

**QUESTIONNAIRE FOR THE NATIONAL REPORT ON THE IMPLEMENTATION
OF THE DIRECTIVE :**

TEMPORARY PROTECTION OF 20 JULY 2001

IN

Greece

By

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The person in the team of thematic coordination in charge of this directive that you can contact if you have a question or need help when completing this questionnaire is:

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FIRST PART

1. NORMS OF TRANSPOSITION AND JURISPRUDENCE

Q.1.A. Identify the central norm(s) of transposition and indicate its legal nature

- This question includes even norms adopted before the adoption of the directive but ensuring its transposition (what is called a pre-existing norm in the table of correspondence).
- Quote the norm of transposition and not only the norm modified by it (the same is true in case of existence of a code of aliens law)
- About legal nature in the table below: *legislative* refers to a norm adopted in principle by the Parliament; *regulation* refers to a norm complementing the law and adopted in principle by the executive power; *circular or instructions* refer to practical rules about implementation of laws and regulations and adopted in principle by the administrative authorities

When answering this question, please use one or more of the tables below. If the 5 tables below are not enough please duplicate the table (see technical information at the beginning of the questionnaire).

Table 1

This table is about: <input checked="" type="checkbox"/> a text already adopted <input type="checkbox"/> a text which is still a project to be adopted
TITLE: Granting of temporary protection in the case of mass influx of displaced persons
DATE: 14.4.2006

NUMBER: Presidential decree 80/2006
DATE OF ENTRY INTO FORCE: 30 December 2002
PROVISIONS CONCERNED : Transposition of EU directive 2001/55 (for example if the norm also pursues other objectives than the transposition of the directive)
REFERENCES OF PUBLICATION IN THE OFFICIAL JOURNAL: Official Journal of the Hellenic Republic number 82 part A
LEGAL NATURE (please tick the correct box): <input type="checkbox"/> LEGISLATIVE <input checked="" type="checkbox"/> REGULATION <input type="checkbox"/> CIRCULAR OR INSTRUCTIONS

Q.1.B.

Please list the others norms of transposition according to their hierarchical position in your legal system_(first laws, to be followed by regulations; and circulars or instructions):

- This question includes even norms adopted before the adoption of the directive but ensuring its transposition (what is termed a pre-existing norm in the table of correspondence).
- Quote the norm of transposition and not only the norm modified by it (the same is true in case of existence of a code of aliens law)

When answering this question, please use one or more of the tables below (one norm per table). If the 5 tables below are not enough please duplicate the table (see technical information at the beginning of the questionnaire).

Table 1

TITLE:
DATE:
NUMBER:
DATE OF ENTRY INTO FORCE:
PROVISIONS CONCERNED : (for example if the norm also pursues other objectives than the transposition of the directive)
REFERENCES OF PUBLICATION IN THE OFFICIAL JOURNAL:
LEGAL NATURE (indicate by ticking the correct box): <input type="checkbox"/> LEGISLATIVE <input type="checkbox"/> REGULATION <input type="checkbox"/> CIRCULAR OR INSTRUCTIONS

Q.2.

This question needs to be answered only for FEDERAL OR SIMILAR MEMBER STATES LIKE AUSTRIA, BELGIUM, GERMANY, ITALY, SPAIN

Q.2.A. Explain which level of government is competent to adopt the norms of transposition.

Please include your answer in the tables below

LEGISLATIVE RULES
COMPETENCES OF THE FEDERAL/CENTRAL LEVEL:
COMPETENCES OF THE COMPONENTS:
EXPLANATIONS IF NECESSARY:

REGULATIONS
COMPETENCES OF THE FEDERAL/CENTRAL LEVEL:
COMPETENCES OF THE COMPONENTS:
EXPLANATIONS IF NECESSARY:

CIRCULAR OR INSTRUCTIONS
COMPETENCES OF THE FEDERAL/CENTRAL LEVEL:
COMPETENCES OF THE COMPONENTS:
EXPLANATIONS IF NECESSARY:

Q.2.B. Where appropriate, please explain if the federal structure and the distribution of competences between the different levels creates any problem or difficulty regarding the transposition and/or the implementation of the directive.

Q.3. Explain which authorities are competent for the practical implementation of the norm of transposition by taking the decisions in individual cases.

When answering this question, please use one or more of the tables below (one table per competence concerned). If the 5 tables below are not enough please duplicate the table (see technical information at the beginning of the questionnaire).

Table 1

COMPETENCE CONCERNED:	Minister of Foreign Affairs (together with Minister of Interior): Extension of the decision to apply the status of temporary protection to other categories of displaced persons, beyond those covered by the Council decision (provided in article 5 of directive 2001/55
CENTRAL MINISTRY OF:	Foreign Affairs
DIRECTION OR SERVICE WITHIN THE ABOVE MINISTRY:	
OTHER LEVEL OF ADMINISTRATION:	

IF NECESSARY, COMMENT ABOUT THE NATURE OF THE AUTHORITY (for instance if it is independent of the competent minister)	
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Table 2

COMPETENCE CONCERNED:	Minister of Interior (together with Minister of Foreign Affairs): Extension of the decision to apply the status of temporary protection to other categories of displaced persons, beyond those covered by the Council decision (provided in article 5 of directive 2001/55)
CENTRAL MINISTRY OF:	Public Order
DIRECTION OR SERVICE WITHIN THE ABOVE MINISTRY:	
OTHER LEVEL OF ADMINISTRATION:	
IF NECESSARY, COMMENT ABOUT THE NATURE OF THE AUTHORITY (for instance if it is independent of the competent minister)	

Table 3

COMPETENCE CONCERNED:	Aliens Police: Provision of residence permits to beneficiaries of temporary protection
CENTRAL MINISTRY OF:	Interior
DIRECTION OR SERVICE WITHIN THE ABOVE MINISTRY:	Directorate of Aliens
OTHER LEVEL OF ADMINISTRATION:	
IF NECESSARY, COMMENT ABOUT THE NATURE OF THE AUTHORITY (for instance if it is independent of the competent minister)	

