.”

Article 24

Liability of the guardian and the guardianship mandated person – Insertion of Article 66-XVIII to Law 4939/2022



Article 66-XVIII shall be inserted after Article 66-XVII of Law 4939/2022 (A 111) as follows:

“Article 66-XVIII

Liability of the guardian and the guardianship mandated person

1. In the event of damage to the minor, the guardian shall be liable in accordance with Article 1632 of the Civil Code. The same shall apply to the guardianship mandated person and the coordinator in the performance of the duties referred to in Article 66-15(2).

2. The GSP designated by the Prosecutor as guardian of unaccompanied minors shall be jointly and severally liable for the acts and omissions of the coordinator and the guardianship mandated person by mutatis mutandis application of either Article 922 of the Civil Code on employment relationship or Articles 105 and 106 of the Introductory Law to the Civil Code on the liability of the State and legal persons in by public law.”

Article 25

Establishment, composition, powers and operation of the Guardianship Council for Unaccompanied Minors – Insertion of Article 66-XIX to Law 4939/2022

The following shall be inserted to Chapter C after Article 66-XVIII of Law 4939/2022 (A 111): Sub-Chapter F entitled “Guardianship Council for of unaccompanied minors” and b) Article 66-XIX shall be inserted, which shall form part of the new Sub-Chapter F of Chapter C, as follows:

“SUB-CHAPTER F

GUARDIANSHIP COUNCIL FOR UNACCOMPANIED MINORS

Article 66-XIX

Establishment, composition, powers and operation of the Guardianship Council for Unaccompanied Minors

1. The Guardianship Council for Unaccompanied Minors (GCUM) shall be established as a collective advisory and decisive body within the



Special Secretariat for the Protection of Unaccompanied Minors of the Ministry of Migration and Asylum.

2. The GCUM shall be constituted by decision of the Minister for Migration and Asylum and shall consist of five (5) members, as follows:

a) the Special Secretary for the Protection of Unaccompanied Minors, as President;

b) the Head of the Institutional Protection Unit;

c) the Head of the Unit for the Supervision and Evaluation of Accommodation Centres referred to in Article 40 of Presidential Decree 106/2020 (A 225);

d) the Head of the Management of UAMs Accommodation Referrals & Relocation Unit referred to in Article 41 of Presidential Decree 106/2020; and

e) the Head of the Unit for the Integration and Support of Unaccompanied Minors referred to in Article 42 of Presidential Decree 106/2020.

3. In the event of absence or impediment, the President shall be replaced by the Secretary-General for Reception of Asylum Seekers. The other members shall appoint their alternates at the first meeting of the GCUM.

4. The GCUM shall:

a) provide opinions or grant authorisations when the terms and conditions of application of Article 66-6(3) of this Code are met;

b) decide on disputes arising between a guardian and an unaccompanied minor or between guardianship bodies or between the guardian and care staff of the accommodation facility or a foster parent or relative or friend or a person entrusted with day-to-day care;

c) review, at the request of anyone with a legitimate interest or ex officio, any complaint and report relating to compliance with the rules applicable to guardianship of unaccompanied minors, in particular



complaints lodged by unaccompanied minors about guardianship services they receive, upon referral by the Institutional Protection Unit.

5. The secretarial support of the GCUM shall be entrusted to an official of the Special Secretariat for the Protection of Unaccompanied Minors, who shall be appointed by the President of the GCUM and shall keep minutes of the meetings.

6. The GCUM shall meet, in person or via videoconferencing, regularly once a month and, exceptionally, by notice of the President. It shall meet within the normal working hours of the services concerned or at a time covered by overtime employment.

7. The members of the GCUM shall be obliged to promptly notify impediments and refrain from dealing with specific cases, where there is a conflict of interest, in particular where their personal interest is linked to the outcome of the case or have a special bond or special relationship or hostility with the guardian, the coordinator, the guardianship mandated person or the unaccompanied minor, or where the best interests and rights of the minor conflict with their own or those of their spouse or partner, within the meaning of Article 1 of Law 4356/2015 (A 181), relatives by blood or affinity, in straight unlimited line and lateral line up to the second degree.

Members of the GCUM, who are spouses or are relatives with each other by blood or affinity up to fourth degree, may not participate in the same meeting. Anyone with a legitimate interest may, at any stage of the proceedings, submit a reasoned request for the exclusion of a member of the GCUM.

8. To assist its work, the GCUM shall set up working groups consisting of officials of the Special Secretariat for the Protection of Unaccompanied Minors or external partners, define their method of organisation and operation and monitor their work.

9. The members of the GCUM and the working groups referred to in paragraph 8 shall not receive any remuneration or compensation.



10. The rules governing the organisation and operation of the GCUM shall be laid down by decision of the Minister for Migration and Asylum.”

