Durable Solutions
for Separated Children in Europe
National Report: Greece

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1. Introduction

Children are at an increased risk of being separated from their families or customary caregivers during the chaos of conflict, flight and displacement. A separated child is a child under 18 years of age who has been separated from both parents, or from their previous legal or customary primary care-giver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members. Some do not travel alone but in the company of others, potentially including traffickers or smugglers.[1]

Separated children, like adults, flee their countries for a number of reasons. Some travel to join family who previously migrated. Others flee war, civil unrest, natural disaster or persecution. Some children migrate in search of work, opportunity, education or an improved standard of living. Additionally, children may migrate unaccompanied to escape a difficult family environment. This can involve sexual or physical maltreatment or the prospect of forced marriage. Others may migrate to escape female genital mutilation, child marriage or conscription into formal or informal armed forces.[2] Some separated children are also sent by their parents to pursue a better life, both for the child, in the short term, and their family, in the long term.[3]

A significant body of research has also emerged around the specific vulnerability of separated children post-migration, over recent years. The literature argues that separation from family and carers can be traumatic for children and thus increase their vulnerability,[4] contending that separated children are at a high risk of experiencing: sexual exploitation and abuse including: early/forced marriage and human trafficking; military recruitment; child labour including forced domestic labour; detention; discrimination; neglect and violence.[5] However, research also points to the resilience of separated children to integrate, overcome difficult experiences and thrive in new communities.[6] Therefore, separated children can be considered vulnerable due to their circumstances and sometimes past experiences, while also being considered resilient with the ability to forge new paths.

Separated children, once in the country of arrival, are considered to be particularly vulnerable because they lack essential adult care and the traditional support systems of parents and family.[7] It is for this reason that the European Commission and others argue that a durable solution for separated children must be found as a matter of priority.[8]

1. See: Committee on the Rights of the Child General Comment No. 6 on Treatment of Unaccompanied and Separated Children Outside their Country of Origin (Comment No. 6)

2. See, generally: UN High Commissioner for Refugees (UNHCR), Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees.

3. European Migration Network, Unaccompanied Minors – an EU comparative study (2010) at 22.

4. See, for example: Bhabha, J. and Young, W. (1999) Not Adults in Miniature: Unaccompanied Child Asylum Seekers and the New U.S. Guidelines. International Journal of Refugee Law 11(1) and Bhabha, J. (2004) Demography and rights: women, children and access to asylum. International Journal of Refugee Law 16(2)

5. See, generally: Bhabha, J. (2014) Child Migration and Human Rights in a Global Age. Princeton, Princeton University Press.

6. See, for example: M. Ni Raghallaigh & R. Gilligan (2010) Active survival in the lives of unaccompanied minors: coping strategies, resilience, and the relevance of religion Child and Family Social Work 15:2, 226-237.

7. See, generally: SCEP Statement of Good Practice.

8. European Commission, Report from the Commission to the Council and the European Parliament. Brussels 28.9.2012 COM(2012) 554 final.

1.1 Durable Solutions: International Law and Guidance and the European Union

The European Commission, in their Mid-term report on the implementation of the Action Plan on Unaccompanied Minors, identified 'prevention, reception and identification of a durable solution' as one of the main strands to focus on in respect of promoting a European-wide approach to the care of separated children, reiterating the need for European harmonisation.[9] In order to harmonise the aforementioned strands across Europe, there must be an understanding of the key principles and terminology at play. In the case of 'durable solutions', there is a general lack of clarity around the term.