Table 4

COMPETENCE CONCERNED:	Minister of Interior: Makes a decision whether to readmit persons who were beneficiaries of temporary protection and later voluntarily repatriated
CENTRAL MINISTRY OF:	Minister of Interior
DIRECTION OR SERVICE WITHIN THE ABOVE MINISTRY:	
OTHER LEVEL OF ADMINISTRATION:	
IF NECESSARY, COMMENT ABOUT THE NATURE OF THE AUTHORITY (for instance if it is independent of the competent minister)	

Table 5

COMPETENCE CONCERNED:	Minister of Health and Social Solidarity: Makes a decision whether to extend the social welfare benefits applying to beneficiaries of temporary protection also to persons who are benefiting from a voluntary repatriation programme until the day of their departure
CENTRAL MINISTRY OF:	Minister of Health and Social Solidarity
DIRECTION OR SERVICE WITHIN THE ABOVE MINISTRY:	
OTHER LEVEL OF ADMINISTRATION:	
IF NECESSARY, COMMENT ABOUT THE NATURE OF THE AUTHORITY (for instance if it is independent of the competent minister)	

Q.4.A. Has the central regulation foreseen by the central norm of transposition already been adopted?

YES

NO

Q.4.B. If the central norm(s) of transposition foresee(s) the adoption of one or several regulations, indicate if they have all been adopted:

YES

NO

If NO, please indicate the missing text(s) in the table below. Where necessary, please add further explanations (specify in particular if the missing texts are at least under preparation or foreseen in the very near future):

When answering this question, please use one or more of the tables below (one table per missing text). If the 5 tables below are not enough please duplicate the table (see technical information at the beginning of the questionnaire).

Table 1

MISSING TEXTS
<i>INDICATE HERE THE MISSING TEXTS</i>

SECOND PART

Duration and implementation of temporary protection

Q.5. According to article 5(1) in the Directive the existence of a mass influx of displaced persons shall be established by a Council Decision adopted by a qualified majority on a proposal from the Commission, which shall also examine any request by a Member State that it submit a proposal to the Council. According to article 5(3) the Council Decision shall have the effect of introducing temporary protection for the displaced persons to which it refers, in all the Member States, in accordance with the provisions in the Directive.

Do the national norms of transposition in your Member State mandate the Council to decide about the existence of a mass influx of displaced person, with the effect of introducing temporary protection for the displaced persons to which it refers in your Member State?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation (if the answer is “no”, how is a Council decision transposed ad hoc into national law?)

According to the decree on temporary protection, article 5, paragraph 2, the decision of the Council has as result the application of temporary protection for the displaced which are referred to by the Council decision.

Q.6. According to article 6 in the Directive, temporary protection shall come to an end when the maximum duration has been reached or at any time by Council Decision on a proposal from the Commission. *See article 6 (1-2).*

Do the national norms of transposition mandate the Council to decide when temporary protection in your Member State shall come to an end?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation: (if the answer is ‘no’, how is a Council decision transposed ad hoc into national law?)

According to the decree on temporary protection, article 6 paragraph 1(b), temporary protection ends when the relevant Council decision is issued.

Q.7. According to article 7, a Member States may extend temporary protection, as provided for in the Directive, to additional categories of displaced persons over and above those to whom a Council decision applies, where they are displaced

for the same reasons and from the same country or region of origin. *See optional provision in article 7 (1-2).*

Do the national norms of transposition allow your Member State to extend temporary protection to additional categories of displaced persons?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (If the answer is "yes", if any, what are the criteria for extending protection to additional categories of displaced persons)?

The main norm of transposition repeats the language of article 7 paragraph 1 without any additional details.

Obligations of the Member States towards persons enjoying temporary protection

Q.8. Questions regarding obligations of the Member States towards persons enjoying temporary protection. *See article 8(1-3):*

Q.8.A. Does your Member State provide persons enjoying temporary protection with a residence permit? *See mandatory provision in article 8(1).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (if the answer is 'no', what are the practical Consequences for the individual?)

Article 8(1) of the decree on temporary protection provides that persons enjoying temporary protection are granted with a residence permit, *gratis*. This residence permit is issued by the police.

Q.8.B. Answer this question if the answer on Q.8.A is 'yes': **Is the residence permit valid for the entire period of temporary protection?** *See mandatory provision in article 8(1).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (if the answer is 'no', what are the practical Consequences for the individual?)

Article 8(1) of the decree on temporary protection provides that persons enjoying temporary protection are granted with a residence permit as long as they have this status.

Q.8.C. Will documents or other equivalent evidence for the residence permit be issued? *See mandatory provision in article 8(1).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Article 8(1) of the decree on temporary protection provides that persons enjoying temporary protection, and as long as they have this status, are granted with a residence permit, *gratis*. This residence permit is issued by the police.

Q.8.D. Will your Member State provide persons enjoying temporary protection with a document, in a language likely to be understood by them, in which the provisions relating to temporary protection, and which are relevant to them, is clearly set out? See mandatory provision in article 9.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Article 9 of the decree on temporary protection provides that written information, in a language understood by the persons enjoying temporary protection, concerning their rights and obligations during the time they have this status, is given to them.

Q.8.E. Will the personal data of the persons enjoying temporary protection (name, nationality, date and place of birth, marital status, and family relationship) be registered? See mandatory provision in article 10.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Article 9 of the decree on temporary protection provides that the following data will be registered for each beneficiary of temporary protection: name, nationality, date and place of birth, marital situation and family relationship. The relevant database is to be kept according to the specifications of law 2472/1997 (government gazette A – 50).

Q.8.F. Will your Member State provide facilities for obtaining the necessary visas, including transit visas, to persons which will be admitted to the territory for the purposes of temporary protection? See mandatory provision in article 8(3).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Article 8 paragraph 2 of the decree on temporary protection provides that all facilities will be provided for obtaining visas, including transit visas, to persons who are to be admitted for the purpose of being granted temporary protection, free of charge (and at no fee whatsoever). The Greek law does not transpose the third sentence of article 8, paragraph 3 of the directive, providing that all formalities will be reduced to a minimum.

