

# GOVERNMENT GAZETTE OF THE HELLENIC REPUBLIC

**FIRST VOLUME**

**Issue No: 146**

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PRESIDENTIAL DECREE No. 113

Establishment of a single procedure for granting the status of refugee or of subsidiary protection beneficiary to aliens or to stateless individuals in conformity with Council Directive 2005/85/EC *“on minimum standards on procedures in Member States for granting and withdrawing refugee status”* (L 326/13.12.2005) and other provisions.

**THE PRESIDENT  
OF THE HELLENIC REPUBLIC**

Having regard to:

**1.** The provisions:

a) of Article 1 par. 1 of Law 1338/1983 *“on the application of Community Law”* (Official Government Gazette Issue A 34) as amended by article 6 par. 1 of Law 1440/1984 (O.G. A 70) and par. 2 of the same article; b) of Article 3 of Law 1338/1983 as replaced by article 65 of Law 1892/1990 (O.G. A 101); c) of Article 4 of Law 1338/1983, as replaced by Article 6 par. 4 of Law 1440/1984 and amended by Articles 7 of Law 1775/1998 (O.G. A 101), 31 of Law 2076/1992 (O.G. A 130), 19 of Law 2367/1995 (O.G. A 261), 22 of Law 2789/2000 (O.G. A 21), 48 of Law 3427/2005 (O.G. A 132) and 91 of Greek Law 3862/2010 (O.G. A 113).

**2.** The provisions of par. 2 and 3, Article 5 of Law 3907/2011 *“on the establishment of the Asylum Service and the First Reception Service, transposition into Greek legislation of*

Directive 2008/115/EC *“on common standards and procedures in Member States for returning illegally staying third-country nationals”* and other provisions” (O.G. A 7).

**3.** The provisions of Article 22, par. 3 of Law 2362/1995 *“On public audit of the state expenditure and other provisions”* (O.G. A 247), as amended by Article 22 par. 3 of Law 3871/2010 (O.G. A 141).

**4.** The provisions of Article 90 of the Code of Legislation concerning the Government and Government Bodies, which was ratified by Article One of P.D. 63/2005 (O.G. A 98).

**5.** The provisions of P.D. 85/2012 *“Establishment and renaming of Ministries, transfer and abolition of services”* (O.G. A 141), as amended by the P.D. 88/2012 (O.G. A 143), 94/2012 (O.G. A 149) and 98/2012 (O.G. A 160).

**6.** The provisions of Decision No Y48 as of 9-7-2012 of the Prime Minister on the *“Assignment of competencies to the Alternate Minister of Finance Christos Staikouras”* (O.G. B 2105).

**7.** The provisions of Decision No Y39 as of 4-7-2012 of the Prime Minister *“Assignment of competencies to the Alternate Minister of Interior Charalambos Athanasiou”* (O.G. B 2091).

**8.** The provisions of Joint Decision. OIK. 14362/20/18.07.2012 of the Prime Minister and the Minister of Labor, Social Security and Welfare *“Assignment of competencies to the*

Deputy Minister of Labor, Social Security and Welfare, Nikolaos Panagiotopoulos” (O.G. B 2166).

9. The documents with No. OIK. 1021/25-2/2013 and OIK. 1043/25-2-2013 of the Asylum Service.

10. The fact that from the provisions of the present decree the following expenditures are incurred, which are foreseen in the PD 114/2010 and Law 3907/2011: a) Expenditure, which cannot be identified since they depend on actual facts and concern: i) the training of staff and organization of seminars (Articles 6 par. 2b, 17 par. 7a and 31 par. 5). This expenditure will be entirely covered by the UNHCR budget or by the European Asylum Support Office and in different case from the budget of the Asylum Service (E.F. 43630 KAE 0881). ii) The provision of interpretation services (Article 8 par. 1b). This expenditure will be covered by the Funding Mechanism of the European Economic Area for the years 2013 to 2015 and for the subsequent financial years from the budget of the Asylum Service (E.F. 43630 KAE 0871). iii) The realization of medical examinations (Article 11 par. 3). This eventual expenditure, if realized, will be borne by the budget of the Asylum Service (E.F. 43630 KAE 0871). b) Expenditure of approximately 1.700.000 EUR annually for the remuneration of the Appeals Committee members, which will be covered by the European Refugee Fund until 31/3/2014 and in case the funding is not continued by the aforementioned Fund, it will be covered by the budget of the Asylum Service (E.F. 43630 KAE 0871).

11. The Council of State Opinion No. 152/2013 upon proposal by the Minister of Foreign Affairs, the Alternate Ministers of Finance and Interior, the Ministers of Development, Competitiveness, Infrastructure, Transport

and Networks, and Education and Religious Affairs, Culture and Sports, and Labour, Social Security and Welfare, and the Ministers of Justice, Transparency and Human Rights and Public Order and Citizen Protection, w e h e r e b y d e c i d e :

## **PART A**

### **CHAPTER A**

#### **GENERAL PROVISIONS**

##### **Article 1**

Purpose of this Presidential Decree is to adjust the procedure for granting the status of refugee or of subsidiary protection beneficiary to aliens or stateless individuals, as applied in conformity with the Council Directive 2005/85/EC “on minimum standards on procedures in Member States for granting and withdrawing refugee status” (L 326/13.12.2005) in the framework applied by Law 3907/2011.

##### **Article 2**

(Article 2 and 4 of the Directive)  
Definitions

For the purposes of this Presidential Decree:

a. “Geneva Convention” is the Convention relating to the Status of Refugees, signed in Geneva on 28 July 1951 and ratified by the Legislative Decree 3989/1959 (O.G. A 201), as amended by the relating New York Protocol of 31 January 1967, which was ratified by the Obligatory Law 389/1968 (O.G. A 125).

b. “Application for international protection” or “asylum application” or “application” is the application for protection by the Greek state submitted by an alien or a stateless person whereby he/she requests to be recognized as a refugee under the Geneva Convention or the granting of subsidiary protection. The application for international protection may

include the family members of the applicant, who are located in the territory of Greece.

c. “Family members” of the applicant for international protection, provided that the family already existed before the entry in the country, are considered:

- i. the spouse or unmarried partner in a stable relationship, in accordance with Greek legislation, as in force,
- ii. the minor, unmarried and dependent children, regardless of whether they were born in or out of wedlock or they are adopted,
- iii. the adult children who suffer from a mental or physical disability and are unable to submit an application separately.

d. “Applicant for international protection” or “applicant for asylum” or “applicant” is the alien or stateless person, who declares in written or oral form before any Greek authority at entry points of the Greek State or inland that he/she requests asylum or subsidiary protection in our country or who in any other way asks not to be deported to a country on the grounds of fear of persecution for reasons of race, religion, nationality, political opinions, or membership of a particular social group, according to the Geneva Convention or because he/she risks suffering serious harm according to article 15 of P.D. 96/2008 (O.G. A 152) and on whose application no final decision has yet been taken. In addition, applicant for international protection is considered the alien, who applied for international protection in another EU Member State pursuant to Council Regulation (EC) 343/2003, establishing the criteria and mechanisms for determining the Member State responsible for examining an

asylum application lodged in one of the Member States by a third-country national (L 050/25.02.2003) or to another Member State which is bound by – and applies – the above Regulation and who is transferred to Greece under the provisions of the above regulation.

e. “Final decision” is the decision which determines whether an alien or a stateless person is recognized or not as a refugee or subsidiary protection beneficiary, which is no longer subject to the legal remedy stipulated in Article 28.

f. “Refugee” is an alien or a stateless person, who fulfils the requirements of Article 1A of the Geneva Convention.

g. “Refugee status” is the status granted following the recognition by the competent Greek authority of an alien or stateless person as a refugee.

h. “Person eligible for subsidiary protection” is, without prejudice to Article 17 of P.D. 96/2008, an alien or a stateless person, who does not qualify to be recognized as a refugee, but in respect of whom substantial grounds have been shown for believing that the person concerned,, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15 of P.D. 96/2008, and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country.

i. “Subsidiary protection status” is the status granted following the recognition by the competent Greek authority of an alien or a stateless person as a person as eligible for subsidiary protection.

j. “Unaccompanied minor” is a person below the age of 18, who arrives in Greece

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

**k.** "Representative of an unaccompanied minor" is the temporary or permanent guardian of the minor or the person appointed by the competent Public Prosecutor for Minors or, in the absence of the latter, by the First Instance Public Prosecutor to ensure the minor's best interests.

**l.** "Detention" is the confinement of a person within a particular place, resulting in depriving the person's freedom.

**m.** "Competent Receiving Authorities of the international protection application" or "competent receiving authorities" are the Regional Asylum Offices and the independent units of the Regional Asylum Offices.

**n.** "Competent Examination Authorities of the international protection application" or "competent examination authorities" are the Regional Asylum Offices and the independent units of the Regional Asylum Offices.

**o.** "Central Authority" is the Central Asylum Service of the Ministry of Public Order and Citizen Protection.

**p.** "Country of origin" is the country of nationality or, for stateless persons, the country of former habitual residence.

**q.** "Residence permit" is any permit issued by the Greek Authorities, in the form provided for under the Greek legislation, allowing an alien or a stateless person to reside on Greek territory.

**r.** "Determining Authority" is the competent Regional Asylum Office or Asylum unit. In cases of Article 18 (b), the Determining Authority issues the relevant act of transfer as an effect of Article 19 of Regulation 343/2003.

**s.** "Competent Decision Authorities" are the Determining Authority, the Appeals Committee under the Appeals Authority and in the cases of Article 25 par. 5 the Director of the Appeals Authority.

**t.** "Subsequent application" is any application for international protection submitted after a final negative decision. Any new application for international protection after withdrawal of an application under the provisions of Article 13 par.1 shall also be considered as a subsequent application.

**u.** "Withdrawal of status of international protection" is the decision of the Determining Authority to revoke or refuse to renew the refugee or subsidiary protection status.

**v.** "Remain in the country" means to remain in the territory of Greece, including borders and transit zones.

**w.** "Counsellor of the applicant" is the jurist, medical doctor, psychologist or social worker who assists the applicant during the examination of his/her application.

**x.** "International Protection Applicant's Card" or "Card" is the special personal card, which is issued for the applicant during the examination of his/her application by the competent receiving authorities and allows him to remain in the Greek territory until the final decision on the application is issued.

**y.** "Applicants belonging to vulnerable groups" are applicants who belong to the categories specified in Article 11, par. 2 of Law 3907/2011 (O.G. A 7).

### **Article 3**

(Article 3 of the Directive)

#### **Scope**

- 1.** This Presidential Decree is applied to all applications for international protection submitted on the Greek territory, including the borders, or in transit zones of the country, as well as to the withdrawal procedures of a granted international protection status. All applications for international protection are initially examined according to the criteria set in the Geneva Convention regarding refugee status, and in case they are not fulfilled, are examined under the criteria of subsidiary protection status.
- 2.** This Presidential Decree does not apply in cases of applications for diplomatic or territorial asylum submitted to Greek diplomatic authorities and permanent delegations abroad.
- 3.** Interpretation and application of this Presidential Decree shall always be performed in accordance with the Geneva Convention, as well as all other international and European conventions for the protection of human rights, ratified by Greece.

## **CHAPTER B**

### **GENERAL PRINCIPLES AND GUARANTEES APPLICABLE THROUGHOUT THE DURATION OF THE PROCEDURE**

#### **Article 4**

(Article 6 of the Directive)

#### **Access to the procedure**

- 1.** Any alien or stateless person has the right to apply for international protection. The competent receiving authorities shall ensure the exercise of the right to submit an

application for international protection, on condition that the applicant will appear in person before the above authorities, without prejudice to Article 9 par. 1(a). If an applicant is subject to the process of First Reception or is a detainee, the competent services of First Reception or detention shall make every effort immediately to inform and refer him/her to the territorially competent examination authority, within the lawful deadlines of par. 5, Article 11 of Law 3907/2011 (O.G. A 7).