Article 26

Supervision and control procedure – Insertion of Article 66-XX to Law 4939/2022

The following shall be inserted to Chapter C after Article 66-XIX of Law 4939/2022 (A 111): a) Sub-Chapter G, entitled “Monitoring and guidance of the guardianship of unaccompanied minors” and b) Article 66-XX, which shall form part of the new Sub-Chapter G of Chapter C, as follows:

“SUB-CHAPTER G

MONITORING AND GUIDANCE OF GUARDIANSHIP OF UNACCOMPANIED MINORS

Article 66-XX

Supervision and control procedure

The Institutional Protection Unit shall be responsible for monitoring, supporting and regularly evaluating the work of the guardian, the coordinator and the guardianship mandated person, by:

- a) reviewing regular and extraordinary reports submitted by the guardian and the coordinator;
- b) carrying out onsite sample checks at the headquarters of the GSPs in charge of guardianship;
- c) checking the individual files of unaccompanied minors under guardianship;
- d) hearing unaccompanied minors; and
- e) exchanging information with other competent authorities or professionals or notifying persons or bodies supporting unaccompanied minors, in particular by filling out specific questionnaires or submitting complaints.”

Article 27



Submission of reports – Insertion of Article 66-XXI to Law 4939/2022

Article 66-XXI shall be inserted after Article 66-XX of Law 4939/2022 (A 111) as follows:

“Article 66-XXI

Submission of reports

1. The guardian shall submit a biannual report, which shall comprise as a minimum:

a) the number of coordinators and guardianship mandated persons, their qualifications and employment status;

b) the operational planning for the implementation of the guardianship programme for unaccompanied minors;

c) training and continuing education of staff supporting the implementation of the programme;

d) internal protection policies for unaccompanied minors on how to supervise, monitor and handle complaints.

2. The coordinator shall submit a quarterly report, which shall comprise as a minimum:

a) details of guardianship mandated persons and unaccompanied minors for whom they are responsible;

b) the content and limits of the supervision of the work of the guardianship mandated persons;

c) any problems arising in the performance of guardianship duties;

d) complaints lodged by unaccompanied minors, in accordance with Article 66-22.

3. The Institutional Protection Unit shall design and implement tools for assessing the quality and effectiveness of the guardianship services provided. Services and authorities, as well as accommodation facilities for unaccompanied minors which collaborate with the guardian in the performance of guardianship duties, shall promptly provide the



Institutional Protection Unit with the necessary information in the context of the evaluation, as well as any facility and assistance.

4. The findings of the evaluation of the reports and controls referred to in Article 66-20 shall be communicated to the authorities responsible for the management, control and implementation of programmes financed by domestic or Union resources, provided that such programmes involve the controlled GSPs. The findings shall be binding on the bodies responsible for the management and implementation of the programmes referred to in the first indent as regards their own actions by area of competence.”

Article 28

Procedure for lodging and handling complaints – Insertion of Article 66-XXII to Law 4939/2022

Article 66-XXII shall be inserted after Article 66-XXI of Law 4939/2022 (A 111) as follows:

“Article 66-XXII

Procedure for lodging and handling complaints

1. Each GSP designated by the Prosecutor as guardian of unaccompanied minors shall observe a procedure for lodging, reviewing and resolving complaints by unaccompanied minors placed under their guardianship. The unaccompanied minor under guardianship shall be informed in plain and intelligible language by the guardianship mandated person of the right to lodge a complaint against the guardianship services he/she receives, the procedure for lodging and reviewing complaints, the procedure for his/her feedback and participation, as well as the ways of handling and resolution. Complaints of criminal nature shall be promptly transmitted to the competent prosecuting and police authorities.

2. A decision of the Minister for Migration and Asylum shall lay down the procedures for lodging, reviewing and resolving complaints and any other details for the implementation hereof.”

Article 29



Education and training – Insertion of Article 66-XXIII to Law 4939/2022

Article 66-XXIII shall be inserted after Article 66-XXII of Law 4939/2022 (A 111) as follows:

“Article 66-XXIII

Education and training

1. The Institutional Protection Unit shall establish and develop training and continuing education programmes for guardians, guardianship coordinators and guardianship mandated persons, in collaboration with nonprofit public and private sector bodies, as well as international organisations and European agencies.

2. The GSPs designated by the Prosecutor as guardians of unaccompanied minors shall develop appropriate introductory training and continuous education programmes for their staff, in accordance with the European, international and national rules applicable to the guardianship of unaccompanied minors. The Institutional Protection Unit shall provide instructions as to the content of the training and may supervise the GSPs referred to in the first sentence.

3. In the context of the NGSUM, training and education shall relate in particular to:

a) any legal and factual matter relating to the exercise of the functions of guardianship of unaccompanied minors;

b) introduction to family, refugee and immigration law, fundamental rights of the child at European, international and national level, as well as of the institutional framework for protecting and safeguarding personal data;

c) any legal and factual matter relating to the protection of childhood in general and the particular nature of the needs and best interests of unaccompanied minors, as well as the procedure for assessing their best interest;



d) any matter of relating to intercultural mediation, interpretation, and social inclusion;

e) counselling and psychological support.”