Q.8.G. According to the national law of your Member State: Will the visas referred to in Q.8.F, be free of charge? *See mandatory provision in article 8(3).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (if the answer is “no”, please indicate the amount charged and indicate amounts charged for other types of visas)

Article 8 paragraph 2 of the decree on temporary protection provides that all facilities will be provided for obtaining visas, including transit visas, to persons who are to be admitted for the purpose of being granted temporary protection, free of charge.

Q.9. According to national law of transposition, is your Member State responsible to take back a person enjoying temporary protection on its territory if that person seeks to enter onto or remains on the territory of another Member State without authorisation during the period of temporary protection? *See mandatory provision in article 11.*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Article 11 paragraph 1 of the decree on temporary protection provides that such persons are re-admitted and continue to fall under the regime of temporary protection.

Q.10. Has your Member State concluded bilateral agreements with other Member States regulating the responsibility for persons enjoying temporary protection under the Directive? *See optional provision in article 11, final sentence.*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (If the answer is “yes”, please specify with which country)

Q.11. Questions regarding work and other activities during temporary protection: *See mandatory provision in article 12.*

Q.11.A. Are the persons enjoying temporary protection allowed to engage in:

Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

- | | | |
|--|--|------------------------------------|
| Employed activities? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Self-employed activities? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Educational opportunities for adults? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Vocational training? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Practical workplace experience? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

Explanation:

Article 12 paragraph 1 of the decree on temporary protection provides that the residence permit provided for reasons of temporary protection will also be valid as permission to do all the above, restricted geographically to the prefecture in which that person's residence has been determined.

Q.11.B. According to optional provision in article 12, Member States may, for reasons of labour market policies, give priority to EU citizens and citizens of States bound by the Agreement on the European Economic Area and also to legally resident third-country nationals who receive unemployment benefit.

Do the national norms of transposition in your Member State give priority, or allow giving priority, to:

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

- | | | |
|---|--|------------------------------------|
| EU citizens? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Citizens of the European Economic Area? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Legally resident third-country nationals who receives unemployment benefits? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

Explanation:

Article 12, paragraph 1 last sentence of the decree on temporary protection provides explicitly that the right of beneficiaries of temporary protection to work, participate in vocational training programmes etc. can be exercised only if the relevant positions (presumably of work only) are not covered by the persons mentioned immediately above.

Question to be answered only if persons enjoying temporary protection are allowed to work:

Q.11.C. According to article 12, final sentence, the general law in force in the Member States applicable to remuneration, access to social security systems relating to employed or self-employed activities and other conditions of employment shall apply if persons enjoying temporary protection are allowed to work.

If persons enjoying temporary protection are allowed to work: Will your country's general laws be applicable regarding:

Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Remuneration? **Yes** **No**

Access to social security systems relating to employed or self-employed activities and other conditions of employment? **Yes** **No**

Explanation:

Article 12, paragraph 2 of the decree on temporary protection provides that the general law in force in the country concerning remuneration, access to social security and other conditions of work or self-employment will be applicable for persons who have been granted temporary protection.

Q.12. Questions regarding the Member States obligation towards the temporary protected regarding accommodation, subsidies, medical care etc. *See article 13(1-4).*

Q.12.A. **Is your Member State obliged under national law to provide the persons enjoying temporary protection with suitable accommodation or means in order to obtain housing?** *See mandatory provision in article 13(1).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation :

According to article 13 paragraph 1 of the decree on temporary protection all beneficiaries of temporary protection reside in reception centres that operate under the supervision and responsibility of the Ministry of Health and Social Solidarity.

Q.12.B. **Will your Member State, according to national law, be obliged to provide the persons enjoying temporary protection with economic assistance such as social welfare and means of subsistence?** *See mandatory provision in article 13(2).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

According to article 13 paragraph 3 of the decree on temporary protection all persons hosted in the reception centres provided for in the first paragraph of the same article and mentioned above (rather than all beneficiaries of temporary protection, as article 13 paragraph 2 of the directive provides) are to be provided with food, clothing and any other possible social assistance, if they do not have sufficient resources themselves.

Q.12.C. Do the persons enjoying temporary protection have access to emergency medical care and essential treatment of illness? See mandatory provision in article 13 (2).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (If the answer is “yes”, please provide details whether persons enjoying temporary protection have access to *general medical care* or if it is restricted to *emergency care and essential treatment of illness*?)

Article 13 paragraph 2 of the decree on temporary protection provides that all persons hosted in the reception centres provided for in the first paragraph of the same article and mentioned above (rather than all beneficiaries of temporary protection, as article 13 paragraph 2 of the directive provides) are provided with medical care, which includes the necessary treatment of illnesses, emergency care and at least one medical examination.

Q.12.D. Will your Member State, according to national law, be obligated to provide for necessary medical or other assistance to persons enjoying temporary protection who have special needs such as unaccompanied minors, persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence? See mandatory provision in article 13(4).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (If the answer is “yes”, please provide details about the assistance given to different groups of persons with special needs, for example psychological help for persons who have undergone torture).

Article 13 paragraph 4 of the decree on temporary protection provides that persons with special needs, such as babies, elders, unaccompanied minors, sick persons, wounded persons, as well as persons who are victims of torture, rape or other serious case of psychological, bodily or sexual violence are treated with priority.

Q.13. Questions regarding access to education. *See article 14 (1-2):*

Q.13.A. Do persons who are under 18 years of age and enjoying temporary protection have access to the education system under the same conditions as nationals of your Member State? See mandatory provision in article 14(1).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Article 14 of the decree on temporary protection provides that persons under the age of 18 have access to public schools, in which reception or support classes operate or will operate (in my assumption this means that in support classes would be provided for in those schools where children beneficiaries of temporary protection would receive their schooling).