- 2.** The applicant may submit an application on behalf of his/her family members. In such cases, the adult members must consent in writing to the lodging of the application on their behalf, or otherwise have the opportunity to submit an application on their own. The consent shall be requested at the time the application is lodged or, at the latest, during the personal interview with the said member. An applicant, who has a child after his/her entry in the country, may submit an application on behalf of the child, which must be accompanied by the birth certificate of the child. This application is consolidated with the application of the parent-applicant at any stage and instance of the procedure this may be.

- 3.** An unaccompanied, or not, minor above 14 years old, can lodge an application on his/her own behalf.

- 4.** An unaccompanied minor, under 14 years old, lodges an application through a representative, as defined in Article 11.

- 5.** If the application for international protection is submitted before a non-competent authority, that authority is obliged to notify promptly the competent receiving authority using the most appropriate way and

to refer the applicant to it. The Central Asylum Service shall inform the authorities, which are likely to be approached by any person, who wishes to apply for international protection, about the competent services and the procedure for submitting an application, according paragraph 1 of this Article.

#### **Article 5**

(Article 7 of the Directive)

Right of the applicants to remain – Exceptions

1. Applicants are allowed to remain in the country until the conclusion of the administrative procedure for the examination of their application and they shall not be removed in any way.
2. The previous paragraph shall not apply in cases where the authorities either deliver the applicant to another EU Member State, pursuant to a European Arrest Warrant, according to the provisions of Law 3251/2004 (O.G. A 127), or extradite the applicant to a third country, with the exception of the applicant's country of origin, or to international criminal courts, in accordance with the country's international obligations. This delivery or extradition must not lead to the direct or indirect refoulement of the applicant in breach of Article 33 par. 1 of the Geneva Convention, or to risk of serious harm according to Article 15 of P.D. 96/2008. No applicant shall be extradited before a final decision on his/her application is issued, if the applicant claims fear of persecution in the requesting State.
3. The right of the applicant to remain in the country, according to par. 1 shall not constitute an entitlement to apply for a residence permit.

#### **Article 6**

(Article 8 of the Directive)

Requirements for the examination of the application

1. Applications shall not be rejected, nor shall their examination be prevented on the sole ground that they were not submitted as soon as possible.
2. Decisions on applications shall be taken on an individual basis, following comprehensive, objective and impartial examination. To that end the Central Asylum Service:
  - a. Shall search, collect, assess and maintain precise and accurate information on the political, social, economic and general situation which prevails in the applicants' provenance countries (countries of origin, countries of previous habitual residence, countries of transit, etc.) in collaboration with other co-competent authorities or respective authorities of EU Member States, upon related agreements or through reliable sources, such as the United Nations High Commissioner for Refugees. This information is communicated to the competent examination authorities.
  - b. Shall ensure that the personnel, which examines the applications and decides upon them or recommends for decisions, has knowledge of the legislation and case law on international protection. To this end, it shall organize training and provide for the ongoing in-service training of the personnel. Also, it shall organize training seminars independently, as well as in cooperation with the United Nations High Commissioner for Refugees and the European Asylum Support Office (EASO). It may also organize training seminars with Non-Governmental Organizations. It shall communicate to the competent receiving,

examination and decision authorities the guidelines and information sheets on international protection issues made available by the United Nations High Commissioner for Refugees.

### **Article 7**

(Article 9 of the Directive)

#### Reasoning and notification of decisions and other procedural documents

**1.** The decisions on the application for international protection, including the decisions for transfer according to Regulation (EC) 343/2003, shall be notified to the applicant in due diligence of the competent examination authority. Notification shall be performed as soon as possible after the issuance of the decision and after notice to the applicant to appear for the receipt of the decision at a specific date. Notification shall be performed on the basis of the most recent contact data declared by the applicant, via mail, telegram, telefax, electronic mail or phone call. For the performance of this action a reference is made by the competent officer to the applicant's file or to a special book, which should bear the date and time the action took place, the name and signature of the officer who made the notice, and the type of means used. If the applicant is detained or remains in the Regional First Reception Services, the decision is delivered to the Head of the relevant establishment or facility, who ensures the prompt notification of the detainee according to the current provisions and notifies accordingly the competent examination authority.

**2.** If the applicant fails to comply or if it is not possible to be found through the means referred to in par. 1, the notification shall be performed the latest at the next time the applicant appears for renewing the Card by the competent authorities. If the applicant

fails to appear, at the latest on the following working day after the expiration of the card, the notification is deemed to have taken place on that day. In this case, a relevant notification report is drafted, copy of which is sent by post to the last declared address of the applicant.

**3.** When the notification is conducted in the presence of the applicant, the applicant is informed by an interpreter in a language he/she understands, and reference is made in the relevant notification report. When the notification is performed otherwise, a document in a language understood by the applicant shall be attached, explaining the document's content, its consequences for him/her and the actions that he/she may take.

**4.** The decision which rejects the application for international protection shall state the factual and legal grounds for rejection. The negative decision shall mention the deadline for lodging an appeal, the body before which such appeal may be lodged as well as the consequences of letting this time-limit expire without taking action.

**5.** Invitations from the competent examination authority to the applicant for an interview, which is mentioned in Article 17 and by the Appeals Authority to an oral hearing under Article 26, are conducted through any appropriate means, including those listed in par. 1 subsection (c), which ensures that the applicant is aware of the invitation. No invitation is required if a specific interview or oral hearing date has been set for the applicant at an earlier stage of the procedure and the meaning and scope of such procedures have been explained to him/her. Any other invitation or summons of the applicant is performed by the means stated in

par.1 subsection (c). For any issue that is not regulated by this provision, paragraph 2, Article 6 of the Administrative Procedure Code (Law 2690/1999, O.G. A 45) shall apply accordingly.

6. The decisions on applications for international protection, the interruption decisions of examination of an application and the withdrawal decisions of international protection status are communicated to the Aliens Directorate of the Hellenic Police Headquarters. Moreover, the decisions of the Appeal Committees are communicated to the Minister of Public Order and Citizen Protection.

7. If the application is lodged on behalf of the family members of the applicant, who claim the same grounds, the competent decision authority may issue one single decision, concerning all family members.

### **Article 8**

(Article 10 of the Directive)

Guarantees for applicants

1. Applicants, when the provisions of chapters C and D of the present Decree apply, have the following rights:

a. They shall be informed, in a language which they understand, on the procedure to be followed, their rights and obligations, the fact that the information they provide to the authorities during the examination of their application remain confidential, the consequences of not complying with their obligations and not cooperating with the authorities, as well as the consequences of the explicit or implicit withdrawal of their application. They shall also be informed of the time-frame as well as the means at their disposal for fulfilling

the obligation to submit the necessary data for substantiating their claims. The information shall be given in time to enable them to exercise the rights and to comply with the obligations as described in Article 9. This information may be provided by telephone or in a automated manner.

b. They shall be provided interpretation services in order to submit their application and present their case to the competent receiving and examination authorities and to conduct the interview or oral hearing at all stages of the procedure, if appropriate communication cannot be ensured without such services. The interpretation costs are borne by the State. Interpretation services where required during the international protection procedure may be also provided remotely with the use of appropriate technical means of communication, in cases where the physical presence of an interpreter is not possible.

c. Communication with the United Nations High Commissioner for Refugees or any other organization providing legal, medical and psychological assistance is permitted.

d. Immediately after the completion of the registration procedures, they shall be provided, free of charge, by the competent receiving authority with the International Protection Applicant's Card, which bears their photograph. This Card forms a temporary title, it does not constitute an entitlement to issue a residence permit, it ensures the enjoyment of the applicants' rights, where these are foreseen by applicable provisions, it assures the necessary transactions during its validity period and allows them the residence in the Greek territory. The type, content and specifications of the aforementioned Card



are determined by the Minister of Public Order and Citizen Protection. Restriction of applicant's movement to a part of the Greek territory may be mentioned on the Card. The Card is valid for 6 months and is renewed until a final decision is issued on the application for international protection. The Director of the Asylum Service may, with a decision, limit the period of the Cards' validity according to the expected time of issuance of decisions on international protection applications. The competent receiving authority may limit the validity period of a specific applicant's Card to a shorter period of time, if this is deemed necessary for the unhindered and expeditious completion of the application examination. The Card must be delivered by the applicant to the competent examination authority upon notification of the decision on his/her application and shall automatically lapse. The members of the applicant's family are provided with a relevant Card. In cases where the applicant is detained or remains in First Reception facilities or during the examination of his/her application submitted according to Article 24, the aforementioned Card is provided following his/her release or after the termination of his/her stay in the First Reception facilities or after being allowed entry into the country's territory, according to Article 24, par. 2. In such cases the applicant must appear within 10 days before the competent examination or receiving authority to declare his/her contact details.

- e. They shall be informed of the result of the decision on their application for international protection in a language which they understand, as well as on the

possibility to challenge the negative decision and the relevant deadline.

2. The decision on the application for international protection shall be issued and notified to the applicant as soon as possible according to the provisions of article 7.

3. Throughout the examination of an application for international protection, the competent, pursuant to the law, authorities shall recognize and validate the authenticity of applicants' signature upon demonstration of the Card. In cases of detention or residence in Regional First Reception Services or during the procedure according to Article 24, the competent, pursuant to the law, authorities shall recognize and validate the signature of aliens based on the data they have declared.

#### **Article 9**

(Article 11 of the Directive)

#### **Obligations of the applicants**

1. Applicants are obliged to cooperate with the competent authorities to the extent that this is necessary in order to process their application, including the ascertainment of their identity data. In particular and in all cases applicants shall:

- a. Appear before the competent authorities in person without delay or at the specified by the relevant provisions time, to submit their requests. An application for international protection, a withdrawal, an appeal against a negative decision, a subsequent application and an application to renew the International Protection Applicant's Card are submitted in person, unless in cases of force majeure, such as serious illness, serious physical handicap or detention, which must be proven by a relevant certificate or public authority statement. In the above cases of force

majeure, the application shall include a statement by the applicant that he/she is aware of the conditions of this paragraph. In any case, the launch of the examination procedure for an application of international protection is subject to the condition of ascertainment of the existence of the above grounds, as well as the presence of the applicant in person before the competent receiving authorities.

- b. Hand over their travel document or any other document in their possession related to the examination of the application and to data that certify theirs and their family members' identity, their country of provenance and place of origin, as well as their family status. Granting international protection status does not necessarily require the submission of evidence. In cases such documents are handed over a delivery - receipt note is drafted and a copy is given to the applicant.
  - c. Promptly inform the competent receiving and/or examination authorities of their address or residence and other contact data, as well as of any changes thereof. They shall also be obliged to accept any service of documents or notification at the most recent place of residence they have declared.
  - d. Cooperate with the competent authorities in view of every legal research in relation to their application.
  - e. Accept body search and search of the objects in their possession, agree to be photographed and fingerprinted if they are above the age of 14, according to applicable provisions.
2. For these obligations and rights provided, according to Article 8, applicants shall be

specifically informed in a language they understand and a relevant document shall be drawn thereupon, which indicates the language of communication.