Article 30

Guidelines and standard operating procedures – Insertion of Article 66-XXIV to Law 4939/2022

Article 66-XXIV shall be inserted after Article 66-XXIII of Law 4939/2022 (A 111) as follows:

“Article 66-XXIV

Guidelines and standard operating procedures

The Institutional Protection Unit shall organise and coordinate policies for the proper and effective implementation of the European, international and national rules applicable to the guardianship of unaccompanied minors, by:

a) establishing standard operating procedures for the exercise of guardianship functions;

b) compiling indicators for assessing the best interest of the unaccompanied minor, in collaboration with international and European organisations and, in particular, the UNHCR and the EU Agency for Asylum, and establishing a standard assessment form and procedures for determining best interests;

c) developing guidelines and directives on guardianship and training of guardians; and

d) exchanging best practices between nonprofit services, authorities and private sector bodies.”

Article 31

Accommodation framework for unaccompanied minors – Insertion of Article 66-XXV to Law 4939/2022

The following shall be inserted after Article 66-XXIV of Law 4939/2022 (A 111): a) Chapter D, entitled “Accommodation framework for unaccompanied minors”, b) Sub-Chapter A entitled “Accommodation



of unaccompanied minors” and c) Article 66-XXV, which shall form part of Sub-Chapter A of Chapter D, as follows:

“CHAPTER D

ACCOMMODATION FRAMEWORK FOR UNACCOMPANIED MINORS

SUB-CHAPTER A

ACCOMMODATION OF UNACCOMPANIED MINORS

Article 66-XXV

Scope

1. This Chapter shall apply to any unaccompanied and separated minor within the meaning of Article 1(13) and (14) respectively, irrespective of whether or not an application for international protection has been lodged.

2. The Special Secretariat for the Protection of Unaccompanied Minors shall ensure accommodation and accompanying services for unaccompanied minors, in a) Long-term Accommodation Facilities (LAFs), which shall be distinguished to: a-a) Accommodation Centres for Unaccompanied Minors (ACUMs) for unaccompanied minors aged six (6) to eighteen (18) years and a-b) supervised apartments for semi-independent living (SILs) for unaccompanied minors aged sixteen (16) to eighteen (18) years, and b) emergency accommodation facilities for unaccompanied minors in precarious living conditions, identified through the National Emergency Response Mechanism.”

Article 32

Accommodation Centres for Unaccompanied Minors – Insertion of Article 66-XXVI to Law 4939/2022

The following shall be inserted after Article 66-XXV of Law 4939/2022 (A 111): Sub-Chapter B entitled “Long-term accommodation facilities for unaccompanied minors” and b) Article 66-XXVI, which shall form part of the new Sub-Chapter B of Chapter D, as follows:

“SUB-CHAPTER B



LONG-TERM ACCOMMODATION FACILITIES FOR
UNACCOMPANIED MINORS

Article 66-XXVI

Accommodation Centres for Unaccompanied Minors

1. An Accommodation Centre for Unaccompanied Minors (ACUM) is any long-term accommodation facility used to accommodate unaccompanied minors, operating in a public or private building appropriately designed and licensed.

2. The purpose of ACUMs shall be to create and provide an adequate framework for the accommodation and protection of unaccompanied minors.

3. The organisation and operation of ACUMs shall be governed by the following principles:

- a) the best interests of the minor;
- b) confidentiality and respect for privacy;
- c) participation of the minor in the decision-making process, through consultation and freedom of expression on any matter concerning him or her;
- d) prohibition of discrimination; and
- e) preservation of family unity.

3. Unaccompanied minors shall be offered services and provisions, such as housing, food, psychosocial support, healthcare, legal assistance, educational activities and vocational training, interpreting, financial support under a financed programme, clothing, personal hygiene items and cleaning.

4. A joint decision of the Minister for Migration and Asylum and other responsible Ministers shall determine and specify: a) the rules of organisation and operation of the ACUMs, b) the Internal Operation Regulations and the Code of Ethics for their staff, c) the capacity and method of recruitment of the ACUMs, d) the accommodation services provided, e) the procedure for lodging complaints by unaccompanied



minors, f) the framework and authorisation procedure for the operation of ACUM, as well as g) any other technical matter and detail for the implementation hereof.”

Article 33

Supervised apartments for semi-independent living – Insertion of Article 66-XXVII to Law 4939/2022

Article 66-XXVII shall be inserted after Article 66-XXVI of Law 4939/2022 (A 111) as follows:

“Article 66-XXVII

Supervised apartments for semi-independent living

1. A Supervised Apartment for Semi-Independent Living (SIL) shall be any apartment used as a Long-Term Accommodation Facility for unaccompanied minors over sixteen years of age.

2. The purpose of placement in a SIL shall be to ensure the smooth transition of unaccompanied minors to adulthood, independent living and social inclusion.

3. Unaccompanied minors may be placed in a SIL provided that:

a) they are 16 years old;

b) they have been registered by the Reception and Identification Service or the competent services of the Hellenic Police or the competent authorities receiving and reviewing applications for international protection;

c) they agree to be integrated into the semi-independent living framework.

4. Following an assessment of the best interest, needs and situation of each minor, unaccompanied minors with increased care and protection needs requiring 24-hour monitoring by specialised or non-specialised staff, such as the existence of an active psychiatric condition or the use of illegal psychoactive or other toxic substances, shall not be placed in SILs.