The term 'Durable solutions', in the context of separated children, appears in a number of comments, reports and guidelines. The European Commission,[10] UNHCR,[11] SCEP,[12] the Committee on the Rights of the Child,[13] the Council of Europe's Life Projects,[14] UNICEF's Child Notices,[15] the Core Standards for Separated Children in Europe,[16] the Fundamental Rights Agency,[17] UNHCR and UNICEF's Safe and Sound[18] report as well as European legislation[19] all suggest that finding a durable solution that is in the best interests of the child is part of a robust system of safeguarding separated children. UNHCR further notes that this principle applies both in the case of a child who has been granted asylum and one who has received a negative decision in relation to an asylum claim. UNICEF and UNHCR note the importance of considering child specific protection needs in the effort to determine durable solutions, in particular, one which includes providing international protection (refugee or subsidiary/complimentary protection).[20] UNHCR argues that a solution should be identified on a case-by-case basis and all aspects of the case should be duly weighed and considered in respect of the best interest of the child.[21]

SCEP and the Core Standards contend that the best interest of the child must be determined in the short and long term through identifying a durable solution that addresses all their protection needs, considers their own views and, wherever possible, leads to overcoming the situation of being unaccompanied or separated, including through exploring the possibility of family reunification in the country of arrival, third country or in their home country.[22]

The Committee on the Rights of the Child holds that regard must be had to the child's identity when making a Best Interests Determination. European law requires that such a determination take into account the child's

9. Ibid.

10. Recommendation CM/Rec(2007)9 of the Committee of Ministers to member states on life projects for unaccompanied migrant minors.

11. UN High Commissioner for Refugees (UNHCR), Field Handbook for the Implementation of UNHCR BID Guidelines.

12. Supra note 7.

13. Comment No. 6.

14. L. Drammeh (2010) Life Projects for Unaccompanied Migrant Minors : A handbook for front-line professionals (Life Projects).

15. See, for example, UN Children's Fund (UNICEF), Child Notice Afghanistan 2013, January 2013 (Child Notices).

16. See: http://www.corestandardsforguardians.com/.

17. European Union: European Agency for Fundamental Rights, Guardianship for children deprived of parental care: A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking **(Handbook).**

18. UN High Commissioner for Refugees (UNHCR), Safe and Sound: what States can do to ensure respect for the best interests of unaccompanied and separated children in Europe, October 2014 (Safe and Sound).

19. European Union: Council of the European Union, Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, **15 April 2011, 2011/36/EU Preamble: Recital 23 & Article 16(2).**

20. UN High Commissioner for Refugees (UNHCR), Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees.

21. Ibid.

22. SCEP Statement of Good Practice p 36.

nationality, upbringing, ethnic, cultural and linguistic background,[23] particular vulnerabilities and protection needs and also the child's views in accordance with their age and maturity,[24] including when determining their accommodation arrangements.[25] The Council of Europe in the Life Projects contends that the purpose of considering these factors is to develop the capacities and potential of each child, to support the development of independence and responsibility and resilience to enable each young person to become an active member of society whether they remain in the host country or return to the country of origin.[26] This guidance highlights the inter-connectivity of the durable solutions process and the best interest determination process. Therefore, the durable solution must involve a best interest determination and indeed be a solution that reflects the best interest of the child. This is supported by the UNHCR's description of the durable solution process, noting that consideration for Article 3.1 of the CRC, which relates to the best interest,[27] must be considered at the outset, before a durable solution decision can be taken.[28] In this way, the best interest assessment must come before decisions relating to the durable solution are made. As the durable solution process evolves, the best interest must also is re-assessed in line with any changes in circumstances or wishes of the child. The above named reports and guidelines argue that provision must be made for progress, monitoring and reviewing or revising the project both routinely and in response to changes in the minor's situation.

The Life Projects argue that the solution must be 'lasting'[29] for both Member States and the minors themselves, meeting the challenges arising out of the migration of unaccompanied minors.[30] The Fundamental Rights Agency argues that it must also ensure that the child's rights are secured into the future.[31]

In summary, the existing guidance, research and projects tell us that a durable solution is a *lasting solution, determined as early as possible with the possibility of review and revision which takes into account the child's individual best interest by considering the child's: family circumstances; background, including nationality, religion and culture; safety, including risks of trafficking; particular vulnerabilities and protection needs and their views in accordance with their capacity.* The determination of a durable solution is therefore a process.

This project aims to analyse the durable solution process for separated children in Ireland through a review of existing research and interviews with service providers and young people.