### **Article 10**

(Articles 15 and 16 of the Directive)

Representation and assistance

1. Applicants have the right to consult, at their own expenses, a lawyer or other counsellor on matters relating to their applications. If no special provisions provide otherwise for specific actions, the applicant's authorization to a lawyer to represent him/her before the authorities may be given by a simple private document, without the requirement of confirmation of signature authenticity. Authorization by the applicant to other persons requires confirmation of signature authenticity.
2. In case of pursuing judicial protection, the applicant may receive free legal assistance according to the provisions of Law 3226/2004 (O.G. A 24), as applicable.
3. Lawyers who represent applicants shall have access to the information of their file, provided that the information is relevant to the examination of the application. Other counsellors, who provide assistance to applicants, shall have access to their files data, if these are relevant to the assistance provided. The Determining Authority may, with a reasoned decision, prohibit the disclosure of information or its sources, if it considers that their disclosure may compromise national security or the international relations of the country or security or the imposed secrecy of services' action or persons who provide the information. Access to these confidential information or sources is, in any case,

permitted to the Court, which is competent for the examination of applications for annulment, as provided in Article 28.

4. Lawyers who represent and counsellors who assist applicants shall have access to the Regional Services of First Reception under the special conditions of the General Operation Regulation of the First Reception Service. Furthermore, they shall have access to detention facilities and transit zones, in order to communicate with the applicants in specially arranged area. The access of the aforementioned persons in these areas shall be limited, when this is deemed objectively necessary by the competent authorities for the security, public order or administrative management of the area, provided that their access is not excessively restricted or rendered impossible.

5. Lawyers or other counsellors shall have the right to provide any legal assistance to the applicant at all stages of the procedure. Applicants are entitled to attend the personal interview with their lawyer who represents them or the counsellor who provides them assistance. The absence of a lawyer or other counsellor shall not prevent the conduct of the personal interview.

#### **Article 11**

(Article 17 of the Directive)

##### Applications of unaccompanied minors

1. When an application is lodged by an unaccompanied minor, the competent authorities shall take action according to par. 1 of Article 19 of P.D. 220/2007 in order to appoint a guardian for the minor. The guardian or the person exercising particular guardianship act shall be given the opportunity to inform the unaccompanied minor of the meaning and possible

consequences of the personal interview, as well as how to be prepared for it. The guardian or the person exercising particular guardianship act is invited and may attend the minor's interview and may submit questions or make observations to facilitate the procedure.

2. The case workers who conduct interviews to an unaccompanied minor must have the necessary knowledge regarding the special needs of the minors and must conduct the interview in such a way as to make it fully understandable by the applicant, taking in particular account of his/her age.

3. The competent examination authorities may use medical examinations so as to determine the age of unaccompanied minors. In cases where medical examinations are used, shall be ensured that:

- a. unaccompanied minors are informed prior to the examination of their application and in a language which they understand, of the possibility to determine their age through medical examination, the method of examination, the possible consequences of the results of the medical examination for the application examination, as well as the consequences of their refusal to undergo the medical examination;
- b. the unaccompanied minors or their guardians consent to carry out an examination for the determination of the age of the minors concerned;
- c. the decision to reject an application of an unaccompanied minor who refused to undergo this medical examination shall not be based solely on that refusal;

- d. until the completion of the medical examination, the person who claims to be a minor shall be treated as such.
- 4. If after the process for determining the age does not occur with certainty that the applicant is an adult, he/she shall be treated as a minor.
- 5. The fact that an unaccompanied minor has refused to undergo a medical examination shall not prevent the Determining Authority from taking a decision on the application.
- 6. Applications for international protection of unaccompanied minors are always examined under the regular procedure.
- 7. Ensuring the child's best interest shall be a primary obligation when implementing the provisions of this article.

#### **Article 12**

(Article 18 of the Directive)

##### Detention of applicants

- 1. An alien or stateless person who applies for international protection shall not be held in detention for the sole reason that he/she has submitted an application for international protection, and that he/she entered and stays illegally in the country.
- 2. An alien or a stateless person who submits an application for international protection while in detention shall remain in detention, if this has been imposed pursuant to the applicable law. If detained according to the relevant provisions of Law 3386/2005 and Law 3907/2011 as in force, exceptionally and if it is judged that alternative measures may not apply, as the ones mentioned in article 22 par. 3 of Law 3907/2011, shall remain in detention for one of the following reasons:

- a. For the determination of the actual data of his/her identity or origin, or
- b. If he/she constitutes a danger for national security or public order, according to the reasoned judgment of the police authority, or
- c. If detention is deemed necessary for the prompt and effective completion of the examination of his/her application, including applications submitted within Regional First Reception Services. In this case, the examination authorities shall take the necessary measures for the prompt completion of the procedure.
- 3. The competent Hellenic Police services may decide to detain an applicant concerned, in exceptional cases and if they consider that no alternative measures can be applied, when it is judged that the applicant is a danger to national security or public order, for reasons explained specifically in the detention order.
- 4. The detention order is taken by the respective Police Director and, in the cases of the General Police Directorates of Attica and Thessaloniki, by the competent Police Director for aliens' issues and shall include a complete and comprehensive reasoning. In cases (a) and (c) of paragraph 2 of this Article the detention order is taken upon a proposal of the Head of the respective examination authority. In case (b) the Head of the competent Regional Asylum Office or the Director of the Appeals Authority is informed, who shall ensure for the prioritized examination of the application or the appeal.
- 5. Applicants are detained in detention areas as provided in Article 31 of Law 3907/2011.
- 6. The detention of applicants is imposed for the minimum necessary period of time and in

principle may not exceed three (3) months. If the applicant is already detained, the total detention period, without prejudice to the provisions of Article 30 of Law 3907/2011, may not exceed six (6) months for case (c) of paragraph 2 and twelve (12) for cases (a) and (b) of paragraph 2 and paragraph 3. In the last three cases the detention may be further extended for up to six (6) months, with a newer and duly justified decision of the bodies of paragraph 4, regarding the continuation of existence of the reasons that imposed it. The detention of an applicant for international protection constitutes a ground for accelerating the asylum procedure, taking into account possible lack of appropriate spaces and difficulties in ensuring decent living conditions of the detainees. These difficulties shall be also considered for the imposition or prolongation of detention.

**7.** Applicants in detention, according to the above paragraphs, have the rights to appeal and submit objections as foreseen in paragraphs 3 and 4 of Article 76 of Law 3386/2005, as applied.

**8.** In cases of detention of applicants, the competent authorities, without prejudice to the international and national detention legal rules, shall apply the following as per case:

- a.** They shall ensure that women are detained in an area separately from men.
- b.** They shall avoid the detention of minors. Minors who have been separated from their families and unaccompanied minors shall be detained only for the necessary time until their safe referral to appropriate accommodation facilities for minors.
- c.** They shall avoid detaining women during pregnancy and for three months after labor.

- d.** They shall provide detainees with the appropriate medical care.
- e.** They shall ensure the right of detainees to legal representation.
- f.** They shall ensure that detainees are informed in a language they understand of the reasons and the duration of their detention.

**9.** When the reasons set out in paragraph 2 and 3 justifying detention of the applicant cease to exist, the authorities which ordered the detention, with a reasoned decision, release the applicant and inform without delay the examination or decision authorities.

### **Article 13**

(Articles 19 and 20 of the Directive)

#### Withdrawal of the application

**1.** The applicant may withdraw his/her application throughout the duration of the procedure, if he/she submits a written statement before the competent examination authorities and hands over the International Protection Applicant's Card. For the confirmation of the withdrawal, a relevant record shall be drafted in the presence of an interpreter, who shall confirm the accuracy of its content, while the applicant is informed of the consequences of this action, that he/she has to leave the country, if he/she is not holding a residence permit, and receives a copy of the withdrawal record. When the withdrawal is submitted before the completion of the examination of the application at first instance, the Determining Authority shall file the application. When the withdrawal is submitted while the examination of an appeal against a negative decision at first instance is pending, the Director of the Appeals Authority shall file the case. The relevant act is confirmatory in

nature, and shall not be notified to the applicant.

2. When there is reasonable cause to consider that an applicant has implicitly withdrawn his/her application while a decision at first instance is not issued, the Determining Authority shall discontinue the examination of the application with a relevant decision and file the case. If an appeal has already been submitted against a rejection decision at first instance and there is reasonable cause to believe that the appellant has implicitly withdrawn it, the Appeals Committee shall reject the appeal for the reasons described in par. 3 due to implicit withdrawal. The above mentioned decisions shall be sent to the last declared address of the applicant via post.

3. It is assumed that there is an implicit withdrawal when it is ascertained that the applicant:

- a. failed to respond to requests to provide information essential to his/her application according to Article 4 of P.D. 96/2008 or
- b. did not appear for the personal interview as provided in Article 17 although lawfully invited and without providing well founded reasons for his/her absence or
- c. absconded from the place where he/she was detained or did not comply with the alternative measures imposed or
- d. departed from the place he/she resided without asking permission or informing the competent authorities if he/she was obliged to do so or left the country without obtaining permission from the competent examination authorities or
- e. did not comply with the obligation to report according to Article 9 par. 1 case (c),

or other communication obligation within fifteen (15) days from the date the Asylum Service or the Appeals Authority asked to contact them or to appear before them, or

f. did not appear to renew the card on the next working day after its expiration.

4. Applicant for whom has been issued an interruption decision of the examination of the application on grounds of implicit withdrawal has the right to request from the authority that made the decision, to continue its review, stating the reasons for which there is no implicit withdrawal of the application or of the appeal. Until the final decision on the above application, the applicant shall not be deported from the country nor shall a return decision be executed..

5. In cases of transfer of applicants in the country, within the scope of Council Regulation 343/2003, any issued rejection or interruption decisions pursuant to par. 2 shall be automatically revoked and the examination procedure of the application shall continue.

#### **Article 14**

(Article 21 of the Directive)

The role of the United Nations High Commissioner for Refugees

1. The decisions taken on applications for international protection at first and second instance, as well as all decisions withdrawing or annulling the refugee or subsidiary protection beneficiary status, shall be notified to the Office of the United Nations High Commissioner for Refugees in Greece.

2. The United Nations High Commissioner for Refugees:

- a. May present its views or provide supplementary information to the

competent receiving or examination authorities.

- b. Shall have access to information on individual applications for international protection, on the progress of the procedure and the decisions taken, provided that the applicant agrees.
  - c. Shall have access, through its representatives, to the Regional Services of First Reception, to detention areas and correctional institutions, and also to transit zones of airports or ports, where applicants or persons in need of international protection are detained or reside. To ensure confidentiality of the communication between the applicants and the aforementioned representatives, an appropriate area shall be made available by the competent receiving or detention authority.
  - d. Shall present its views, in the exercise of its activities, under Article 35 of the Geneva Convention, before the competent authorities, regarding applications for international protection at any stage of the procedure.
3. The United Nations High Commissioner for Refugees shall be provided with statistical data that allow effective completion of its tasks, as foreseen in Article 35, paragraph 2 of the Geneva Convention.
4. In the framework of operation of the Asylum Service, United Nations High Commissioner for Refugees may attend the interviews of applicants for international protection, submit advisory opinions so as to assist the Asylum Service in the exercise of its competence and monitor the quality of the asylum procedure in all stages of the examination. Details of the above cooperation and assistance are regulated by Memoranda

of Cooperation concluded between the Director of the Asylum Service and the United Nations High Commissioner for Refugees.

#### **Article 15**

(Article 22 of the Directive)

#### Confidentiality

For the purposes of examining international protection applications, all competent authorities are required to:

- a. Not disclose information regarding individual applications or the fact that an application has been submitted, to the alleged persecutors of the applicant.
- b. Not to request information by the alleged persecutors of the applicant in a manner that would result in direct or indirect disclosure of the fact that the applicants has submitted a claim and would jeopardize the physical integrity of the applicant and his/her dependents or the liberty and security of his/her family members still living in the country of origin.