5. Every entity may operate one or more SILs.



6. In the course of accommodation provided in a SIL, unaccompanied minors shall receive services and benefits such as housing, material benefits, the financial assistance referred to in Article 60(6), psychosocial support, interpreting, assistance in accessing education, vocational training and the labour market, legal aid, access to healthcare.

7. A decision of the Minister for Migration and Asylum shall lay down: a) the organisation and operation of SILs, b) the capacity and general building standards for the operation of SILs, (c) the accommodation services provided, d) the logistical equipment of the SILs and the recruitment formalities of the operating body's support team, e) the reception procedure of unaccompanied minors in the SILs, f) transitional provisions for the operation of SILs, and (g) any other relevant issues for the implementation hereof.”

Article 34

Long-Term Accommodation Facility Operators – Insertion of Article 66-XXVIII to Law 4939/2022

Article 66-XXVIII shall be inserted after Article 66-XXVII of Law 4939/2022 (A 111) as follows:

“Article 66-XXVIII

Long-Term Accommodation Facility Operators

1. The entities that can function as LAF Long-Term Accommodation Facilities shall be:

a) the NPDDs referred to in Article 14(1)(c) of Law 4270/2014 (A 143);

b) the first-tier OTAs and their subordinate legal persons within the meaning of Article 14(1)(d) of Law 4270/2014;

c) State legal persons in private law;

d) the associations referred to in Articles 78 to 106 of the Civil Code;

e) the charitable foundations under Law 4182/2013 (A 185);



-
- f) nonprofit civil societies;
 - g) the associations of persons referred to in Article 107 of the Civil Code;
 - h) the civil society organisations referred to in Article 4(1)(a) of Law 4873/2021 (A 248);
 - i) foreign non-governmental organisations with a branch on Greek territory;
 - j) international organisations.

2. Entities wishing to operate LAFs must, cumulatively:

- a) pursue a demonstrably non-commercial purpose;
- b) implement, on the basis of regulations or constituent and statutory acts, actions and programmes for the protection of childhood, as evidenced by the evaluation of the work undertaken in the past two (2) years;
- c) in the case of operators referred to in indents (d), (e), (f), (g), (h) and (i) of paragraph 1, be registered in the Register of Greek and Foreign Non-Governmental Organisations (NGOs) referred to in Article 78 hereof; and
- d) have registered the LAFs in the National Registry for the Protection of Unaccompanied Minors referred to in Article 66-32.”

Article 35

Competent authority for managing accommodation requests – Insertion of Article 66-XXIX to Law 4939/2022

The following shall be inserted after Article 66-XXVIII of Law 4939/2022 (A 111): a) Sub-Chapter C entitled “Procedures for accommodation assignment and evaluation – National Registry for the Protection of Unaccompanied Minors” and b) Article 66-XXIX, which shall form part of the new Sub-Chapter C of Chapter D, as follows:

“SUB-CHAPTER C



PROCEDURES FOR ACCOMMODATION ASSIGNMENT AND
EVALUATION – NATIONAL REGISTRY FOR THE
PROTECTION OF UNACCOMPANIED MINORS

Article 66-XXIX

Competent authority for managing accommodation requests

The Management of UAMs Accommodation Referrals & Relocation Unit of the Special Secretariat for the Protection of Unaccompanied Minors (Management Unit) shall be responsible for:

- a) managing accommodation requests of unaccompanied minors in appropriate accommodation facilities;
- b) prioritising requests, based on vulnerability criteria; and
- c) coordinating any action for the transition, placement, accompaniment and accommodation of unaccompanied minors in temporary accommodation places, long-term accommodation centres or supervised apartments for semi-independent living.”

Article 36

Procedure for managing accommodation requests – Insertion of Article 66-XXX to Law 4939/2022

Article 66-XXX shall be inserted after Article 66-XXIX of Law 4939/2022 (A 111) as follows:

“Article 66-XXX

Procedure for managing accommodation requests

1. The process of managing accommodation requests of unaccompanied minors shall consist of the following stages:

- a) submission of the accommodation request;
- b) evaluation thereof; and
- c) preparation of the unaccompanied minor for his/her transfer to an appropriate accommodation facility.

2. Any notifying body, including the guardian appointed by the Prosecutor, may submit an accommodation request for an unaccompanied minor to the Management Unit using IT tools.



The accommodation request shall include as a minimum:

- a) identity and contact details of the notifying body;
- b) the personal and legal situation of the minor concerned;
- c) elements of vulnerability, such as the state of health of the minor;
- d) elements of social history; and
- e) an assessment of the best interests of the minor.

The Management Unit shall ensure that the information referred to in the previous subparagraph is promptly entered in the National Registry for the Protection of Unaccompanied Minors (NRPUM) referred to in Article 66-32 and shall enter the case of the minor concerned in a waiting list for placement in an accommodation facility.