Q.13.B. If the answer on Q.13.A is ‘yes’: **Is access to education confined to the state education system or does it cover all kinds of educational institutions?**

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

The decree provides that minors have the right to access public schools, but it does not explicitly exclude, e.g., private schools, hence I cannot reply either yes or no.

Q.13.C. **Do adults enjoying temporary protection have access to the general education system?** *See optional provision in article 14(2).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

The main norm of transposition remains silent on the issue of access of adults to the education system.

Q.14. Questions regarding right to family reunification. *See article 15:*

Q.14.A. **Do the national norms of transposition in your Member State allow separated family members, which enjoy temporary protection in different Member States, to reunite?** *See mandatory provision in article 15(2).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Article 15 paragraph 2 of the decree on temporary protection provides that the Aliens Directorate of the Ministry of Public Order will undertake the necessary actions towards the other member state where family members of the beneficiary of temporary protection already residing in Greece, for the purpose of family reunification.

Q.14.B. Do the national norms of transposition in your Member State allow family members who are not yet in a Member State to reunite with a person enjoying temporary protection in your Member State? See mandatory provision in article 15(3).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Article 15 paragraph 3 of the decree on temporary protection provides that the Aliens Directorate of the Ministry of Public Order will undertake the necessary actions for the purpose of family reunification of the beneficiary of temporary protection with family members not yet in any EU country, who need protection.

Q.14.C. For the application of the rules regarding family reunification: Whom does your Member State consider a “family member”? See article 15(1)(a)(b).

(Please indicate by ticking the correct box/boxes and **EXPLAIN YOUR ANSWER**)

- The spouse of the person enjoying temporary protection.**
- The unmarried partner in a stable relationship to the person enjoying temporary protection.**
- The minor unmarried children of the person enjoying temporary protection or of his/her spouse, without distinction as to whether they were born in or out of wedlock or adopted.**
- Other close relatives who lived as part of the family unit with the person enjoying temporary protection at the time of the events leading to the mass influx, and who were wholly or mainly dependent on him/her at the time.**

Explanation:

As regards the ‘close relatives’, these are determined to be, according to article 15 paragraph 1 (b) relatives of first (parents, children) or second degree (Grand parents, grand children, brothers or sisters).

Q.14.D. What means of proof is needed in your Member State to verify family membership, is for example documentary evidence needed?

The main norm of transposition does not specify the means of proof required in this particular case. My assumption is that the authorities would utilize the means provided for in the transposition of the refugee-related provisions of the directive on family reunification (which have not been yet transposed).

Q.14.E. Explain which measures have been taken in your Member State to ensure that ‘the best interest of the child’ is accounted for when applying

the provisions on family reunification in the national norms of transposition? See mandatory provision in article 15(4).

Article 15 paragraph 5 provides that the best interest of the child will be taken into account in the application of the provisions of family reunification of the decree on temporary protection. No further details are given as to how this determination is to be made. UNHCR and the Ombudsman issued a few years ago related guidelines, which have been widely circulated among the competent authorities, but have not been formally adopted by them. In practice no mechanism or other institutional procedure has been adopted for the determination of the best interests of the child.

Q.14.F. According to article 15(5), Member States shall decide in which Member State the reunification shall take place. Please indicate which authority possesses the competency to take such decisions?

Name and function of the Authority: Aliens Directorate of the Ministry of Public Order

Q.14.G. If there is a formal procedure foreseen for such decisions, please describe it briefly:

No formal procedure is foreseen in the main norm of transposition. My assumption is that the procedure for the reunification of family members of refugees would be followed. The current procedure is provided for in presidential decree 61/1999, article 7, but is under review in the context of the transposition of the Family Reunification directive, by presidential decree.

Q.14.H. Are reunited family members in your Member State granted residence permits under temporary protection?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

By virtue of article 15 paragraph 7 of the decree on temporary protection, the family members who come to Greece for the purpose of family reunification are granted residence permits in the same manner as beneficiaries of temporary protection.

Q.14.I. Are documents or other equivalent evidence issued for persons who comes to your Member State and receives temporary protection under the provisions regarding family reunification?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Other than the residence permit mentioned above under Q.14.H, no other documents or evidence is issued. The norm of transposition remains silent on this issue.

Q.14.J. Does the national norms of transposition in your Member State comply with the provision in article 15(8) stating that a Member State shall at the request of another Member State, provide information on a person receiving temporary protection which is needed to process a matter of family reunification? See mandatory provision in article 15(8).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Article 15 paragraph 9 of the decree on temporary protection provides that following a relevant request by another member state, the Greek authorities will provide an necessary information, as may be included in:

- personal data records (name, nationality, date and place of birth, marital status, family relation)
- identity and travel documents

- family status documents (birth certificate, adoption certificate)

- other documents relating to the determination of the identify of the person concerned or the family link

- residence permits, visas, any decisions refusing entry, and any documents on which these decisions were based

- pending applications for residence permits or visas and related information.

Q.15. Questions regarding unaccompanied minors: *See article 16:*

Q.15.A. Explain how the representation of unaccompanied minors enjoying temporary protection in your Member State is arranged according to national law. See mandatory provision in article 16(1).

Article 16 of the decree hence provides that 'representation' of the minor is secured by the Ministry of Health and Social Solidarity, by mandating any of the following :

- adult relatives
- foster family
- persons responsible for reception centres with the capacity to host minors or other shelters appropriate for minors
- the person who took care of the child when fleeing.

Note that effectively the main norm of transposition uses the list of possibilities of placement of the unaccompanied minor for representation purposes. It is indicative that, in order to come to terms with this issue, as was interpreted by the Greek drafter of the decree, the reference to reception centres is made actually to those *responsible* for administering them, rather than the centres themselves (which is the language used by the directive).

Q.15.B. Does your Member State provide for unaccompanied minors to be placed with: See mandatory provision in article 16(2).