### **CHAPTER C**

#### **PROCEDURES AT FIRST INSTANCE**

#### **Article 16**

(Article 23 of the Directive)

#### Examination procedure

- 1. The competent examination authorities shall examine the applications for international protection in accordance with the basic principles and guarantees of Chapter B under regular or accelerated procedure. The decision to examine a case with the accelerated procedure is specifically justified by the case-worker, according to the provisions of par. 4 and does not influence the

assessment on the merits of the application for international protection. The accelerated procedure does not differ from the normal procedure at the examination of the application at first instance but only at the examination of an appeal.

**2.** The examination of the applications shall be concluded the soonest possible and, in any case, within six months, where the normal procedure is applied, or three in the cases of accelerated procedure. In cases where the examination exceeds the maximum time limit, the applicant has the right to request information by the competent examination authorities concerning the timeframe within which the decision on the application is to be expected. Such provision of information shall not constitute an obligation for the above authorities to make a decision within a specific time-frame.

**3.** The competent examination authorities may prioritize the examination of applications for international protection which concern:

- a. Individuals belonging to vulnerable groups, or
- b. Individuals who apply while in detention, who submit an application under Article 24, while staying at ports or airports transit zones of the country or remain within Regional First Reception Services, or
- c. Individuals who may be subject to the procedures of Regulation 343/2003, or
- d. Individuals whose applications are reasonably assumed as well founded, or
- e. Individuals whose applications are characterized as manifestly unfounded, or
- f. Individuals for whom the Hellenic Police, with a reasoned document, reports that

they constitute a danger to national security or public order of the country, or

- g. individuals who submit subsequent applications for international protection, at admissibility stage.

**4.** The competent examination authorities shall examine an application under the accelerated procedure when:

- a. the applicant comes from a safe country of origin according to Article 21 or
- b. the application is manifestly unfounded. An application is characterized as manifestly unfounded where the applicant during the submission of the application and the conduction of the personal interview, invokes reasons that manifestly do not comply with the status of refugee or of subsidiary protection beneficiary or
- c. the applicant has presented inconsistent, contradictory, improbable or unsubstantiated information, which render his/her statement of being a victim of persecution under P.D. 96/2008 as clearly unconvincing or
- d. the applicant misled the examination authorities by presenting false information or documents or by withholding relevant information or documents regarding his/her identity and/or nationality which could adversely affect the decision or
- e. the applicant filed another application for international protection stating other personal data or
- f. the applicant has not provided information establishing, to a reasonable degree of certainty, the applicant's identity or nationality or it is likely that he/she has destroyed or disposed in bad faith documents of identity or travel which



would help determine the applicant's identity or nationality, or

- g. the applicant has submitted the application only to delay or impede the enforcement of an earlier or imminent deportation decision or removal by other means, or
- h. the applicant failed to comply with the obligations under Article 9 or
- i. the applicant refuses to comply with the obligation to have his/her fingerprints taken in accordance with relevant legislation, or
- j. the application was submitted by an unmarried minor for whom an application had already been submitted by the parents or parent, in accordance with the provisions of Article 4 paragraph 2, which was rejected, and the applicant is not invoking new critical elements regarding his personal situation or the situation in his/her country of origin.

#### **Article 17**

(Articles 12, 13 and 14 of the Directive)

##### Personal interview

1. Before a decision is taken, the competent examination authority conducts a personal interview with the applicant, who is called with an invitation according to Article 7. The interview is conducted by an officer of the competent examination authority (case-worker), who is qualified and takes the decision on the application for international protection. The Internal Regulation of the Asylum Service stipulates the process for the designation of the competent case-worker by the head of each Regional Office. The interview is conducted with the assistance of an interpreter, as defined in Article 8 par. 1 (b)

above, capable to ensure the necessary communication, in order for the applicant to confirm the facts stated in the application and to provide explanations, particularly regarding his/her age, personal history, including the history of his close relatives, identity, nationality, country and place of former residence, former applications for international protection, the routes he/she followed to enter the Greek territory, travel documents and the reasons which forced him/her to leave his/her country of origin, or, in the case of a stateless person, the country of previous habitual residence seeking protection, as well as the reasons why he/she does not want or cannot return. Before the interview, the applicant is given, if he/she so wishes, a reasonable amount of time in order to sufficiently prepare himself and to consult a legal or other counsellor who shall assist him during the procedure. The reasonable amount of time is determined by the competent examination authority and, including any prolongations, must not exceed seven (7) days or three (3) days when the interview is conducted under Article 24 or if it concerns an applicant who is in a Regional Service of First Reception. When the interview concerns a female applicant, special attention is taken so that the interview is conducted by a specialised female officer, in the presence of a woman interpreter. If this is not possible, the relevant reasons are stated in the report. A separate personal interview is conducted for every adult family member. When minors are concerned, the personal interview is conducted taking into consideration their maturity and psychological consequences of their traumatic experiences.

2. The personal interview may be omitted if the Determining Authority considers that on the basis of evidence available it is able to recognise the applicant as a refugee or

beneficiary of subsidiary protection or if the interview is not possible due to objective reasons, in particular if the applicant is unfit or unable to be interviewed because of abiding circumstances beyond his/her will to participate in the interview. Such incapacity is certified by a relevant certificate from a physician of relevant specialisation.

**3.** When the applicant or the family member is not provided with the opportunity of a personal interview pursuant to par. 2, the Determining Authority shall endeavor to provide them with the possibility to submit supplementary information.

**4.** Omission of the personal interview in accordance with the previous paragraphs shall not adversely affect the decision by the Determining Authority nor shall it prevent the Determining Authority from making a decision on the application. In case the personal interview is omitted, the Determining Authority, in its decision shall include the reasons justifying this omission.

**5.** The personal interview shall take place without the presence of the applicant's family members, unless the case-worker deems their presence necessary.

**6.** The personal interview shall take place under conditions which ensure appropriate confidentiality.

**7.** During the interview, the appropriate measures shall be taken to ensure that it is conducted under conditions which allow the applicant to present comprehensively the grounds of the application. To that end:

**a.** Each case-worker must be sufficiently qualified to take into account the personal or general circumstances regarding the application, including the applicant's cultural origin. In particular, the operators shall be

trained concerning the special needs of women, children and victims of violence and torture.

**b.** The selected interpreter is able to ensure appropriate communication in a language understood by the applicant.

**8.** A detailed report shall be drafted for every personal interview, which includes the main allegations of the applicant for international protection and all its essential elements. The interview may be audio recorded. The audio recording accompanies the report and is stored with due diligence by the Determining Authority. Interviews conducted by video conference are obligatorily audio recorded.

**9.** When audio recording is not possible, the report includes a full transcript of the interview. The applicant is invited to certify the accuracy of the content of the report by signing it, with the assistance of the interpreter who also signs it, where present. In case an applicant refuses to assert the content of the report, the reasons for this refusal shall be included in the report. The refusal of an applicant to approve the content of the report shall not prevent the Determining Authority from taking a decision on his/her application.

**10.** The applicant shall have the right to receive, at any time, copy of the transcript or the report drafted and the sound recording made during the personal interview.

**11.** If during the interview emerge strong indications that the applicant has been a victim of torture, the applicant shall be referred to a specialized medical centre or a civil society Organization or a doctor or a psychologist of a public medical institution, who shall make a report on the existence or not of injuries or indications of torture.

**12.**The above mentioned guarantees shall also apply during the procedure for the examination of appeals, as well as during any supplementary examination.

**13.**The internal regulation of the Asylum Service may provide more details as to technical process of conducting and audio recording interviews and teleconferences.

#### **Article 18**

(Article 25 of the Directive)  
Inadmissible applications

The Determining Authority shall reject as inadmissible, with a relevant act, an application for international protection if:

- a. another EU member state has granted the applicant international protection status or
- b. another EU member state or a state bounded by Council Regulation 343/2003 has taken the responsibility to examine the relevant application, pursuant to this Regulation or
- c. The applicant enjoys adequate protection by a country which is not an EU member state and is considered as a first country of asylum for him in the meaning of article 19 or
- d. The competent examination authorities judge that a country is considered a safe third country for the applicant, according to article 20 or,
- e. The application forms a subsequent application of the applicant and the preliminary examination has not revealed new substantial elements, in accordance with Article 23 par. 2 or
- f. A member of the applicant's family lodges a separate application, although the member has, in accordance with Article 4, already consented to include his/her case

as part of an application made on his/her behalf and there are no facts which justify a separate application.

#### **Article 19**

(Article 26 of the Directive)  
First country of asylum

1. A country shall be considered to be a first country of asylum for an applicant provided that he/she will be re-admitted to that country, if the applicant has been recognised as a refugee in that country and can still enjoy of that protection or enjoys other effective protection in that country, including benefiting from the principle of non-refoulement.
2. In applying the concept of first country of asylum to a particular applicant, the content of article 20, par. 1 shall be taken into account.

#### **Article 20**

(Article 27 of the Directive)  
Safe third countries

1. A country shall be considered as a safe third country for a specific applicant when all the following criteria are fulfilled:
  - a. the applicant's life and liberty are not threatened for reasons of race, religion, nationality, membership of a particular social group or political opinion,
  - b. this country respects the principle of non-refoulement, in accordance with the Geneva Convention,
  - c. the applicant is in no risk of suffering serious harm according to Article 15 of P.D. 96/2008,
  - d. the country prohibits the removal of an applicant to a country where he/she risks to be subject to torture and cruel, inhuman

or degrading treatment or punishment, as defined in international law,

- e. the possibility to apply for refugee status exists and, if the applicant is recognized as a refugee, to receive protection in accordance with the Geneva Convention and
- f. the applicant has a connection with that country, under which it would be reasonable for the applicant to move to it.

2. The fulfillment of the above criteria shall be examined for each individual case and applicant separately. When issuing a decision which is based solely on this article, the competent examination authorities shall inform the applicant accordingly and shall provide him/her with a document informing the third country authorities that the application has not been examined on the merits.

3. Where the third country does not permit the applicant to enter its territory, the application shall be examined on the merits by the competent examination authorities.

#### **Article 21**

(Articles 30 and 31 of the Directive)  
Safe countries of origin

- 1. Safe countries of origin are:
  - a. Those included in the common list of safe countries of origin by the Council of the EU.
  - b. Third countries, in addition to those of case (a), which are included in the national list of safe countries of origin, compiled and kept by the Division of International Cooperation and Documentation of the Asylum Service for the purpose of the examination of international protection

applications, after assessment according to all stated in par. 3 and 4. Related information by other countries and international organisations, such as the United Nations High Commissioner for Refugees and the Council of Europe shall be taken into account for such evaluation. This assessment shall be repeated periodically, taking into account changes occurring in each country. The national list of countries of origin shall be notified by the Central Authority to the European Commission.

2. A third country may be considered as a safe country of origin for the applicant only if, after examining the application, it is proven that the applicant:

- a. has the nationality of that country or is a stateless person and was previously a habitual resident of that country and
- b. has not invoked any serious grounds for considering the country not to be a safe country of origin for the applicant, in what concerns his/her recognition as a beneficiary of international protection in accordance with the applicable provisions.

3. A country shall be considered as a safe country of origin if, on the basis of legislation in force and the application of law within a democratic system and the general political circumstances, it can be clearly indicated that persons in these third countries do not suffer persecution, generally and permanently, as defined in Article 9 of P.D. 96/2008, nor torture or inhuman or degrading treatment or punishment, nor threat resulting from the use of generalized violence in situations of international or internal armed conflict.