2. Country information - Demographics

The precise number of unaccompanied minors (UAMs) arriving in Greece on an annual basis is unknown. Data exists on apprehensions for illegal entry on the border areas of Greece yet does not include information based on age, gender or vulnerability categories. There are two main sources of official data on the numbers of UAMs; the New Asylum Service's statistical information on asylum applications submitted by UAMs; and the National Centre of Social Solidarity's (EKKA)[32] statistical data on requests received for placing UAMs in

23. Council of the European Union, Directive 2013/33/EU of the European Parliament and Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), 29 June 2013, L 180/96.

24. Ibid & Comment No. 6.

25. European Union: Council of the European Union, Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast), **20 December 2011, OJ L 337, Article 30(3)**

26. Life Projects 2010.

27. Convention on the Rights of the Child 1989, Article 3.1.

28. See Figure 1 in Safe and Sound, p 16.

29. Life Projects 2010 p 9.

30. Ibid.

31. Supra note 17.

32. EKKA established by the Ministry of Health and Social Solidarity by virtue of Ministerial Decision 93510/28-07-2011 (GG B 2016/2011)

a reception facility. Recorded data suggests that requests for placement in a reception facility have more than doubled from 1,150 in 2013 to 2,390 in 2014. In addition, in the first six months of the New Asylum Services operation 196 children applied for asylum, while 758 requests were submitted for placement to EKKA. Moreover, in 2014, applications for asylum were recorded at 447, while requests for placement at a reception facility reached 2,390. In essence, only 1 in 5 (20,4%) unaccompanied minors requesting housing, apply for asylum.

New Asylum Service, Statistical data

Asylum Applications	7.6. 2013 -	31.12.2013	Jan 2014 -	Dec 2014
	3654	75,9%		
	1162	24,1%		
	4816	100,0%		
(Unaccompanied Minors)	196	4,1%	447	4,7%

Unaccompanied minors' requests for placement received by EKKA in 2013[33]

Unaccompanied Minors	Average Age	Over 12 years	Up to 12	Total
Male	16y 5 m 2 d	1078	22	1100
Female	13y 11m 16 d	38	12	50
	16y 3m 23 d	**1116**	**34**	**Total 1150 UAMs**

Unaccompanied minors' requests for placement received by EKKA in 2014[34]

Unaccompanied Minors	Average Age	Over 12 years	Up to 12	Total
Male	16 Y 5m 13 d	2245	56	2301
Female	12y 11m 3 d	54	35	89
	16y 3m 25d	**2299**	**91**	**Total 2390 UAMs**

2.2. Background to immigration/refugee procedures (in brief)

Identification:
The law stipulates that, competent authorities and local administration shall take care to provide special treatment to applicants belonging to vulnerable groups (….) in particular unaccompanied minors… (Presi dential decree 220/2007, Article 17)[35]. However, a specific procedure for identifying vulnerable groups is not foreseen. The same law regarding minors places particular emphasis on the best interests of the child which

33. EKKA, The Service for the Management of Accommodation Requests of Asylum Seekers and Unaccompanied Minors, Annual report 2013

34. EKKA, The Service for the Management of Accommodation Requests of Asylum Seekers and Unaccompanied Minors, Annual report 2014

35. Presidential Decree No. 220 of 2007 on the transposition into the Greek legislation of Council Directive 2003/9/EC from January 27, 2003 laying down minimum standards for the reception of asylum seekers, 6 November 2007, available at: http://www.refworld.org/publisher,NATLEGBOD,DECREEES,GRC,49676abb2,0.html

should be a primary consideration of the competent authorities. Moreover, competent authorities whose responsibility it is to receive and accommodate (asylum seekers and UAMs) shall ensure access to Social Care Services for minors who are particularly vulnerable; are victims of any form of abuse; neglect, exploitation, torture or cruel, inhuman and degrading treatment; or who have been affected by armed conflicts, and, if necessary, shall ensure that they receive appropriate mental health care and qualified counselling. (Article 18)