(Please indicate by ticking the correct box/boxes and **EXPLAIN YOUR ANSWER**)

Adult relatives ?

- A foster-family ?
- In reception centres with special provisions for minors, or in other accommodation suitable for minors ?
- With the person who looked after the child when fleeing ?

Explanation:

The main norm of transposition, article 16 of the decree on temporary protection, does not explicitly provide that unaccompanied minors will be ‘placed’ with any of the above. This, in my opinion, is a problem of *translation* of the directive into Greek. The Greek text of the directive provides that ‘responsibility for the unaccompanied minor’ will be given to the above, which is not the same as ‘placement’. In practice it is likely that those responsible for the minors will also host them.

Q.15.C. Do the national norms of transposition in your Member State meet the requirement that the views of the child shall be taken into account when arranging placement for the minor? See mandatory provision in article 16(2).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

- Yes No

Explanation:

Article 16 paragraph 1 in fine of the decree on temporary protection provides that the views of the child will be taken into account depending on the age and maturity of the child.

Access to the asylum procedure in the context of temporary protection

Q.16. Questions regarding access to the asylum procedure. *See article 3 and 17-19:*

According to mandatory provision in article 3(1) temporary protection shall not prejudice recognition of refugee status under the Geneva Convention.

Q.16.A. Does temporary protection in any way prejudice recognition of refugee status under the Geneva Convention in your Member State?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

- Yes No

Explanation:

Article 3 paragraph 1 of the main norm of transposition transposes *verbatim* article 3 (1) of the directive.

Q.16.B. Does your Member State allow persons enjoying temporary protection to apply for asylum at any time during the period of temporary protection? See mandatory provision in article 17(1).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Article 17 paragraph 1 of the decree on temporary protection provides that beneficiaries of temporary protection may apply for asylum in accordance with the relevant legal provisions (regarding asylum).

Q.16.C. Does your Member State allow persons enjoying temporary protection to stay in the Member State during the examination of their asylum claim, even though the period of temporary protection has ended? See mandatory provision in article 17(2).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Article 17 paragraph 2 of the decree on temporary protection provides that when the asylum procedure has not been terminated before the end of the temporary protection, it is to be completed afterwards.

Q.16.D. What criteria are provided by the norms of transposition in your Member State to determine the responsibility amongst Member States for examining an asylum application submitted by a person enjoying temporary protection in another Member State? See mandatory provision in article 18.

According to article 18 of the decree on temporary protection (the title of which, ‘criteria for granting asylum’, is misleading), provides that the criteria for determining the member state responsible for the examination of the asylum claim are the ones provided for in Council Regulation 343/2003.

Q.16.E. Has your Member State decided that temporary protection may not be enjoyed concurrently with the status of asylum seeker while applications are under consideration? See optional provision in article 19.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: If the answer is “yes”, please provide details concerning differences between the reception conditions for asylum seekers and persons enjoying temporary protection in your Member State which might lead to withdrawal or reduction of rights for a temporary protected who lodges an application for asylum.

Article 18 of the decree on temporary protection provides that the benefits of temporary protection are independent of the benefits enjoyed by an asylum seeker, as long as the asylum claim is being processed.

Q.16.F. If refugee status or, where applicable, other kind of protection is not granted to a person who is eligible for or already enjoys temporary protection is that person allowed to enjoy or continue to enjoy temporary protection in your Member State? See mandatory provision in article 19(2).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Article 19 paragraph 2 of the decree on temporary protection is a *verbatim* transposition of article 19(2) of the Directive.

Return and measures after temporary protection has ended

Q.17. Questions regarding the voluntary return of persons enjoying temporary protection:

Q.17.A. According to mandatory provision in article 21(1) the Member States shall ensure that the provisions governing voluntary return of persons enjoying temporary protection facilitate their return with respect for human dignity. How is that reflected in the national norms of transposition in your Member State?

Article 21 paragraph 1 of the decree on temporary protection provides that voluntary repatriation of beneficiaries of temporary protection, or persons whose temporary protection is terminated, is undertaken with respect for human dignity.

Q.17.B. Please explain how your Member State ensures that a decision of persons enjoying temporary protection, or whose temporary protection has ended, to return voluntarily is taken in full knowledge of the facts. See mandatory provision in article 21(1).

Article 21 paragraph 1 second sentence of the decree on temporary protection mentions that full information on the situation in the country of origin and possible consequences of return is provided to *the beneficiaries of temporary protection which participate in the vocational training programmes provided for in article 12 paragraph 1 of the decree*. The decree is silent for the cases of persons who do not participate in such programmes, and as such, is only a partial transposition of this particular aspect of the directive.

Q.17.C. Is it possible for the temporary protected in your Member State to make exploratory visits to the home country? See optional provision in article 21(1).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Article 21 paragraph 1 last sentence of the decree on temporary protection provides the possibility of the organization of exploratory visits to the country of origin.

Q.17.D. Please explain if and how your Member State has transposed article 21(2) stating that Member States shall, for such time as the temporary protection has not ended and on the basis of the circumstances prevailing in the country of origin, give favourable consideration to requests for return to the host Member State from persons who have enjoyed temporary protection and exercised their right to a voluntary return?

Article 21 paragraph 2 of the decree on temporary protection provides that in case persons who had enjoyed temporary protection in Greece, and who had opted to return voluntarily to their country, request to be readmitted to Greece, the request is accepted by decision of the Minister of Public Order, if this is necessary on account of the conditions prevailing in the country of origin, and if the temporary protection regime has not ended.

Q.17.E. Is it possible, under the national norms of transposition in your Member State, for persons enjoying temporary protection to continue receive their benefits as temporary protected after the period of temporary protection has ended, if they benefit from a voluntary return programme? See optional provision in article 21.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes

No

Explanation: (If the answer is “yes”, for how long is that possible).

Article 21 paragraph 3 of the decree on temporary protection provides that ‘by way of exception’, the Minister of Health and Social Solidarity may decide to extend the enjoyment of the rights provided for in articles 8 to 16 of the decree (equivalent to Chapter III of the Directive) to individuals who participate in voluntary repatriation programmes, until the date of their repatriation.