4. In applying the previous paragraph, account shall be taken, inter alia, of the extent

to which protection is provided against persecution or mistreatment through:

- a. the relevant legal and regulatory provisions of the country and the manner of application;
- b. observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR – I.d. 53/74, O.G A 256), the International Covenant for Civil and Political Rights (Law 2462/1997, O.G. A 25), in particular the rights from which derogation cannot be made under Article 15 par. 2 of ECHR and the Convention against Torture and other cruel, inhuman or degrading treatment or punishment (Law 1782/1988 O.G. A 116);
- c. respect of the non-refoulement principle according to the Geneva Convention;
- d. provision of a system of effective remedies against the violation of these rights and freedoms.

#### **Article 22**

(Article 28 of the Directive)

Unfounded applications

1. Without prejudice to Article 13, the competent decision authority shall reject an application as unfounded, if it has established that the applicant does not qualify for refugee or subsidiary protection status, according to the current provisions.
2. The decision shall be notified to the applicant according to the provisions of Article 7 and the Card issued shall be withdrawn.

#### **Article 23**

(Articles 32 and 34 par. 1 of the Directive)

Subsequent applications

1. An international protection applicant who lodges a subsequent application must present the final decision of his/her previous application. The competent examination authorities shall examine the details of the subsequent application in conjunction with the data of the initial application and/or the appeal.
2. A subsequent application shall be primarily examined at a preliminary stage during which it is examined whether new, substantial elements have arisen or are submitted by the applicant. During this stage the applicant shall submit in writing to the competent examination authorities any new data he/she provides without the realization of an interview.
3. The competent examination authorities shall ensure that applicants, whose application is being examined according to the provisions of the previous paragraph, enjoy the guarantees provided in Article 8 par. 1(a), (b), (c) and (e). Until a final decision is taken on the preliminary stage, all measures of deportation or removal against the applicants shall be suspended.
4. If during the preliminary examination mentioned in par. 2 new substantial elements arise or are submitted by the applicant, which influence the judgement on the application for international protection, the application is deemed admissible, it is further examined in conformity with the provisions of this Presidential Decree and he/she is provided with a Card. In the opposite case, the application is rejected as inadmissible.

5. The procedure of this article may also apply if a family member of the applicant lodges an application after having consented, according to Article 4 par. 2, that his/her case shall be part of an application made on his/her behalf. In this case the preliminary examination, stated in par. 2 of this Article shall regard the eventual existence of evidence that justify the submission of a separate application by the depending person.

6. An application for international protection lodged when there is not a final decision issued on a previous application by the same applicant is considered as a complementary element to the first and is not subject to the provisions of this Article.

7. Any new submission of an identical subsequent application shall be examined by the Determining Authority and shall be filed, in accordance with the provisions of Article 4 of the Code of Administrative Procedure.

#### **Article 24**

(Article 35 of the Directive)

##### **Border procedures**

1. In cases where applications for international protection are lodged at the ports or airports transit zones of the country, the applicants shall enjoy the rights and guarantees of the provisions of Article 8, 10 and 11.

2. If no decision is taken within twenty eight days from the date of submission of the application, the applicant shall be allowed to enter the territory of the Country, in order for his/her application to be examined according to other provisions.

3. Without prejudice to the provisions of Article 12, in the cases under this Article, when an application for international

protection is rejected and a deportation, return or readmission decision is issued, the enforcement of which is suspended because legal remedies have been exercised, the applicant shall be allowed to enter the country without any passport control until the issuance of a decision on the legal remedy.

## **CHAPTER D**

### **PROCEDURES AT SECOND INSTANCE**

#### **Article 25**

##### **The right to lodge an appeal**

1. The applicant has the right to lodge an administrative appeal (Article 5 par. 5 law 3907/2011) before the Appeals Authority of Article 3 of Law 3907/2011:

a. Against the decision rejecting the application for international protection as unfounded with the normal procedure or revoking this status, within thirty (30) days from the notification of this decision. The same deadline shall apply if the applicant is granted subsidiary protection status, where the applicant considers that he/she is entitled to refugee status.

b. Against the decision rejecting the application for international protection with the accelerated procedure, or as inadmissible, according to Articles 16 par. 4 and 18 respectively, within fifteen (15) days from the notification of this decision. The appeal against the decision rejecting an application for international protection as inadmissible pursuant to Article 18 (b) is also directed against the relevant act of transfer pursuant to the relevant provisions of Council Regulation 343/2003.

- c. Against the decision rejecting an application for international protection lodged in correctional institutions or other areas of administrative detention, within ten (10) days upon the notification of this decision.
  - d. Against the decision rejecting an application for international protection in cases of article 24 or lodged in First Reception facilities, within three (3) days upon the notification of this decision.
2. During the time an appeal is allowed and until the notification of the decision on the appeal, all measures of deportation, readmission, or return of the applicant shall be suspended.
  3. The Card shall be administered once again in case of an appeal within the above deadlines, applied according to the provisions of Article 8 par. 1 (d) as to the validity period.
  4. The appeals shall be submitted before the examination authorities. The files of the applicants shall be referred to the Appeals Authority without delay.
  5. Appeals submitted after the deadline, shall be examined by the Director of the Appeals Authority who decides on the admissibility. When the Director considers the appeal as admissible, the Card is re-administered and the Director refers it to an Appeals Committee for examination on the merits. Otherwise the appeal is rejected.

#### **Article 26**

##### Examination procedure of the appeals

1. During the examination of the appeals, the Director of the Appeals Authority may introduce for consideration priority the appeals submitted by persons belonging to the categories of article 16 par. 3.

2. When the Appeals Authority receives appeals, the Director shall assign the relevant case files to experts-rapporteurs and allocates them to each Committee according to the provisions of the internal regulation of the Authority. The rapporteur shall examine the file, shall be able to communicate with the applicant or the applicant's advisor to clarify or supplement elements, shall draft a proposal on the appeal and introduce it before the competent Appeals Committee.

3. The Director of the Appeals Authority shall ensure adequate secretarial support of the Committees, the provision of appropriate interpretation services and drafts the agenda according to the law and the internal regulation of the Authority. The agenda shall be communicated to the members of the Appeals Committees in time, so as to have access to the case files and, in any case, at least five (5) working days before the day of the appeal examination. The Appeals Authority shall inform the applicant of the examination date of his/her appeal. The appellant may submit any supplementary elements at least 15 days before the examination date of his/her appeal. In case of Article 25 par. 1 (c) the above deadline is 5 days following the lodging of the appeal.

4. The procedure before the Appeals Committee shall be in written and the examination of the appeals shall be performed based on data from the case file. The Appeals Committee may invite the appellant to an oral hearing, upon a relevant proposal by the rapporteur, when serious questions are raised relating to the thoroughness of the appellant's interview conducted before the issuance of the contested decision, or the appellant has submitted new serious elements or the case is particularly complicated. The Appeals Committee obligatorily invites the appellant

to an oral hearing when appeals against decisions which revoke the international protection status are examined. An oral hearing is precluded when the appealed decision rejects the application as inadmissible or was issued with the accelerated procedure or is issued pursuant to Article 24 of this Presidential Decree.

5. The Appeals Committees, which are established and function at the Appeals Authority, under the provisions of Article 3 of Law 3907/2011 and Articles 13 to 15 of Law 2690/1999, which additionally apply, shall decide on appeals of Article 25 within three (3) months upon the appeal lodging date. The decisions are drafted by the Chairman and the members of the Committees and are signed by them.

6. During the examination procedure of the appeal from the case-file, the Committee shall examine the case-file of each case and all elements submitted by the appellant and shall issue a final decision on the appeal. Exceptionally, appeals against decisions that are rejected at first instance as inadmissible and are admitted by the Appeals Committee are referred back to the competent examination authority for an examination on the merits.

7. During the procedure of examination with oral hearing of the appellant, the Authority shall invite the latter before the Committee. The appellant shall be informed no later than five (5) working days before the date of his/her examination and in a language which he/she understands about the place and date of examination of the appeal, as well as his/her right to attend in person or with a lawyer or other advisor before the Committee, in order to explain orally, with the assistance of an appropriate interpreter, his/her arguments and provide any

clarifications. The non-presence of the appellant does not hinder the examination of the appeal.

8. The decision on the appeal shall be notified to the applicant according to the provisions of Article 7.

9. The Minister of Public Order and Citizen Protection has the right to submit an application for annulment of the decisions of the Appeals Committees.

## CHAPTER E

### FINAL PROVISIONS

#### Article 27

(Articles 37 and 38 of the Directive)

Revocation of the international protection status

1. When new elements arise which constitute a reason to reconsider the international protection status, the Determining Authority shall examine whether there is a case for revocation of this status based on relevant provisions of P.D. 96/2008 and a relevant decision is made, specifically reasoned, by the Head of the territorially competent Regional Asylum Office.

2. In cases where paragraph 1 is applied, the person concerned:

a. shall be informed in writing by the competent examination authority at least fifteen working days before the re-examination of the fulfilment in his person of necessary conditions for international protection, as well as on the reasons of the reconsideration.

b. has the right to raise arguments, in the context of a personal interview or by written statement before the competent



examination authority, as to why the status granted should not be revoked. The interview procedure is conducted according to Article 17.

**3.** In the framework of this procedure, the Determining Authority:

- a.** shall be informed in writing by the Division of International Cooperation and Documentation with regard to the overall political, social and economic situation prevailing in countries of origin of the persons concerned and
- b.** may collect further information, if deemed necessary, on the specific case in order to reconsider the status. This information shall not be obtained from actors of persecution in a manner that would result in being directly informed that the person concerned is a refugee or subsidiary protection beneficiary, whose status is under reconsideration, or that would endanger the physical integrity of the person concerned and his/her dependants and the liberty or security of his/her family members still residing in the country of origin.

**4.** The revocation decision of status shall be notified in accordance with the provisions of Article 7. The decision shall state the reasons in fact and in law and provide information on the possibilities to appeal before the Appeals Authority.

**5.** The provisions of Article 10 par. 2, 3 and 5 and Article 14 shall also apply to status revocation.

**6.** In derogation from the provisions of the previous paragraphs, the international protection status of a beneficiary shall automatically lapse if the beneficiary explicitly withdraws it, by a written statement, which is

submitted in person to the competent authorities under the procedure of Article 13 par. 1.

#### **Article 28**

(Article 39 of the Directive)

##### Legal remedies

International protection applicants shall have the right to lodge, before the competent court of justice, an application for annulment, according to the provisions of Article 15 par. 3 of Law 3068/2002 (O.G. A 274), as amended by Law 3900/2010 and as in force, against the decisions taken pursuant to the provisions of this Presidential Decree. This possibility, the deadline, as well as the competent court shall be explicitly stated in the body of the decision.

#### **Article 29**

(Article 41 of the Directive)

##### Obligation of Confidentiality

The personnel of the competent Services which implement the provisions of this Presidential Decree, as well as any other person involved in the implementation of the present Decree, must keep in confidence any information and personal data, which comes to their knowledge when they are performing their duties or in connection with these.

#### **Article 30**

(Article 42 of the Directive)

##### Submission of Reports

The Central Asylum Service shall send to the European Commission all information that is necessary for drawing up the report, regarding the application of this Presidential Decree.

**PART B**

**CHAPTER A**

**AMENDMENT OF P.D. 131/2006, 80/2006.**

**Article 31**

**Amendment of P.D. 131/2006**

1. The paragraph 7 of Article 2 of P.D. 131/2006 (O.G. A 143), as amended by the provisions of P.D. 167/2008 (O.G. A 223), shall be replaced by the following:

“7. Competent receiving and examination authorities for applications for family reunification of refugees shall be the Regional Asylum Offices as well as the separate units of the Regional Asylum Offices.”