Law 3907/2011[36] regarding the establishment of the First Reception Service (FRS) foresees the identification and referral of vulnerable groups. The joint mission of the First Reception Centre (FRC) and Mobile First Reception Units is to implement first reception procedures for all third country nationals arrested for entering or staying in the country without the proper legal documents. However, this implementation occurs within the limits of their regional jurisdiction. The procedures include:

a. The identification of an applicant's identity and nationality; this includes an assessment of age in the event that there is doubt about the claimed age.
b. The registration of applicants.
c. A medical examination and subsequent treatment and psychosocial support if needed.
d. Information on the applicant's rights and responsibilities; particularly for the conditions under which they can qualify for an international protection status and their referral to the competent regional Asylum Office in case they apply for international protection
e. Provide care for those who belong to vulner and able groups so that they can benefit from the rel evant procedure.

The head of the medical screening and psychosocial support unit of the FRC, upon identification of persons belonging to vulnerable groups must suggest to the director of the Centre that they be referred to the competent body of social support or protection.[37]

At the moment there is one almost fully operational FRC facility in Fylakio-Orestiada and two mobile units on the islands of Lesvos and Samos with limited capacity. While Mobile Units are tasked with identifying individuals with specific needs, in practice this can be challenging. Medical and psychosocial teams responsible for carrying out prompt and effective individual counselling are hindered due to the high number of arrivals, the fast administrative processing by the police, and the detention environment. Consequently, there is a potentially large number of individuals whose specific needs remain undetected.[38] The identification of vulnerable groups and their referral is even more challenging in other areas of Greece where there is no FRC presence. These areas receive approximately 50% of new arrivals. The police are administratively responsible for reception and are unable to respond effectively. New arrivals are detained for any amount of time in police cells, port facilities or in other temporary locations. First reception procedures are hastily conducted and newcomers are released without proper determination of nationality or assessment of medical or specific needs.[39]

As the FRS does not have the capacity to operate throughout Greece, all those apprehended without the proper documents are subject to imprisonment, and their transfer to a screening centre is neither immediate nor

36. Law 3907/2011 on the establishment of an Asylum Service and a 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. http://www.refworld.org/docid/4da6ee7e2.html

37. These services are provided by the NGO MED IN on a contractual basis and are subject to available funding as the interviewee of thisNGO explained.

38. UN High Commissioner for Refugees (UNHCR); Observations on the Current Situation of Asylum in Greece, published in January 2015, page 9, http://www.refworld.org/docid/54cb3af34.html .

39. Ibid. p.11

guaranteed. According to UNHCR, *"In total, the FRS was able to register and screen 6,228 individuals during January - September 2014. This corresponds to only around 20 per cent of the total number of new arrivals in this period."*[40]

Age assessment

The majority, if not all unaccompanied minors entering Greece in an irregular manner, do not possess any legal documents. The inexistence of a standardized age assessment procedure of possible unaccompanied minors hinders the protection of the best interests of the child. Upon arrest, age is determined by the Police based on the minor's declaration or the personal assessment of a member of the police force by the sole criterion of appearance. In other instances, those who are clearly minors declare themselves as adults, are recorded as such, and subsequently do not apply for asylum. This is mainly due to their intention to move onto a third country or avoid a long detention period.

Children in detention may undergo a medical assessment when there is doubt regarding their age. However, legal safeguards relevant to an age assessment procedure that may be used in the framework of examining an asylum application as stipulated in P.D 113/2013 (art. 11 par.4), are not applied.[41] An age assessment procedure for young people was established by a Ministerial decision on Nov. 29, 2013.[42] It is applicable specifically in the frame of First Reception Procedures and it is initiated when there is doubt regarding one's age. Medical doctors in the medical screening and psychosocial support unit are responsible for conducting age assessments in each First Reception Centre. In the event that an initial medical assessment based on the macroscopic characteristics of the individual is inconclusive, the cognitive, behavioural and psychological development of the person is examined by a psychologist and a social worker. As a measure of last resort the individual can be referred to a public medical institution for medical examinations where bone age is determined by left wrist and hand x-rays, dental examination and panoramic dental x-ray. (Article 6 Minors and Age Assessment)

The results of the medical assessment are delivered to the Head of Medical Control and Psychosocial Support Division. This report gives the assessed age of the applicant along with supporting evidence to verify the conclusion made. The individual concerned is entitled to be informed of the result and has the right to appeal the decision.