Q.18. Questions concerning enforced return of persons who have enjoyed temporary protection. *See articles 22:*

Q.18.A. Explain if and how the laws of your Member State comply with the mandatory provision in article 22(1), obliging Member States to ensure that the enforced return of persons whose temporary protection has ended and who are not eligible for admission shall be conducted with due respect for human dignity.

Article 22 paragraph 1 of the decree on temporary protection provides that the provisions on enforced return are applied, with due respect to human dignity. The relevant provisions for the removal and deportation of third country nationals are included in law 3386/2003.

Q.18.B. Explain if and how the laws of your Member State comply with the mandatory provision in article 22(2) obliging Member States to consider any compelling humanitarian reasons which may make return impossible or unreasonable in specific cases.

Article 23 paragraph 1 of the decree on temporary protection provides that, by way of exception, when compelling humanitarian reasons apply which make impossible the enforced repatriation, the latter may be postponed until these reasons cease to exist. The term ‘unreasonable’ has not been transposed. In addition, the reading of this paragraph of the decree seems to indicate that the only compelling humanitarian reasons may be

linked to the state of health of the person concerned, since, following the above provision, the text of the paragraph continues as follows: ‘More specifically, when the state of health of the third country national...’.

Q.18.C. In the national law of your Member State, are there any other grounds (except for the one referred to in Q.18.B) for allowing persons who have enjoyed temporary protection to stay in your Member State?

No.

Q.19. Questions concerning forcible return of persons who have enjoyed temporary protection. *See article 23:*

Q.19.A. Does the national law and practice of your Member State comply with the mandatory provision in article 23, providing that persons who have enjoyed temporary protection and who cannot, in view of their state of health reasonably be expected to travel, are not expelled as long as that situation continues? The provision exemplifies with persons who would suffer serious negative effects if their treatment was interrupted.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Article 23 paragraph 1 second sentence is a verbatim transposition of article 23 paragraph 1 of the Directive.

Q.19.B. Does your Member State allow families whose children attend school in a Member State, to benefit from residence conditions allowing the children concerned to complete the current school period before return? *See optional provision in article 23.*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Article 23 paragraph 2 of the decree on temporary protection provides that the repatriation of families whose minor children attend school can be postponed until the end of the school year.

Solidarity

Q.20. Please describe how your Member State ensures that persons eligible for temporary protection defined in a Council Decision under article 5 and who have not arrived in the Community have expressed their will to be received on their territory? *See mandatory provision in article 25(2).*

The main norm of transposition, article 24 paragraph 2 of the decree on temporary protection, does not specify how it is ensured that such persons have expressed their will to be received in the territory of Greece.

Q.21. Questions concerning the transferral between Member States of persons enjoying temporary protection. *See article 26:*

Q.21.A. According to mandatory provision in article 26(1) the Member States shall cooperate with each other with regard to transferral of the residence of persons enjoying temporary protection from one Member State to another, subject to the *consent* of the persons concerned to such transferral.

Does the national law of your Member State comply with article 26(1) regarding the *consent* of the person who are about to be transferred?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Article 25 paragraph 1 of the decree on temporary protection provides that the Greek authorities cooperate with the authorities of another member state concerning the transfer of beneficiaries of temporary protection, on condition that these persons have given their consent to this transfer.

Q.21.B. Do the national norms of transposition in your Member State comply with article 26(2) stating that a Member State shall communicate requests for transfers to the other Member States and notify the Commission and UNHCR?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Article 25 paragraph 2 of the decree on temporary protection transposes verbatim the first sentence of article 26 paragraph 2 of the directive, with the above content.

Q.21.C. According to the national norms of transposition, is your Member State obliged to, at the request of another Member State, provide information as set out in Annex II of the Directive, on a person enjoying temporary protection, which is needed to process a matter of transferral? (See mandatory provision in article 26(3)).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Article 25 paragraph 3 of the decree on temporary protection provides that the information provided for in article 15 paragraph 9 of the decree (transposing Annex II of the directive) will be provided to the admitting member state.

Q.21.D. According to the national law in your Member State, will the residence permit of a person who is transferred, from your Member State to another Member State, expire? See mandatory provision in article 26(4)

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Article 25 paragraph 4 of the decree on temporary protection provides that the residence permits of the persons transferred expire.

Q.21.E. When a person, who has been enjoying temporary protection in your Member State is transferred to another Member State, will the obligations relating to temporary protection in your Member State come to an end upon the transferral? See mandatory provision in article 26(4)

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Article 25 paragraph 4 of the decree on temporary protection provides the obligations of Greece will end upon transfer of the beneficiaries to another member state.

Q.21.F. If a person, who previously has enjoyed temporary protection in another Member State, is transferred to your Member State, will your Member State grant temporary protection to that person? See mandatory provision in article 26(4), last sentence.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

This sentence has not been explicitly transposed in the main norm of transposition, although it could be inferred by article 8 paragraph 2 of the decree, transposing article 8 paragraph 3 of the directive.

Q.21.G. Will the ‘model pass’ set out in annex I of the Directive be used in a foreseen transferral procedure?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Article 25 paragraph 5 of the decree on temporary protection refers to article 31 of the decree, which itself refers to the model pass in annex I of the directive.

Q.22. What authority in your Member State is appointed as national contact point according to the mandatory provision in article 27?

The name and function of the authority is: the Asylum section of the Aliens Directorate of the Ministry of Public Order, by virtue of article 26 paragraph 1 of the decree on temporary protection.

Q.23. Questions regarding exclusion from temporary protection:

Q.23.A. Are there any criteria for exclusion from temporary protection in your Member State? See optional provision in article 28.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (If yes, specify the criteria).