2. The final subparagraph of paragraph 2 of Article 12 of P.D. 131/2006 (O.G. A 143), as this paragraph was amended by the provisions of Article 3 of P.D. 167/2008 (O.G. A 223), shall be replaced by the following:

“Against decisions regarding family reunification of refugees, an appeal may be lodged before the Head of the Regional Asylum Office within ten (10) days from its notification.”

3. a. The par. 4 of Article 14 of P.D. 131/2006, as this was added with Article 4 of P.D. 167/2008 (O.G. A 223), shall be replaced by the following:

“4. The Heads of the competent authorities of par. 1 shall assign to an officer of the Service (case worker) the control of the supporting documents and the submission of the proposal, related to the application for family reunification of the refugees. For the verification of the existence of family relation, the competent authorities or the officers may invite the refugee and the family member or members to an interview and perform any

other relevant research they consider necessary.”

b. The first subparagraph of paragraph 5 of Article 14 of P.D. 131/2006 (O.G. A 143), as this article was added by Article 4 of P.D. 167/2008 (O.G. A 223), shall be replaced by the following:

“5. The case-worker of the competent receiving and decision authority for applications for family reunification of refugees shall decide on the application of family reunification and shall notify the decision to the person concerned within nine (9) months from the application submission date.”

4. The first subparagraph of par. 1 of Article 15 of P.D. 131/2006 (O.G. A 143), as this article was added by Article 4 of P.D. 167/2008 (O.G. A 223), shall be replaced by the following:

“1. The competent receiving and decision authority for applications for family reunification of refugees shall forward the decision on family reunification, through the Processing Service of the Ministry of Foreign Affairs, to the relevant Greek Consular Authority, which grants the required visa for entry without prejudice to the provisions on prohibition of entry of Article 8 of Law 3386/2005 (O.G. A 212).”

**Article 32**

**Amendment of P.D. 80/2006**

1. The par. 1 of Article 8 of P.D. 80/2006 (O.G. A 82) shall be replaced by the following:

“1. To the beneficiaries of temporary protection and for as long as they remain in this situation, a residence permit shall be granted free of charge. This permit shall be issued by the locally competent Regional

Asylum Office or Separate Unit of the Regional Asylum Office.”

2. The Article 9 of P.D. 80/2006 shall be replaced by the following:

“Article 9  
Information

To the beneficiaries of temporary protection, with the guidance of the Coordination Department of Central Asylum Service of the Ministry of Public Order and Citizen Protection, information in writing shall be provided in a language which they understand regarding their rights and obligations, during the time they are in this situation, pursuant to the provisions on temporary protection.”

3. The par. 2 of Article 15 of P.D. 80/2006 shall be replaced by the following:

“2. In cases where the separated family members of the first subparagraph of the previous paragraph enjoy temporary protection in another member state of the EU, the International Coordination and Documentation Department of the Central Asylum Service shall take the necessary actions to the competent authority of the relevant state for the achievement of family reunification of these persons with the ones residing in Greece, after taking into consideration the desire of the above family members.”

4. The par. 2 of Article 21 of P.D. 80/2006 shall be replaced by the following:

“2. In case that persons after the exercise of their right to voluntary repatriation, who were granted temporary protection in Greece, submit a re-entry request, this request shall be approved with a decision of the Head of the relevant Regional Asylum Office, when this is imposed by the conditions in the

country of origin and the temporary protection is not lapsed.

5. The par. 1 of Article 26 of P.D. 80/2006 shall be replaced by the following:

“The International Cooperation and Documentation Department of the Central Asylum Service, is designated as the national focal point for the administrative cooperation with all respective authorities of other EU member states on issues of application of temporary protection. Moreover, in agreement with the Commission, it shall take all the necessary measures to ensure that this cooperation is direct and effective.”

6. The Article 28 of P.D. 80/2006 shall be replaced by the following:

“Article 28

Decisions – Measures for Exclusion – Appeals

1. For the persons who have entered the country and reside in accommodation centres, when there are elements against them that found an exclusion clause from temporary protection, a return decision shall be issued by the Head of the territorially competent Regional Asylum Office. This decision shall also include the findings on the existence of conditions for exclusion from temporary protection for the person concerned.

For the decision making the data in the disposal of the service, those provided by the person concerned, as well as any objection on his behalf shall be assessed.

2. a. The person concerned may appeal against the aforementioned decision within five (5) days following its notification by the Appeals Authority. The appeal is assigned by the Director of the Appeals Authority to an expert-rapporteur for the drafting of a relevant proposal and shall be introduced to

the Appeals Committee, which shall decide within ten (10) days. The deadline and the lodge of the appeal shall suspend the execution of the initial decision.

b. Against the decision issued following the above administrative appeal, the person concerned may submit an application for annulment, pursuant to the provisions of Article 15 of Law 3068/2002 (O.G. A 274).

3. Entry in Greece is not permitted to persons against whom there is an exclusion clause and a relevant final decision is issued by the competent Head of the Regional Asylum Office or the Appeals Authority.”

## **CHAPTER B**

### **FINAL – TRANSITIONAL PROVISIONS**

#### **Article 33**

##### **Final provisions**

In case the application for international protection of an alien or stateless person is rejected by a final decision and the competent Decision Authorities of Part A of the this Presidential Decree consider that he/she fulfils the conditions for granting a residence permit for humanitarian reasons, they shall refer his/her case to the competent authorities, pursuant to Article 44 of Law 3386/2005, as in force, which shall decide on the granting of this permit. In this case, the competent Decision Authorities shall administer a relevant certificate to the person concerned.

#### **Article 34**

##### **Transitional provisions**

1. International protection applications submitted before 7 June 2013 shall be examined by the authorities and in accordance to the provisions referred to in P.D. 114/2010, as amended by the following Article. International protection applications

submitted to the competent authorities of Part A of the present, without the issuance of a final decision on a previous application, which is pending before the competent authorities of P.D. 114/2010 shall be considered an additional element of the initial application and shall be examined by the authorities and under the procedure of P.D. 114/2010. Subsequent applications submitted after 7 June 2013, shall be examined by the authorities foreseen in Part A of this P.D. and in accordance with the procedure provided in this Part.

2. Applications for residence permit renewal, issuance of other legalizing or travel documents, preservation of family unity and family reunification of international protection beneficiaries, the status of which was recognized by the authorities foreseen in P.D. 114/2010 shall be examined and processed by these authorities.

3. Upon entry into force of the present, the competent services of the Hellenic Police shall deliver, without delay, to the competent decision authorities of Part A the files of the applicants who submit subsequent applications according to the last subparagraph of paragraph 1.

#### **Article 35**

##### **Amendment of P.D. 114/2010**

1. a. The indent (b) of Article 2 of P.D. 114/2010 (O.G. A 195) shall be replaced by the following:

“b. “Application for international protection” or “asylum application” or “application” is the application for provision of protection by the Greek state submitted by an alien or a stateless person, whereby he/she requests to be recognized as a refugee, under the Geneva Convention or the granting of subsidiary

protection. The application for international protection may include the family members of the applicant who are located in the territory of Greece.”

**b.** The indent (d) of Article 2 of P.D. 114/2010 shall be replaced by the following:

“d. “Applicant for international protection” or “applicant for asylum” or “applicant” is the alien or stateless person, who declares in written or oral form before any Greek authority at entry points of the Greek State or inland that he/she requests asylum or subsidiary protection in our country or who in any other way asks not to be deported to a country on the grounds of fear of persecution for reasons of race, religion, nationality, political opinions, or membership of a particular social group, according to the Geneva Convention or because he/she risks suffering serious harm according to article 15 of P.D. 96/2008 (O.G. A 152) and on whose application no final decision has yet been taken. In addition, applicant for international protection is considered the alien, who applied for international protection in another EU Member State pursuant to Council Regulation (EC) 343/2003, establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (L 050/25.02.2003) or to another Member State which is bound by – and applies – the above Regulation and who is transferred to Greece under the provisions of the above regulation.

**c.** The indent (j) of Article 2 of P.D. 114/2010 shall be replaced by the following:

“j. “Unaccompanied minor” is a person below the age of 18, who arrives in Greece unaccompanied by an adult responsible for

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

**d.** In the indent (m) of Article 2 of P.D. 114/2010 a paragraph shall be added as follows:

“Exceptionally, competent receiving authority for international protection applications submitted by unaccompanied minors residing in accommodation centres and detainees in correctional institutions are the nearest Sub-Directorates or Security Departments to the place of residence or detention. The receiving of applications shall be made immediately after the applicant’s transfer to the place of residence or detention.”

**e.** The indent (r) of Article 2 of P.D. 114/2010 shall be replaced by the following:

“r. “Determining Authority” is the General Secretary of Public Order of the Ministry of Public Order and Citizen Protection, who decides on first instance on the applications of international protection. In cases of Article 17 paragraph 4 and 18, Determining Authority is the Director of the competent examination authority”.

**f.** The indent (t) of Article 2 of P.D. 114/2010 shall be replaced by the following:

“t. “Subsequent application” is any application for international protection submitted after a final negative decision. Any new application for international protection after withdrawal of an application under the provisions of Article 13 par.1 shall also be considered as a subsequent application”.

**g.** In Article 2 of P.D. 114/2010 an indent (z) shall be added as follows:

“z. “Applicants belonging to vulnerable groups” are applicants who belong to the categories specified in Article 11, par. 2 of Law 3907/2011 (O.G. A 7)”.

**2.** The paragraph 1 of Article 3 of P.D. 114/2010 shall be replaced by the following:

“1. This Presidential Decree is applied to all applications for international protection submitted on the Greek territory, including the border or in transit zones of the country, as well as to the withdrawal procedures of a granted international protection status. All applications for international protection are initially examined as asylum applications and, in case the criteria set in the Geneva Convention regarding refugee status are not fulfilled, shall be examined under the criteria of subsidiary protection status”.

**3.** The paragraphs 2, 3, 4 and 5 of Article 4 of P.D. 114/2010 shall be replaced by the following:

“2. The applicant may submit an application on behalf of his/her family members. In such cases, the adult family members must consent in writing to the lodging of the application on their behalf, or otherwise have the opportunity to submit an application on their own. The consent shall be requested at the time the application is lodged or, at the latest, during the personal interview with the said member. An applicant, who has a child after his/her entry in the country, may submit an application on behalf of the child, which must be accompanied by the birth certificate of the child. The application is consolidated with the application of the parent-applicant at any stage and instance of the procedure this may be.

3. An unaccompanied, or not, minor above 14 years old, can lodge an application on his/her own behalf.

4. An unaccompanied minor under 14 years old, lodges an application through a representative, as defined in Article 12.

5. If the application for international protection is submitted before a non-competent authority, that authority is obliged to notify promptly the competent receiving authority using the most appropriate way and to refer the applicant to it. The Central Authority shall inform the authorities, which are likely to be approached by any person, who wishes to submit an international protection application, about the competent services and the procedure for submitting an application, according paragraph 1 of this Article.”

**4.** The paragraph 2 of Article 5 of P.D. 114/2010 shall be replaced by the following:

“2. The previous paragraph shall not apply in cases where the authorities either deliver the applicant to another EU Member State, pursuant to a European Arrest Warrant according to the provisions of Law 3251/2004 (O.G. A 127), or extradite the applicant to a third country, with the exception of the applicant’s country of origin, or to international criminal courts, in accordance with the country’s international obligations. The delivery or extradition must not lead to the direct or indirect refoulement of the applicant in breach of Article 33 par. 1 of the Geneva Convention, or to risk of serious harm according to article 15 of P.D. 96/2008. No applicant shall be extradited before a final decision on his/her application is issued, if the applicant claims fear of persecution in the requesting State.”