3. During the assessment stage of the accommodation request, the Management Unit shall:

- a) assess and, where appropriate, prioritise accommodation requests, on the basis of vulnerability criteria of the minor concerned, such as age, gender, physical and mental health status, victimisation, previous place of residence and waiting time for placement;
- b) select minors to be accommodated, taking into account the availability of vacancies in accommodation facilities;
- c) issue a deed of placement of the unaccompanied minor in the designated accommodation facility, thereby assigning the care and well-being of the minor to the specific LAF operating body; and
- d) promptly notify the Prosecutor of the new place of residence of the minor.

The deed of placement shall be served by the Management Unit to the operator of the facility selected for the accommodation of the unaccompanied minor, the notifying body and the accompanying body.

4. During the preparation stage for the minor's transition to the new facility, the notifying body shall:



a) inform the minor concerned, after service of the document referred to in paragraph 3, of his/her placement in a language which he/she understands or is reasonably supposed to understand, in a simple and accessible manner;

b) ensure that the necessary medical tests are carried out in accordance with Article 54 on medical examinations of third-country nationals entering without lawful formalities;

c) communicate with the accompanying agency to set the date for the minor's transition to the new facility, in accordance with Article 66-34; and

d) ensure the delivery to the minor, under the responsibility of the accompanying person, of the original documents relating to his/her case, such as identification documents, acts of the Prosecutor and medical documents.

5. The operator of the facility designated for the accommodation of the unaccompanied minor shall inform the Management Unit within twenty-four (24) hours of each arrival and departure of a minor."

Article 37

Long-Term Accommodation Facility supervision and evaluation process – Insertion of Article 66-XXXI to Law 4939/2022

Article 66-XXXI shall be inserted after Article 66-XXX of Law 4939/2022 (A 111) as follows:

"Article 66-XXXI

Long-Term Accommodation Facility supervision and evaluation process

1. The Unit for the Supervision and Evaluation of Accommodation Centres of the Special Secretariat for the Protection of Unaccompanied Minors (Supervisory Unit) shall monitor and evaluate the proper functioning of the LAFs by:

a) conducting regular or sampling onsite inspections at the LAFs;



b) conducting extraordinary onsite inspections at the LAFs, if a complaint is lodged by anyone with a legitimate interest.

An evaluation report shall be drawn up following every onsite inspection. An annual evaluation and supervision report shall be drawn up for each LAF as a minimum.

2. In the event of finding of non-compliance with the obligations referred to in Articles 66-26 and 66-27 and the decision referred to in Article 66-26(4) or the decision referred to in Article 66-27(7) by a ACUM or SIL operator, respectively, the Supervisory Unit shall provide the directly concerned person with the assessment report with a recommendation to comply within forty (40) days and a warning that sanctions shall be imposed in case of repeated infringement.

3. If the operator fails to comply with the recommendation referred to in paragraph 2, no new placement deeds under Article 66-30(3)(c) will be issued.

Within two (2) months of the imposition of the measure referred to in the first subparagraph, the compliance of the LAF operator shall be reviewed and, if a relapse is ascertained, the placement deeds of unaccompanied minors with the reviewed LAF shall be revoked and the LAF shall be removed from the National Registry for the Protection of Unaccompanied Minors. In this case, the Management of UAMs Accommodation Referrals & Relocation Unit shall ensure the immediate relocation and placement of unaccompanied minors to another long-term accommodation facility in accordance with the procedure referred to in Article 66-30(3)(c).

4. If the infringement found during an onsite inspection indicates that there is a risk to the life or physical integrity or mental well-being of minors, measures shall be taken immediately without the requirement of expiry of the deadlines referred to in paragraphs 2 and 3.

5. The evaluation findings of the reports and inspections referred to in paragraphs 2 and 3 shall be communicated to the authorities



responsible for the management, control and implementation of programmes financed by domestic or EU resources, provided that such programmes involve the reviewed LAF operators, as well as to the service responsible for issuing or withdrawing authorisations for the operation of ACUMs. The findings shall be binding on the bodies referred to in the first indent as regards their own actions by area of competence.”

Article 38

**National Registry for the Protection of Unaccompanied Minors
– Insertion of Article 66-XXXII**

Article 66-XXXII shall be inserted after Article 66-XXXI of Law 4939/2022 (A 111) as follows:

“Article 66-XXXII

National Registry for the Protection of Unaccompanied Minors

1. The Directorate of ICT Applications of the Ministry of Migration and Asylum shall maintain an online database of unaccompanied minors identified in the Greek territory, named “National Registry for the Protection of Unaccompanied Minors” (NRPUM). The Special Secretariat for the Protection of Unaccompanied Minors of the Ministry of Migration and Asylum shall be designated as the NRPUM controller. The purpose of the NRPUM shall be to manage, protect and plan the accommodation and guardianship of unaccompanied minors. The NRPUM may interface, where necessary, through the Interoperability Centre of the Secretariat-General for Public Administration Information Systems (SGPAIS) of the Ministry of Digital Governance, with all public-sector Registers.