Article 27 paragraph 1 of the decree on temporary protection transposes article 28 paragraph 1 of the directive, although the decree mentions that exclusion can apply if there is sufficient evidence, rather than just ‘serious reasons to believe’, that one of the acts mentioned in sub-paragraphs (a) and (b) (transposing subparagraphs (a) and (b) of article 28 paragraph 1 of the directive) have been committed.

Q.23.B. If the answer to A. is “yes”, please indicate whether they in any way exceed the exhaustive list of criteria in article 28(1)(a) and (b).

Yes **No**

Explanation:

The criteria have more or less been transposed *verbatim* in the main norm of transposition.

Q.23.C. Do the national norms of transposition in your Member State meet the terms in article 28(2) stating that the grounds for exclusion shall be based solely on the personal conduct of the person concerned?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Article 27 paragraph 2, first sentence, of the decree on temporary protection transposes *verbatim* article 28 paragraph 2 of the directive.

Q.23.D. Do the national norms of transposition in your Member State meet the terms of article 28(2) stating that exclusion decisions or measures shall be based on the principle of proportionality?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Article 27 paragraph 2 second sentence of the decree on temporary protection transposes *verbatim* article 28 paragraph 2 of the directive.

Q.24. Questions concerning the right to legal challenge:

Q.24.A. Do the laws of your Member State allow a person to mount a legal challenge if he/she has been: *See mandatory provision in article 29.*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

**excluded from the benefit
of temporary protection** **Yes** **No**

denied family reunification **Yes** **No**

Explanation:

Article 28 paragraph 2 of the decree on temporary protection provides that an appeal can be made against the decision of the competent police director to apply the exclusion clause. No mention is made of a right to appeal against a decision rejecting an application for family reunification.

Q.24.B. If the answer on any of the questions in Q.24.A is “yes”, please describe the applicable legal procedures for challenging the decision, in your Member State.

The geographically competent police director is responsible for issuing the decision to remove from the country persons for whom the exclusion clause applies. For a decision to this effect all elements that the police has are shared with the person concerned, and any objections of his are assessed. Against that decision the person concerned can appeal within five days to the competent general police director. In this case the deportation is stayed. Against a negative decision on appeal, the person concerned can lodge an appeal (on legal grounds only) to the administrative courts. This procedure is described in article 28 paragraphs 1 and 2 of the decree on temporary protection.

Q.25. Questions regarding penalties applicable to infringements of the national provisions.

Q.25.A. Are there penalties applicable to infringements of the national provisions in your Member State? *See mandatory provision in article 30.*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (If yes, specify the penalties).

Article 29 of the decree provides that in case of infringements of the decree (in particular the entry of persons who have been excluded, the obtaining of the temporary protection status without falling under its ambit, article 458 of the Penal Code and the penalties provided therein shall apply – unless these acts constitute crimes which are punished more severely (e.g., fraud – example added by the rapporteur). Article 458 of the Penal Code relates to infringement of administrative laws.

Q.25.B. Explain if the penalties, according to your opinion, comply with the Directive concerning them being effective, proportionate and dissuasive?

See mandatory provision in article 30.

The penalty provided for in article 458 of the Penal Code is pecuniary, of at least 59 euro. Infringing article 458 would appear not to be much of a risk for potential abuses of the decree on temporary protection.

Final questions

Q.26. Can you refer us to any study, report or research by any source on the practice of granting temporary protection in the event of a mass influx in your Member State?

No.

Q.27. Has there been a political or public debate on the implementation of the Directive? If so, please summarize the main issues of the debate

No.

Q.28. Are there any problems of legislation or practice in your Member State which relate to temporary protection and have not been covered in preceding questions?

No.

THIRD PART

IMPACT OF THE DIRECTIVE ON NATIONAL LAW

Q.29

Question regarding the evolution of national law: **Did the transposition of the Directive make the rules related to the protection of third country nationals in cases of a mass influx become, from the point of view of the third-country national concerned, more favourable or less favourable. Please make also a comparison with the standard of the directive in the last column of the table below**

OBJECTIVE <i>To enhance the protection of displaced persons in cases of a mass influx</i>		EVALUATION REGARDING THE EVOLUTION OF NATIONAL LAW	EVALUATION IN COMPARISON WITH THE STANDARD OF THE DIRECTIVE
<p>Explain the situation <u>before</u> transposition</p> <p>Before transposition there existed practically no legal regime with regard to temporary protection.</p>	<p>Explain the situation <u>after</u> transposition</p> <p>The legal regime has now been regulated by Greek law</p>	<p><input type="checkbox"/> <i>Less favourable than previous national rules</i></p> <p><input type="checkbox"/> <i>Status quo</i></p> <p><input checked="" type="checkbox"/> <i>More favourable than previous national rules</i></p>	<p><input type="checkbox"/> <i>Less favourable than the Directive</i></p> <p><input checked="" type="checkbox"/> <i>In line with the directive</i></p> <p><input type="checkbox"/> <i>More favourable than the directive</i></p>

Q. 30.

From your point of view, did the transposition of the directive imply other interesting changes for the third country national concerned regarding other elements than the ones mentioned in the previous question? Please make also a comparison with the standard of the directive in the last column of the table below

When answering this question, please use one or more of the tables below. If the 3 tables below are not enough please duplicate the table (see technical information at the beginning of the questionnaire).