5. The indent (b) of paragraph 2 of Article 6 of P.D. 114/2010 shall be replaced by the following:

“b. Shall ensure that the personnel, which examines and decides upon them or recommends for decisions, has knowledge of the legislation and case law on international protection. To this end, it shall organize and provide ongoing in-service training of the personnel. Also, it shall organize training sessions, independently, as well as in cooperation with the United Nations High Commissioner for Refugees and the European Asylum Support Office (EASO). It may also organize training seminars with Non-Governmental Organizations. It shall communicate to the competent receiving, examination and decision authorities all guidelines and information sheets on international protection issues made available by the United Nations High Commissioner.”

6. a. The paragraph 1 of Article 7 of P.D. 114/2010 shall be replaced by the following:

“1. The decisions on the application for international protection, including the decisions for transfer according to Regulation (EC) 343/2003, shall be notified to the applicant in due diligence of the competent receiving or examination authorities. Notification shall be performed as soon as possible after the issuance of the decision and after notice to the applicant, with one of the following exclusively listed means of communication, to appear for the receipt of the decision at a specific date. Notification shall be performed on the basis of the most recent contact data declared by the applicant, via mail, telegram, telefax, electronic mail or phone call. For the performance of this action a reference is made by the competent officer to the applicant’s file or to a special book, which should bear the date and time the action took place, the name and signature of

the officer who made the notice, and the type of means used. If the applicant is detained, the decision is delivered to the Head of the relevant detention facility, who ensures the prompt notification of the detainee of the decision according to the current provisions and notifies accordingly the competent examination authority.”

b. In the Article 7 of P.D. 114/2010 paragraphs 2 and 3 shall be added, as follows:

“2. If the applicant fails to comply or if it is not possible to be found through the means referred to in par. 1, notification shall be performed the latest at the next time the applicant appears for renewing the Card by the competent authorities. If the applicant fails to appear, at the latest on the following working day after the expiration day of the card, the notification is deemed to have taken place on that date. In any case, a relevant notification report is drafted and is filed in the applicant’s individual file.

3. When the notification is conducted in the presence of the applicant, the applicants is informed by an interpreter in a language he/she understands and reference is made in the relevant notification report. When the notification is performed otherwise, a document in a language understood by the applicant shall be attached, explaining the document’s content, its consequences for him/her and the actions that he/she might take.”

c. The paragraphs 2 and 3 of Article 7 of P.D. 114/2010 are renumbered 4 and 5 respectively.

d. In Article 7 of P.D. 114/2012 a paragraph 6 shall be added as follows:

“6. Invitations from the competent examination authority to the applicant for an

interview which is mentioned in Article 10 and by the Appeals Authority according to paragraph 5 of Article 26, are conducted through any appropriate means, including those listed in par. 1 subsection (c), which ensures that the applicant is aware of the invitation. No invitation is required if a specific interview or appearance in person has been set at an earlier stage of the procedure and the meaning and scope of such procedures have been explained to him/her. Any other invitation or summons of the applicant is performed by the means stated in par.1 subsection (c). For any issues that is not regulated by this provision, par.2, Article 6 of the Administrative Procedure Code (Law 2690/1999, O.G. A 45) shall apply.”

**7. a.** The indents (b) and (c) of paragraph 1 of Article 8 of P.D. 114/2010 shall be replaced by the following:

“b.They shall be provided interpretation services in order to submit their application and present their case to the competent receiving and examination authorities and to conduct the interview or oral hearing at all stages of the procedure, if appropriate communication cannot be ensured without such services. The interpretation costs are borne by the State. Interpretation services where required during the international protection procedure may be provided remotely with the use of appropriate technical means of communication, in cases where the physical presence of an interpreter is not possible.

c. Communication with the United Nations High Commissioner for Refugees or any other organization providing legal, medical and psychological assistance is permitted.”

**b.** The paragraph 3 of Article 8 of P.D. 114/2010 shall be replaced by the following:

“3. Throughout the examination of an application for international protection, the competent, pursuant to the law, authorities shall recognize and validate the authenticity of applicants’ signature upon demonstration of the Card. In case of detention or residence in the Regional First Reception Services or during the procedure according to Article 24, the competent, pursuant to the law, authorities shall recognize and validate the signature of aliens based on data they have declared.”

**c.** The paragraph 4 of Article 8 of P.D. 114/2010 shall be deleted.

**8.** The indents (a) and (b) of paragraph 1 of Article 9 of P.D. 114/2010 shall be replaced by the following:

“a. Appear before the competent authorities in person without delay or at the specified by the relevant provisions time, to submit their requests. An application for international protection, a withdrawal, an appeal against a negative decision, a subsequent application and an application to renew the International Protection Applicant’s Card are submitted in person, unless in cases of force majeure, such as serious illness, serious physical handicap or detention, which must be proven by a relevant certificate or public authority statement. In the above cases of force majeure, the application shall include a statement by the applicant that he/she is aware of the conditions of this paragraph. In any case, the launch of the examination procedure for an application of international protection is subject to the condition of ascertainment of the existence of the above grounds, as well as the presence of the applicant before the competent receiving authorities.

b. Hand over their travel document or any other document in their possession related to



the examination of the application and to data that certify theirs and their family members' identity, their country of provenance and place of origin, as well as their family status. Granting international protection status does not necessarily require the submission of evidence. In cases such documents are handed over a delivery - receipt note is drafted and a copy is given to the applicant."

**9. a.** The paragraph 1 of Article 10 of P.D. 114/2010 shall be replaced by the following:

1. Before a decision is taken by the Determining Authority, a personal interview is conducted to the applicant, who is invited according to the provisions of Article 7 by a competent examination authority official, who is appointed for this purpose. The official recommends the decision to the Determining Authority after having completed a relevant report. The interview is conducted with the assistance of an interpreter, according to Article 8 par. 1 (b) above, capable to ensure the necessary communication, in order for the applicant to confirm the facts stated in his/her application and to provide explanations, particularly regarding his/her age, personal history, including the history of his/her close relatives, identity, nationality, the country and place of former residence, former applications for international protection, the routes he/she followed to enter the Greek territory, travel documents and the reasons which forced him/her to leave the country of origin, or, in the case of a stateless person, the country of previous habitual residence seeking protection, as well as the reasons he/she cannot return. Before the interview, the applicant is given, if he/she so wishes, a reasonable amount of time in order to sufficiently prepare himself/herself and to consult a legal or other advisor who shall assist him during the procedure. The

reasonable amount of time is determined by the competent examination authority and, including any prolongations, may not exceed ten (10) days or three (3) days when the interview is conducted under Article 24 or if it concerns an applicant who is detained. A representative of the United Nations High Commissioner for Refugees or of a cooperating organization may be present during the interview with the possibility to propose questions to the official, as well as the legal or other advisor of the applicant. The United Nations High Commissioner for Refugees is informed in time of the interviews schedule and the identity of the applicants. When the interview concerns a female applicant, special attention is taken so that the interview is conducted by a specialised female officer, in the presence of a female interpreter. Where this is not possible, the relevant reasons are stated in the interview's report. A separate personal interview is conducted for every adult family member. When minors are concerned, the personal interview is conducted taking into consideration their maturity and psychological consequences of their traumatic experiences.

**b.** The paragraphs 5 and 6 of Article 10 of P.D. 114/2010 shall be replaced by the following:

"5. Omission of the personal interview in accordance with the above paragraphs shall not adversely affect the decision of the Determining Authority nor shall prevent the Determining Authority from making a decision on the application. In case the personal interview is omitted, the Determining Authority in its decision shall include the reasons justifying this omission."

**c.** The paragraphs 7, 8, 9, 10, 11, 12, 13, 14 of Article 10 of P.D. 114/2010 shall be

renumbered to paragraphs 6, 7, 8, 9, 10, 11, 12, 13 respectively.

**10.** The paragraphs 1, 3 and 4 of Article 11 of P.D. 114/2010 shall be replaced by the following:

“1. Applicants have the right to consult, at their own expenses, a lawyer or other counsellor on matters relating to their applications. If no special provisions provide otherwise for specific actions, the applicant’s authorization to a lawyer to represent him/her before the authorities may be given by a simple private document, without the requirement of confirmation of signature authenticity. Authorization by the applicant to other persons requires confirmation of signature authenticity.”

“3. Lawyers who represent applicants shall have access to the information of their file, provided that the information is relevant to the examination of the application. Other counsellors, who provide assistance to applicants, shall have access to their files data, if these are relevant to the assistance provided. The Determining Authority may, with a reasoned decision, prohibit disclosure of information or its sources, if it considers that their disclosure may compromise national security or the international relations of the country or security or the imposed secrecy of services’ actions or persons who provide the information. Access to these confidential information or sources is, in any case, permitted to the Court, which is competent for the examination of applications for annulment, as provided in Article 29.”

“4. Lawyers who represent and counsellors who assist applicants shall have access to the Regional Services of First Reception under the special conditions of the General Operation Regulation of the First Reception Service. Furthermore, they shall have access to

detention facilities and transit zones, in order to communicate with the applicants in specially arranged areas. The access of the aforementioned persons in these areas shall be limited, when this is deemed objectively necessary by the competent authorities for the security, public order or administrative management of the area, provided that their access is not excessively restricted or rendered impossible.”

**11. a.** The first subparagraph of paragraph 2 of Article 13 of P.D. 114/2010 shall be replaced by the following:

“2. The detention of asylum seekers in appropriate place is permitted exceptionally and if it is judged that alternative measures, as the ones mentioned in article 22 par. 3 of Law 3907/2011, may not apply, for one of the following reasons:”

**b.** In the Article 13 of P.D. 114/2010 paragraph 7 shall be added as follows:

“7. When the reasons set out in paragraph 2 justifying detention of the applicant cease to exist, the authorities which ordered the detention, with a reasoned decision, release the applicant and inform without delay the examination authorities and the Central Authority.”

**12.** The Article 14 of P.D. 114/2010 shall be replaced by the following:

“Article 14

(Articles 19 and 20 of the Directive)

Withdrawal of the application – revocation

1. The applicant may withdraw his/her application throughout the duration of the procedure if he/she submits a relevant written statement before the competent receiving or examination authorities and hands over the International Protection

Applicant's Card. For the confirmation of the withdrawal, a relevant record shall be drafted in the presence of an interpreter, who shall confirm the accuracy of its content, while the applicant is informed of the consequences of this action, that he/she has to leave the country, if he/she is not holding a residence permit, and receives a copy of the withdrawal record. Following the submission of the withdrawal the competent authorities shall file the case. The relevant act is confirmatory in nature and shall not be notified to the applicant.

2. When there is reasonable cause to consider that an applicant has implicitly withdrawn his/her application while a decision at first instance is not issued, the Determining Authority shall discontinue the examination of the application with a relevant act and file the case. If an appeal has already been submitted against a rejection decision at first instance and there is reasonable cause to believe that the applicant has implicitly withdrawn it, the Appeals Committee shall reject the appeal for the reasons described in par. 3 due to implicit withdrawal. The above mentioned decisions shall be sent to the last declared address of the applicant via post.

3. It is assumed that there is an implicit withdrawal when it is ascertained that the applicant:

- a. failed to respond to requests to provide information essential to his/her application according to Article 4 of P.D. 96/2008 or
- b. did not appeared to the personal interview as provided in Article 10 although lawfully invited and without providing well founded reasons for his/her absence or

- c. absconded from the place where he/she was detained or did not comply with the alternative measures imposed or
- d. departed from the place where he/she resided without asking permission or informing the competent authorities if he/she was obliged to do so or left the country without obtaining permission from the competent authorities or
- e. did not not comply with the obligation to report according to Article 9 par. 1 case (c), or other communication obligation within fifteen (15) days from the date the competent authorities asked to contact them or to appear before them, or
- f. did not appear to renew the special individual card on the next working day after its expiration.