While consent from the minors' legal representative (public prosecutor for minors) is not required for age assessment all parties must be informed of an intended examination. A legal representative (or self-appointed representative) may be present.

40. Ibid. p. 9

41. Presidential Decree No. 113/2013 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, **14 June 2013,availbale at:** http://www.refworld.org/docid/525e84ae4.html **See also, Greek Council for Refugees document with prot. Number509/12.6.2014, to Ministry of Public Order/Foreigners' Division and other competent authorities, regarding "Administrative detention of persons declaring to be minors and age assessment procedure" The document presents the age assessment procedure followed and the issues it raises in terms of safeguards and in terms of protecting the best interest of the child. Available at GCR.**

42. Ministerial Decision. Ministry of Health. "Program of medical screening, psychosocial diagnosis, support and referral of third country nationals entering without legal documents, to first reception facilities" An age assessment procedure is included (Article 6), (Official Gazette B'2745/29-10-2013) Number Υ1.Γ.Π.οικ.92490 https://www.unhcr.gr/prostasia/nomiki-prostasia/o-nomos-stin-ellada/nomothesia-gia-to-asylo.html

Other procedural safeguards include:

- Prior to the examination of an asylum application, UAMs are informed, in a language they can understand, of the possibility of age determination through medical examination. Further details are given on the methods used in examination, possible consequences for an asylum application should the age stated be challenged, as well as consequences for a UAM should they refuse to undergo a medical examination.
- UAMs must consent to an examination to determine age.
- Applications cannot be rejected solely on the basis of a refusal from the UAM to consent to a medical examination,
- Until the completion of the medical examination any person who claims to be a minor shall be treated as such.
- If the results of the medical examination are inconclusive the individual shall be treated as a minor.

Between January and September 2014 it is estimated that only 1 in every 5 new arrivals in Greece were registered with FRS due to its insufficient resources. As a result, many UAMs may have gone undetected thus preventing them from accessing prospective durable solutions.

Detention:
Greek legislation does not prohibit the detention of unaccompanied minors. UAMs can be detained for a number of reasons; entering the country irregularly, for the purpose of deportation and while waiting to be placed in a reception center. They are also deprived of their liberty when undergoing screening procedures at a first reception centre.

While all 3rd country nationals entering the country irregularly should first go through screening procedures, "as a consequence of limited capacity (of FRS's) to receive new arrivals, the majority do not benefit from reception services [screening procedures] as foreseen by legislation.[43]

As a result, many newly arriving children are not identified as UAMs and are detained. Moreover, the absence of standardised age assessment procedure (which applies only to those who enter a first reception centre), exposes children who are registered as adults to lengthy detention periods and deportation orders.

A report by the Greek Ombudsman following a monitoring visit to the Amygdaleza Pre-removal Detention Centre in August 2014 states the absence of a standardised age assessment procedure and that …."in a place where allegedly minors and adults were detained together, there were some registered by the Hellenic Police as adults, yet a lot of them were obviously minors and/or claimed to be minors."[44]

On July 11th 2013 three asylum seekers registered as adults were served with a deportation order by the local Police authority of Ierapetra in Crete. They were subsequently transferred to Amygdaleza detention center to be processed as minors, as they were obviously identifiable as such. Despite the issuance of a placement order by EKKA the minors were not transferred to a reception center; they were instead moved to a detention centre for adults in the north-east of(Fylakio, Orestiada) and were eventually returned to Turkey in line with the bilateral readmission protocol of Greece and Turkey. An inquiry of the incident was sent to the relevant authorities by the Ombudsman. However, the response did not indicate whether an age assessment procedure was followed in this particular case.