Table 1

OBJECTIVE (to be indicated by the national rapporteur) To facilitate the family reunification for victims of trafficking		EVALUATION REGARDING THE EVOLUTION OF NATIONAL LAW	EVALUATION IN COMPARISON WITH THE STANDARD OF THE DIRECTIVE
<p>Explain the situation before transposition</p> <p>Before transposition there were no rules concerning family reunification of beneficiaries of temporary protection, while the rules on family reunification were (and remain, as long as the directive on family reunification, chapter on refugees, has not been transposed) restrictive.</p>	<p>Explain the situation after transposition</p> <p>The transposition of the directive introduces a more liberal interpretation of ‘family’ and helps the creation of a more receptive climate towards refugees in general.</p>	<p><input type="checkbox"/> <i>Less favourable than previous national rules</i></p> <p><input type="checkbox"/> <i>Status quo</i></p> <p><input checked="" type="checkbox"/> <i>More favourable than previous national rules</i></p>	<p><input type="checkbox"/> <i>Less favourable than the Directive</i></p> <p><input checked="" type="checkbox"/> <i>In line with the directive</i></p> <p><input type="checkbox"/> <i>More favourable than the directive</i></p>

Table 2

OBJECTIVE (to be indicated by the national rapporteur) To ensure the protection of separated children		EVALUATION REGARDING THE EVOLUTION OF NATIONAL LAW	EVALUATION IN COMPARISON WITH THE STANDARD OF THE DIRECTIVE
<p>Explain the situation before transposition</p> <p>There are practically no rules as to who should represent unaccompanied minors, not only for beneficiaries of temporary protection, but also for refugees</p>	<p>Explain the situation after transposition</p> <p>The transposition of the directive introduces the concept of the responsibility of the authorities to actually ensure appropriate representation for the unaccompanied minors, even though the relevant procedure does not provide for the introduction of a guardianship system.</p>	<p><input type="checkbox"/> <i>Less favourable than previous national rules</i></p> <p><input type="checkbox"/> <i>Status quo</i></p> <p><input checked="" type="checkbox"/> <i>More favourable than previous national rules</i></p>	<p><input type="checkbox"/> <i>Less favourable than the Directive</i></p> <p><input checked="" type="checkbox"/> <i>In line with the directive</i></p> <p><input type="checkbox"/> <i>More favourable than the directive</i></p>

Table 3

OBJECTIVE (to be indicated by the national rapporteur) To ensure the protection of vulnerable persons		EVALUATION REGARDING THE EVOLUTION OF NATIONAL LAW	EVALUATION IN COMPARISON WITH THE STANDARD OF THE DIRECTIVE
Explain the situation before transposition No detailed provisions existed. Also in the general law applicable to refugees and asylum seekers, little mention is made of vulnerable groups and the additional responsibilities of the state.	Explain the situation after transposition Following a UNHCR recommendation, the authorities are to give priority to babies, older persons, UAMs, the sick and wounded, victims of torture, rape and other forms of severe psychological or bodily violence	<input type="checkbox"/> <i>Less favourable than previous national rules</i> <input type="checkbox"/> <i>Status quo</i> <input checked="" type="checkbox"/> <i>More favourable than previous national rules</i>	<input type="checkbox"/> <i>Less favourable than the Directive</i> <input type="checkbox"/> <i>In line with the directive</i> <input checked="" type="checkbox"/> <i>More favourable than the directive</i>

Q.31.A. Question regarding the method of transposition: **Did your Member State copy the provisions of the directive into national legislation without any redrafting or adaptation to national circumstances.**

YES NO

Q.31.B. **If yes, did this method of transposition create any problems (for example difficulties of implementation, risk that a provision remain unapplied).**

YES NO

Q.31.C. **If yes, give some of examples:**

The few such examples have been identified in the questionnaire, and are the following

- Article 25 (2) of the directive: the main norm of transposition does not specify how the consent of the person to be admitted is to be obtained
- Article 16(1) of the directive: the main norm of transposition does not specify how the representation of unaccompanied minors is arranged, and whether it involves an administrative procedure and how this is documented.

Q.31.D. **If only some provisions of the directive have been copied and if this may create any problem, please quote them and explain the problem.**

Q.32. Quote interesting decisions of jurisprudence related to the directive, its transposition or implementation (this question concerns in principle decisions after the national norms of transposition entered into force, but decisions prior to that may be quoted if relevant). Quote in particular decisions of supreme Courts; limit yourself to the appeal Courts and ignore the first resort if there are too many decisions at this level, unless there is a certain jurisprudence made of a group of decisions.

When answering this question, please use one or more of the tables below. If the 5 tables below are not enough please duplicate the table (see technical information at the beginning of the questionnaire).

Table 1

DECISION OF SUPREME COURTS	<u>DATE:</u>	<u>REFERENCE OF PUBLICATIONS:</u>	<u>SUMMARY OF CONTENT:</u>
DECISION OF APPEAL COURTS	<u>DATE:</u>	<u>REFERENCE OF PUBLICATIONS:</u>	<u>SUMMARY OF CONTENT:</u>
DECISION(S) IN FIRST RESORT	<u>DATE:</u>	<u>REFERENCE OF PUBLICATIONS:</u>	<u>SUMMARY OF CONTENT:</u>

ANY SUPPLEMENTARY COMMENT ABOUT THE TREND OF THE JURISPRUDENCE:

Q.33. Are there any problems with the translation of the text of the directive in the official language of your Member State and give in case a list of the worst examples of provisions which have been badly translated.

There are no problems with the translation of the directive.

There are some problems with the translation of the directive.

Explanation: (If there are such problems, please specify the most problematic provisions in the Directive when it comes to translation).

Only one problem has been identified, in relation, unfortunately, to the representation and placement of separated children, in the translation of article 16 of the directive. Whereas the directive uses the term 'placement', the Greek text uses the term 'giving the responsibility'.

Explain the difficulties that this could create:

As a consequence of this mistake, the Greek law specifies who should represent the separated child, but is silent on the question where the child should be placed.

ANY OTHER INTERESTING ELEMENT

Q.34. Following your personal point of view, mention from the point of view of third country nationals and/or from the Member State any interesting or innovative practice in your Member State

When answering this question, please use one or more of the tables below. If the 5 tables below are not enough please duplicate the table (see technical information at the beginning of the questionnaire).

Table 1

OBJECTIVE OF THE PRACTICE	EXPLANATION

Q.35. Please add here any other interesting element in your Member State which you did not have the opportunity to mention in your previous answers.

Article 13 paragraph 6 of the decree on temporary protection (main norm of transposition) provides that the issuance of a ministerial decision re the details of reception centres and reception conditions each *time* the temporary protection regime is activated. As such, I do not consider this as 'missing text'.