2. The following persons shall have right of access to the NRPUM, within the area of their competence:

a) the staff of the Unit for the Supervision and Evaluation of Accommodation Centres referred to in Article 40 of Presidential Decree 106/2020 (A 255);



b) the staff of the Management of UAMs Accommodation Referrals & Relocation Unit referred to in Article 41 of Presidential Decree 106/2020;

c) the staff of the Unit for the Integration and Support of Unaccompanied Minors referred to in Article 42 of Presidential Decree 106/2020;

d) the staff of the Institutional Protection Unit referred to in Article 43 of Presidential Decree 106/2020;

e) the staff of the National Emergency Response Mechanism referred to in Article 66-33;

f) the staff of the National Centre for Social Solidarity, on matters of fostering unaccompanied minors, in accordance with Law 4538/2018 (A 85);

g) the staff of the Directorate of ICTS Applications; and

h) the staff of the guardianship service providers and accommodation facilities operators.

3. Data relating to the personal and legal situation of unaccompanied minors, as well as the management and supervision of the accommodation of unaccompanied minors, shall be entered in the NRPUM by authorised users. The data referred to in the first sentence shall be entered and processed in accordance with the GDPR and Law 4624/2019 (A 137). The information maintained, in so far as it relates to the personal and legal situation of minors, shall comprise, in particular:

a) identification of the minor, photograph and identification documents;

b) racial and ethnic origin, other elements of identification;

c) contact details of the minor, details of parents and relatives, documents relating to the legal status, family reunification procedure and other administrative or judicial actions, social security data, the tax identification number;



d) educational record, vocational training or apprenticeship, medical history and information on vaccinations, psychosocial history, documents or acts of public authorities;

e) information on guardianship status and accommodation in an LAF or foster family or another relative or friend, assessment of best interests, as well as details of professionals supporting the minor.

4. The details of unaccompanied minors shall be updated in accordance with the procedure referred to in Article 66-10(1) hereof. Data may also be updated through standard forms and procedures established by the Special Secretariat for the Protection of Unaccompanied Minors at regular intervals.

5. A joint decision of the Ministers of Migration and Asylum, Labour and Social Affairs and Digital Governance shall determine the conditions for the establishment, maintenance and operation of the NRPUM, the data recorded, matters relating to granting access, certifying and authenticating users, the transfer of data from the existing Registers referred to in Articles 24 and 26 of Law 4554/2018 (A 130), the required interoperability of the NRPUM with other public sector information systems, the procedure for entering, submitting and updating data and the conditions for registration thereof, organisational and technical issues of confidentiality and security policy of the processing of data hereunder, such as the right of access and use, the instances, purpose and requirements for which access is allowed, data encryption, communications security, confidentiality, use of anonymisation techniques and any other technical or general details necessary for the implementation hereof.”

Article 39

National Emergency Response Mechanism – Insertion of Article 66-XXXIII to Law 4939/2022

The following shall be inserted after Article 66-XXXII of Law 4939/2022 (A 111): a) Sub-Chapter D entitled “Protection of



unaccompanied minors living in homelessness and precarious conditions” and b) Article 66-XXXIII, which shall form part of the new Sub-Chapter D of Chapter D, as follows:

“SUB-CHAPTER D

PROTECTION OF UNACCOMPANIED MINORS LIVING IN HOMELESSNESS AND PRECARIOUS CONDITIONS

Article 66-XXXIII

National Emergency Response Mechanism

1. The Special Secretariat for the Protection of Unaccompanied Minors shall be designated as the National Emergency Response Mechanism (NERM).

2. The purpose of the NERM shall be to identify and immediately refer and place a homeless unaccompanied minor or a minor living in precarious conditions in emergency accommodation facilities, pursuant to Article 43 of Law 4760/2020 (A 247) on the abolition of the protective custody of unaccompanied minors.

3. Homeless unaccompanied minor shall mean a minor who a) stays in public or outdoor areas, without such area being considered a place of residence, b) stays overnight in sleeping hostels, without a permanent place of residence, or c) stays temporarily and for a short period in a homeless shelter. Precarious living conditions shall mean a) temporary accommodation with relatives or acquaintances, b) accommodation in unlawfully subleased or occupied premises, and c) accommodation in temporary or makeshift premises, such as improvised structures and cars.

4. a) The emergency accommodation facility shall provide, as a minimum, safe accommodation, food, counselling and psychological support, legal support and access to health facilities, until the procedures for recording and assessing the psychosocial background of the minor have been completed;

b) an unaccompanied minor living in homelessness or precarious situation may remain in an emergency accommodation facility for up to



three (3) weeks. By way of exception, the length of stay may be extended, taking into account the needs of each minor, but cannot exceed three (3) months.