43. UN High Commissioner for Refugees (UNHCR); Observations on the Current Situation of Asylum in Greece, published in January 2015, page 9, http://www.refworld.org/docid/54cb3af34.html .
44. Greek Ombudsman, The issue of age assessment for unaccompanied minors, 6.10.2014, p. 3, available at http://www.synigoros.gr/resources/porisma_diapistosi-anilikotitas-asynodefton-anilikon.pdf, p.3 (in Greek)

Children assessed as minors and have received services from a FRC facility or FRC mobile unit are also detained. GCR have documented a visit to Amygdaleza (Attica) detention facility for UAMs in November 2014 by a team of their lawyers and social workers. The report highlights the cases of 58 UAMs who had been transferred from the island of Lesvos (where a FRC mobile unit operates) and were detained since their arrival in Greece (end of August- beginning of September 2014), awaiting placement in a reception facility for minors.[45]

According to ECRE all third country nationals, including minors, arriving in the northern part of Greece are initially detained at the Fylakio Detention Centre. They are then transferred to the FRC in the area where they remain for screening purposes with a maximum stay of 25 days. These individuals are subsequently transferred back to the Fylakio detention Centre or the Paranesti Detention Centre in Drama (which facilitates UAMs only) until a place at a reception centre for minors becomes available.[46]

Various actors have raised serious concerns about the system of reception for minors in Greece.[47] Reports show that minors are faced with detention for long periods of time without any alternative measures in place. Age assessments initiated by Detention Centres or Police Units do not follow a standardised age assessment procedure. While detained, minors are exposed to sub-standard conditions. Ultimately minors encounter significant barriers to accessing durable solutions.

Guardianship

According to P.D. 220/2007 relevant authorities must take appropriate measures to ensure a minor receives necessary legal representation by informing the Public Prosecutor for minors or in his absence, the territorially First Instance Public Prosecutor, who acts as a provisional guardian until the appointment of a permanent guardian for the minor.[48] A legal guardian should be appointed to all unaccompanied children regardless of their status as asylum seekers as decided by the Council of State.[49]

Law no. 2447/1996 Article 1592 provides that the court must appoint an adult as the minor's guardian. In the absence of such a person, "…the guardianship of the minor is assigned to an institution or association especially founded for that purpose that has appropriate personnel and infrastructure, or otherwise in the competent social service." (Article 1600)

However, in reality the absence of an appropriate institution or association leaves the public prosecutor with sole responsibility for the minor. The great number of children assigned to the public prosecutors does not allow for a meaningful and effective contact with the child. Public prosecutors usually act after they receive notification from the FRS, a request from the Asylum service, from IOM or an NGO. An appropriate response (order) is delivered based on the request received. Limited resources and staff seriously restricts the public prosecutor's ability to act effectively in terms of ensuring both the best interest of the child and also that the child's rights are respected. Furthermore, there is no statutory agency that holds overall responsibility for the welfare of UAMs. Public Prosecutors must represent children under 14 in the asylum process. In this respect, the possibility of an UAM to assess the durable solution process of asylum/integration is restricted to asylum seeking children less than 14 years of age.[50] In essence the guardianship system remains ineffective.

45. GCR's internal document, available upon request.

46. See ECRE's report "What's in a name? The reality of First "Reception" at Evros - AIDA FACT-FINDING VISIT IN GREECE", February 2015, p. 13 http://www.ecre.org/component/downloads/downloads/992.html

47. Ibid. See also: AIDA country report for Greece, http://www.asylumineurope.org/reports/country/greece; and EMN "The Use of Detention and alternatives to detention in the context of immigration policies 2014", http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/12a_greece_emn_national_report_detention_alternatives_en.pdf

48. Article 19.1 Presidential Decree 220/2007

49. Ministry of Interior Circular, Prot. No.: 5401/1–261100, February 23, 2008, Section 3.

50. Please note the section of Asylum whereas the process particularly for children under 14 years old, is presented.

Care Arrangements

Housing

Greek Law holds that 'competent authorities' responsible for reception and examination of asylum applications of unaccompanied children must take immediate measures for addressing their accommodation needs whether with foster families or accommodation centres suitable for minors. In order to ensure the well-being of unaccompanied children competent authorities should accommodate siblings together, trace the members of their family, and limit changing locations of their residence (Article 19, par. 2 P.D. 220/2007).