4. Applicant for whom has been issued an interruption decision of the examination of the application on grounds of implicit withdrawal has the right to request from the authority that made the decision, to continue its review, stating the reasons for which there is no implicit withdrawal of the application or of the appeal. Until the final decision on the above application, the applicant shall not be deported from the country nor shall a return decision be executed.

5. In cases of transfer of applicants in the country, within the scope of Council Regulation 343/2003, any issued rejection or interruption decisions issued pursuant to par. 2 shall be automatically revoked and the examination procedure of the application shall continue."

**13.** The paragraphs 1, 3 and 4 of Article 17 of P.D. 114/2010 shall be replaced by the following:

"1. The competent examination authorities shall examine the applications for international protection in accordance with the basic principles and guarantees of Chapter B under normal or accelerated procedure. The decision to examine a case with the accelerated procedure is specifically justified by the Determining Authority according to the provisions of paragraph 4 of this Article and does not influence the assessment on the merits of an application for international protection".

3. The competent examination authorities may prioritize the applications for international protection which concern:

- a. Individuals belonging to vulnerable groups, or
  - b. Individuals who apply while in detention, who submit an application under Article 24, while staying at ports or airports transit zones of the country or remain within Regional First Reception Services, or
  - c. Individuals who may be subject to the procedures of Regulation 343/2003, or
  - d. Individuals whose applications are reasonably assumed as well founded, or
  - e. Individuals whose applications are characterized as manifestly unfounded, or
  - f. Individuals for whom the Hellenic Police, with a reasoned document, reports that they constitute a danger to national security or public order of the country, or
  - g. individuals who submit subsequent applications for international protection at admissibility stage.
4. The competent examination authorities shall examine an application under the accelerated procedure when:
- a. the applicant comes from a safe country of origin according to Article 21 or
  - b. the application is manifestly unfounded. An application is characterized as manifestly unfounded where the applicant during the submission of the application and the conduct of the personal interview, alleges reasons that manifestly do not comply with the status of refugee or of subsidiary protection beneficiary or
  - c. the applicant has presented inconsistent, contradictory, improbable or unsubstantiated information, which render his/her statement of being a victim of persecution under P.D. 96/2008 as clearly unconvincing or
  - d. the applicant misled the receiving or examination authorities by presenting false information or documents or by withholding relevant information or documents regarding his/her identity and/or nationality which could adversely affect the decision or
  - e. the applicant filed another application for international protection stating other personal data or
  - f. the applicant has not provided information establishing, to a reasonable degree of certainty, the applicant's identity or nationality or it is likely that he/she has destroyed or disposed in bad faith documents of identity or travel which would help determine the applicant's identity or nationality, or
  - g. the applicant has submitted the application merely to delay or impede the enforcement of an earlier or imminent deportation decision or removal by other means, or

- h. the applicant failed to comply with the obligations under Article 9 or
- i. the applicant refuses to comply with the obligation to have his/her fingerprints taken in accordance with relevant legislation, or
- j. the application was submitted by an unmarried minor for whom an application had already been submitted by the parents or parent, in accordance with the provisions of Article 4 paragraph 2, which was rejected, and the applicant is not invoking new critical elements regarding his personal situation or the situation in his/her country of origin.”

**14.** The indent (c) of Article 18 of P.D. 114/2010 shall be replaced by the following:  
 “c. The application forms a subsequent application of the applicant and the preliminary examination has not revealed new substantial elements, in accordance with Article 23 par. 2 or”.

**15. a.** The paragraphs 2, 3, 4, 5 and 6 of Article 23 of P.D. 114/2010 shall be replaced by the following:

“2. A subsequent application shall be primarily examined at a preliminary stage during which it is examined whether new, substantial elements have arisen or are submitted by the applicant. The applicant shall submit and develop in writing to the competent receiving authority at the location of his/her residence or detention any new data he/she submits without the realization of an interview. During this stage the Director of the competent examination authority shall decide on the initial application.

3. The competent examination authorities shall ensure that applicants, whose application is being examined according to the provisions of the previous paragraph, enjoy

the guarantees provided in Article 8 par. 1 (a), (b), (c) and (e). Until a final decision is taken on the preliminary stage, all measures of deportation or removal against the applicants shall be suspended.

4. If during the preliminary examination mentioned in par. 2 new substantial elements arise or are submitted by the applicant, which influence the judgement on the application for international protection, the application is deemed admissible, it is further examined in conformity with the provisions of this Presidential Decree and he/she is provided with a Card. In the opposite case, the application is rejected as inadmissible.

5. The procedure of this article may also be applicable if a family member of the applicant lodges an application after having consented, pursuant to Article 4 par. 2, that his/her case shall be part of an application submitted on his/her behalf. In this case the preliminary examination, stated in par. 2 of this Article, shall regard the eventual existence of evidence that justify the submission of a separate application by the depending person.

6. An application for international protection lodged when there is not a final decision issued on a previous application by the same applicant is considered as a complementary element to the first and is not subject to the provisions of this Article. The new submission of a similar subsequent application shall be examined by the Director of par. 1 and shall be filed in accordance with the provisions of Article 4 of the Code of Administrative Procedure.”

**16.** The Article 24 of P.D. 114/2010 shall be replaced by the following:

“Article 24  
 (Article 35 of the Directive)  
 Border procedures

1. In cases where applications for international protection are lodged at the ports or airports transit zones of the country, the applicants shall enjoy the rights and guarantees of the provisions of Article 8, 11 and 12.

2. If no decision is taken within twenty eight days from the date of submission of the application, the applicant shall be allowed to enter the territory of the Country, in order for his/her application to be examined according to other provisions.

3. In cases, where the asylum procedure cannot be practically applied at the ports or airports transit zones, in particular due to the arrival of a large number of persons lodging applications for international protection, the asylum procedure may be applied in other locations in proximity to the transit zones, where the aforementioned persons are accommodated.

4. Without prejudice to the provisions of Article 13, in the cases under this Article, when an application for international protection is rejected and a deportation, return or readmission decision is issued, the enforcement of which is suspended because legal remedies have been exercised, the applicant shall be allowed to enter the country without any passport control until the issuance of a decision on the legal remedy. The applicant shall be obliged to present as soon as possible before the competent receiving or examination authority in order to declare his/her place of residence and to be granted the alien asylum seeker card."

**17. a.** The paragraph 1 of Article 25 of P.D. 114/2010 shall be replaced by the following:  
"1. The applicant is entitled to appeal before the designated under Article 26 Appeals Committee:

a. Against the decision rejecting the application for international protection as unfounded with the normal procedure or revoking this status, within thirty (30) days from the notification of this decision. The same deadline shall apply if the applicant is granted subsidiary protection status, where the applicant considers that he/she is entitled to refugee status.

b. Against the decision rejecting an application for international protection with the accelerated procedure, or as inadmissible, according to the provisions of Articles 17 par. 4 and 18 respectively, within fifteen (15) days from the notification of this decision. The appeal against the decision rejecting an application for international protection as inadmissible pursuant to Article 18 (a) is also directed against the relevant act of transfer pursuant to the relevant provisions of Council Regulation 343/2003.

c. Against the decision rejecting an application for international protection lodged in correctional institutions or other areas of administrative detention, within ten (10) days upon the notification of this decision.

d. Against the decision rejecting an application for international protection in cases of article 24 or lodged in First Reception facilities, within three (3) days upon the notification of this decision."

**b.** In Article 25 of P.D. 114/2010 paragraph 4 shall be added as follows:

"4. Appeals submitted after the deadline, shall be prioritized by the Appeals Committee who decides on their admissibility. When the Committee considers the appeal as admissible, it issues a relevant decision, which is notified pursuant to the provisions of Article 7 and the Card is re-administered. The examination on the merits is realized at a later stage in accordance with the provisions of

par. 6 of Article 26. Otherwise the appeal is rejected.”

**18. a.** The case b of paragraph 1 of Article 26 of PD 114/2010 shall be replaced as follows:

“b. one representative of the United Nations High Commissioner for Refugees or one Greek citizen indicated by the United Nations High Commissioner for Refugees and”

**b.** In paragraph 5 of Article 26 of P.D. 114/2010 a final subparagraph shall be added as follows:

“Exceptionally, the Appeals Committee shall decide not to invite the appellant when it considers that it can decide on the appeal from the elements of the file. In this case, the Appeal Committee notifies to the appellant, according to the provisions of Article 7, its relevant decision on the non-invitation and sets a time frame of 10 days for the submission of any supporting elements or/and memorandum”.

**c.** In Article 26 of P.D. 114/2010 paragraph 6 shall be added as follows:

“6. The Appeals Committees may prioritise the examination of appeals, regarding:

- a. Individuals belonging to vulnerable groups, or
- b. Individuals who submit an application while in detention, who submit an application under Article 24, while staying at ports or airports transit zones of the country or
- c. Individuals who may be subject to the procedures of Regulation 343/2003, or

d. Individuals for whom the Hellenic Police, with a reasoned document, reports that they constitute a danger to national security or public order of the country, or

e. rejection of a subsequent application for international protection at admissibility stage.”

**d.** The paragraphs 6 and 7 of Article 26 of P.D. 114/2010 shall be renumbered to 7 and 8 respectively and shall be replaced by the following:

“7. The decision on the Appeals Committee shall be notified to the applicant according to the provisions of Article 7 and shall be notified to the Minister of Public Order and Citizen Protection. A rejection decision of an appeal shall also set to the applicant a departure deadline from the country, which may not exceed ninety (90) days.

8. The Minister of Public Order and Citizen Protection has the right to submit an application for annulment of the decisions of the Appeals Committee.”

### **Article 36**

#### **Repealed provisions**

From the entry into force of this presidential decree, the provisions of Article 24 par. 1 (a) and (b) and of Article 25 par. 1, 2, 3 and 5 of Law 1975/1991 as amended by Law 2452/1996, shall be repealed, as well as any other, general or special provision that is contrary to its provisions or regulates differently the issues that fall under this.

**CHAPTER D****ENTRY INTO FORCE****Article 37****Entry into force**

The provisions of the present shall enter into force on the date of the publication of the present P.D. to the Official Gazette.

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

Athens, 13 June 2013

PRESIDENT OF THE HELLENIC REPUBLIC

**KAROLOS GR. PAPOULIAS**

**THE MINISTERS**

**OF FOREIGN AFFAIRS  
DIMITRIOS AVRAMOPOULOS**

**DEPUTY MINISTER OF FINANCE  
CHRISTOS STAIKOURAS**

**DEPUTY MINISTER OF INTERIOR  
CHARALAMBOS ATHANASIOU**

**DEVELOPMENT, COMPETITIVENESS,  
INFRASTRUCTURE, TRANSPORT  
CONSTANTINOS CHATZIDAKIS**

**EDUCATION AND RELIGIOUS AFFAIRS  
CULTURE AND SPORTS  
CONSTANTINOS ARVANITOPOULOS**

**DEPUTY MINISTER OF LABOUR, SOCIAL  
SECURITY AND WELFARE  
NIKOLAOS PANAGIOTOPOULOS**

**JUSTICE, TRANSPARENCY AND  
HUMAN RIGHTS  
ANTONIOS ROUPAKIOTIS**

**PUBLIC ORDER AND  
CITIZEN PROTECTION  
NIKOLAOS-GEORGIOS DENDIAS**