5. The NERM shall be responsible for:

a) managing accommodation requests submitted by notifying bodies or natural persons for homeless unaccompanied minors or minors living in precarious conditions and the coordination of their transfer to emergency accommodation facilities;

b) locating and identifying homeless unaccompanied minors, in cooperation with police or port authorities or other competent authorities, as well as non-profit private legal persons managing homeless shelters or child protection groups on the street;

c) designing and developing protocols for the identification and placement of minors in emergency accommodation facilities;

d) operating a hotline for the receipt and processing of emergency accommodation requests, as well as for the provision of technical guidance and information to any agency, including the guardian designated by the Prosecutor, locating an unaccompanied minor who lacks safe or known residence;

e) exploring, in collaboration with the Management Unit, alternative housing solutions in long-term accommodation facilities, taking into account the gender, the age and other elements of vulnerability;

f) planning and developing specific actions, in collaboration with the relevant bodies and authorities, for locating unaccompanied minors at risk, or minor victims of violence, trafficking in human beings, exploitation or abuse, and transferring them to safe shelters;

g) taking up any matter falling within its powers, following a complaint or ex officio;

h) immediately notifying the Prosecutor of the new place of residence of the minor.



6. a) By decision of the Special Secretary for the Protection of Unaccompanied Minors, a NERM operational group shall be set up, consisting of external staff under labour loan arrangements.

b) To recruit the team referred to in indent (a) and the overall functioning of the NERM, the Special Secretariat for the Protection of Unaccompanied Minors may conclude memoranda of cooperation with international organisations, EU agencies and nonprofit private legal entities whose actions are consistent with the objectives of the protection of unaccompanied minors. The team shall consist, as a minimum, of lawyers, social workers and psychologists.

7. For the purposes of managing housing requests, the operational team referred to in paragraph 6(a) shall, within its powers, have the right of access to the NRPUM, in accordance with the provisions of Article 66-32.

8. Expenditure relating to the operation of the hotline referred to in indent (d) of paragraph 5 shall be covered by the appropriations entered each year in the budget of the Ministry of Migration and Asylum.

9. a. A decision of the Minister for Migration and Asylum shall determine the rules governing the operation of the hotline referred to in paragraph 5(d).

b. A similar decision shall determine: a) the organisation and operation of the emergency accommodation facilities referred to in paragraph 4(a), b) the Internal Operating Regulation and the Code of Ethics for their staff, c) the capacity and recruitment method, d) the accommodation services provided, as well as any other relevant matter for the implementation hereof.”

Article 40

Accompaniment service providers and procedures for unaccompanied minors – Insertion of Article 66-XXXIV to Law 4939/2022



The following shall be inserted after Article 66-XXXIII of Law 4939/2022 (A 111): a) Sub-Chapter E entitled “Accompaniment of unaccompanied minors” and b) Article 66-XXXIV, which shall form part of the new Sub-Chapter E of Chapter D, as follows:

“SUB-CHAPTER E

ACCOMPANIMENT OF UNACCOMPANIED MINORS

Article 66-XXXIV

Accompaniment service providers and procedures for unaccompanied minors

1. The Management of UAMs Accommodation Referrals & Relocation Unit of the Special Secretariat for the Protection of Unaccompanied Minors (Management Unit) shall be designated as the competent authority for the coordination of any accompaniment of unaccompanied minors, in accordance with Articles 66-29 and 66-30.

2. Accompaniment services for unaccompanied minors may be provided by:

- a) NPDDs;
- b) civil nonprofit societies;
- c) the associations referred to in Articles 78 to 106 of the Civil Code;
- d) the civil society organisations referred to in Article 4(1)(a) of Law 4873/2021 (A 248);
- e) foreign non-governmental organisations with branches on Greek territory;
- f) nonprofit legal persons in private law established by special legislation;
- g) international organisations.

3. The accompaniment service providers referred to in paragraph 2 shall, cumulatively:

- a) pursue a demonstrably non-commercial purpose;



b) implement, on the basis of regulations or constituent and statutory acts, actions and programmes for the protection of childhood, as evidenced by the evaluation of the work undertaken in the past two (2) years; and

c) in the case of entities referred to in indents (b), (c), (d), (e) and (f), be registered in the Register of Greek and Foreign Non-Governmental Organisations (NGOs) referred to in Article 78 hereof.

4. The bodies accompanying unaccompanied minors shall be selected by the Ministry of Migration and Asylum through:

a) specific procedures for the allocation of the budgetary resources of European programmes and financial instruments, such as the EU Financial Mechanism and the Asylum, Migration and Integration Fund under Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 establishing the Asylum, Migration and Integration Fund (L 251);

b) a tender procedure, in accordance with Law 4412/2016 (A 147) on public procurement;

c) the conclusion of the planning contract referred to in Article 61 of Law 4609/2019 (A 67);

d) the conclusion of a cooperation memorandum or agreement between the Ministry of Migration and Asylum and such body.

5. Accompaniment services may be financed by:

a) the national and co-funded parts of the public investment programme for the implementation of international protection and migration actions;

b) accompaniment service providers' own resources;

c) donations and bequests;

d) projects funding by international organisations.

6. For each accompaniment of unaccompanied minor, the designated body shall:



a) receive the placement deed of unaccompanied minor referred to in Article 66-30(3)(c), which shall serve as an order to relocate the minor concerned, and shall cooperate with the notifying body and the reception body for the unhindered reception and delivery of the minor;

b) ensure, in collaboration with the notifying body and the guardian, that the minor holds the necessary documents relating to his/her personal situation, such as original identification documents, acts of prosecutors or police authorities, medical documents, decisions of administrative authorities;

c) take all appropriate and reasonable measures for the safety and smooth relocation of the minor;

d) prepare a delivery/reception record, also comprising the documents or medications or personal belongings that the accompanied minor brought with him/her, and promptly transmit it to the Management Unit;

e) ensure that its staff is trained in matters of child protection and first aid.”