Recommendations are made from the Social Support Unit to the Director of the FRC who is responsible to refer UAMs to the competent authority in order to receive appropriated services. (3907) According to the Asylum Service, all applicants who are registered are asked whether they are in need of accommodation. If an applicant declares that he/she needs housing, the Asylum Service communicates the applicant's request for accommodation to EKKA. A provision which is not included in the Reception Directive (2003/9/EC) has been added to the relevant Greek P.D. (220/2007), specifying that 'housing in a reception facility cannot exceed one year, and after that Asylum Seekers are facilitated so that they can find an appropriate private accommodation place.' (art. 13 par. 2). In practice however, the greatest majority of UAMs leave the centres within a year and if they need to remain in a centre over a year, NGOs which operate the centers do not force them out. According to P.D. 141/2013 (art. 32 par.3 c d), UAMs granted international protection have the right to housing in UAM reception centres or in other accommodation appropriate for minors.[51]

The capacity of reception centres for unaccompanied minors seeking asylum in Greece has remained relatively stable since 2010 when there were nine reception centres specifically catering for UAMs, with a total capacity of approximately 330 places. Today 2 of these centres; Centre of Boys Childcare in Konitsa (80) and Hospitality Centre for Unaccompanied Minors in Agiassos Mytilini (80), are not in operation. However, eleven smaller centres are fully operational in 2015, bringing the total capacity of accommodation for UAMs to 335.

Reception centres for Unaccompanied Minors

Centre	Location	Capacity
Apostoli centre estia NGO of the Church	Athens	20
ARSIS Association for the Children's Care	Alexandroupolis, Evros	22
ARSIS Association for the Children's Care	Oraiokastro,Thessaloniki	30
ARSIS Association for the Children's Care	Makrinitsa, Volos	30
Greek Red Cross Hospitality Centre for UAMs in	Agria, Volos	48
Institute of Youth and Life Long learning (INEΔIBIM) -Girls	St. Anargyroi, Athens	20
Institute of Youth and Life Long learning (INEΔIBIM) - Boys	Anogeia, Crete	25
NOSTOS	Moschato, Athens	65
Society for the Care of Minors	Athens	15
Praxis with Greek Red Cross	Patras	30
STEGI PLUS praxis	Athens	30

51. Presidential Decree 141/2013 of 21 October 2013 *Adaptation of Greek legislation to the provisions of Directive 2011/95/EC of the Council of 13 December 2011 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted(recast)*

The duration of each centres operation and the services they offer are subject to available funding. Also, the lack of any standard operating procedures mandated by law, allows for the provision of varied services based on budget restrictions. Consequently, the provision of standardized services by certain professionals (i.e. psychologist, lawyer, teacher), cannot always be ensured. The daily expenses allowance foreseen (Article 1(p) of Presidential Decree 220/2007), is not ensured in most of the centres due to limited funding.

The average waiting time between making a referral to when a child is placed in a reception facility is 37 days, (during this period the child remains in detention), while the median duration of stay at an accommodation facility is only 51 days.[52]

Many children who have to wait several weeks for placement decide not to accept placement and remain outside of a protective environment, while those who accept placement do not stay long for various reasons.[53] Consequently, any assessment of long-term needs remains just an assessment which can not materialize in a real prospect.