PART C

TRANSITIONAL AND REPEALED PROVISIONS

Article 41

Transitional provisions – Insertion of paragraphs 3, 4 and 5 to Article 147 of Law 4939/2022

1. Paragraphs 3, 4 and 5 shall be inserted to Article 147 of Law 4939/2022 (A 111) and Article 147 shall read as follows:

“Article 147

Transitional provisions

1. Pending the issuance of the joint ministerial decision referred to in Article 23(6) of this Code, Article 24 of Law 4636/2019 (A 169), as was in force until the publication of Law 4825/2021 (A 157), in conjunction with joint decision No 7315/29.8.2014 of the Minister of Finance, Development and Competitiveness and Public Order and Citizen



Protection, on the procedure for granting residence permits to beneficiaries of international protection (A 2461), shall continue to apply.

2. Certificates of non-removal on humanitarian grounds granted by decisions issued up to the publication of Law 4825/2021, in accordance with Article 68(3) and Article 104(4) of Law 4636/2019, shall be renewed after the issuing authority has re-assessed that removal remains unfeasible.

3. a) decision No D11/oik.26945/1074/12.6.2019 of the Alternate Minister of Labour, Social Security and Social Solidarity (B 2399) on the Register of Accommodation Centres for Unaccompanied Minors, and b) decision No D11/oik.26943/1073/24.6.2019 of the Alternate Minister of Labour, Social Security and Social Solidarity (B 2474) on the Register of Unaccompanied Minors, shall remain in force pending the issuance of the decision referred to in Article 66-32(5) hereof.

4. Pending the adoption of the decision referred to in Article 66-7(7), Decision D11/oik.60207/2717/20.12.2019 of the Deputy Minister for Labour and Social Affairs (GG II 4924) on supervised apartments shall be maintained in force.

5. The National Centre for Social Solidarity shall cooperate with the Directorate of ICT Applications of the Ministry of Migration and Asylum to gradually integrate and incorporate the data of the Register of Unaccompanied Minors and the Register of Accommodation Centres of Unaccompanied Minors under Articles 24 and 26 of Law 4554/2018 (A 139) and the transfer of the server and domain name from the date of assignment of the “Helidon” online application to the Ministry of Migration and Asylum until the date of its delivery thereto”.

2. The orders of the Prosecutor’s Office issued, pursuant to Law 4554/2018, Law 4636/2019 (A 169) or Law 4939/2022, in relation to the performance of acts of guardianship or representation of unaccompanied



minors shall be maintained in force for four (4) months after the entry hereof into force.

3. For a period of four (4) months from the publication hereof, the locally competent Prosecutor for minors or the Prosecutor at the First Instance Court shall act as temporary guardian of unaccompanied and separated minors arriving in the country, in accordance with Article 1601 of the Civil Code on emergency actions and temporary guardians, and may issue orders authorising natural persons to perform acts of guardianship in the best interests of minors, in particular concerning reception, identification, asylum and temporary protection procedures, as defined in Law 4939/2022, or assign day-to-day care to relatives, on recommendation of a competent body or State authority, in accordance with Article 66-11(3) of Law 4939/2022.

Article 42

Repealed provisions – Amendment to Article 148 of Law 4939/2022

1. Article 148(d) of Law 4939/2022 (A 111) shall be replaced and Article 148 shall read as follows:

“Article 148

Repealed provisions

The following shall be repealed as from the date of publication hereof:

a) articles 1 to 112 and 114 of Law 4636/2019 (A 169) on international protection, without prejudice to Article 147(1) hereof;

b) presidential decree 80/2006 (A 82);

c) Article 7(5) of Law 4375/2016 (A 51);

d) articles 13 to 31 of Law 4554/2018 (A 130) and the decisions issued in implementation of Article 19(6) on the Rules of Procedure of the Supervisory Board, Article 25(3) on the Register of professional guardians and Article 28(2) determining the qualifications and impediments of professional guardians under Law 4554/2018;



e) Article 24A of Law 4540/2018 (A 91),
f) Article 58 of Law 4686/2020 (A 96);
g) Article 71(4) and (6) of Law 4825/2021 (A 157) and any other provision contrary to the provisions of this Code.”

2. Joint decision No 8038/24/3/7.5.2013 of the Minister of Finance and Public Order and Citizen Protection on the determination of the type, content and length of the training of the staff of Private Security Service Providers, entrusted with the safekeeping of First Reception Centres, First Reception Units and detention facilities of foreign nationals illegally residing in Greece, and the Hellenic Police Services providing it (B 1105) shall be repealed.

[...]

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Official translation, in faithful and accurate rendition of an extract of the attached document without any changes, from Greek into English

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Eleni Dimitriou, Certified Translator of the Ministry of Foreign Affairs, Reg.No. 028