Education

The unconditioned access to schooling and education of minors is stipulated in Greek law. The children (under-18) of applicants and applicants who are minors have access to the education system under similar conditions as Greek nationals (P.D. 220/2007, art. 9). Paragraph 2 of the same article, provides that access to the education system shall not be postponed for more than three months from the date of reception of the application by the minor. Also the Aliens law (3386/2005) guarantees access to primary and secondary education to all migrant children living in Greece irrespective of their status of residence in the country.

The registration of a child at school requires a person with parental responsibility, a role that a guardian should fulfil, in order to advise, support, monitor the child's performance, and communicate with the teachers. In the absence of a guardian, access to schools is ensured only for UAMs in reception centres and UAMs who may receive services from NGOs.

Even when enrolled at the intercultural schools, problems occur if they have not attended any schooling, for 15 and 16 year old children cannot be in the same class with 6 and 7 year olds.

Health

All asylum applicants are entitled to receive free of charge the necessary health, pharmaceutical and hospital care. (Article 14 of Presidential Decree 220/2007). Also, all unaccompanied minors have access to health care regardless of their legal status.[54] As many children however are outside a protective environment they are not even aware of this right. Moreover, issues with the quality of care may be born due to communication barriers since hospitals do not have interpreters and frequently ask the assistance of NGO's. NGO Metadrasi,[55] which has been very active in the interpretation field, provides assistance to the hospitals upon available funding and staff.

52. EKKA - Annual report 2014

53. UNHCR notes that "For a variety of reasons, including the type and quality of accommodation provided,the negative perception of the protection situation in Greece, and predetermined views as regardspreferred final destination countries, the majority of children abscond." UN High Commissioner for Refugees (UNHCR); Observations on the Current Situation of Asylum in Greece, published in January 2015, page 22, http://www.refworld.org/docid/54cb3af34.html Also, children who come to GCR for assistance often report that the services at the reception centers do not cover their needs, that they do not have many chances of receiving protection, that they do not feel they can have real assistance to integrate, that in Greece the overall situation is not as good as in other member states, and these are reasons they do not want to either enter or stay in a reception center and prefer to leave Greece.

54. Ministry of Health Circular Prot. No. Υ4Α Υ4α/οικ. 45610 02/05/2012

55. http://www.metadrasi.org/eng/content/translationservices

Family tracing and family reunification

Family reunification is stipulated in the Greek law and can occur either through the application of the Dublin Regulation or the Family Reunification Directive.

When an unaccompanied minor lodges an asylum application, the authorities competent to receive and examine it shall endeavour to trace the members of the minor's family as soon as possible. (Article 19 par. 2 c. P.D. 220/2007). Also, when an UAM receives an international protection status, the Department of Refugee and Asylum seekers' protection (a Unit of The Social Perception and Solidarity Directorate of the Ministry of Employment, Social Security and Welfare), shall endeavour to trace the members of his/her family as fast as possible" . (Article 32 par. 5 P.D. 141/2013)

No family tracing mechanism or procedures are in place. Family tracing is initiated when a minor applies for asylum and asks to be reunited with his family or relatives who are in another Member State. In practice, only in cases when a parent or another close relative of the child is in another European Union member state, reunification may be realized under the criteria set forth by the Dublin Regulation (EU) No 604/2013.[56] Family tracing is also foreseen in cases of return as stipulated in the Greek law (3907/2011), transposing the Return Directive.

The Asylum Service inquires about the existence of relatives or other family members but does not conduct family tracing per se.[57] The International organization Red Cross is steadily involved with family tracing, while the NGO "The Smile of the Child" implements programs involving family tracing.[58] The International Organization for Migration (IOM) also conducts family tracing, however this is usually done when a minor is to be returned to his/her country of origin. NGOs, (e.g. The Greek Council for Refugees, Ecumenical Refugee Programme, Arsis, PRAKSIS, Red Cross) that provide assistance to Asylum Seekers and Refugees, are involved in family tracing in the framework of the legal and social assistance they provide to minors but only for family reunification purposes.

The Best Interest of the child should be a primary consideration for tracing the family members of a minor/ unaccompanied minor. Even though Greek law has transposed the provisions of the EC directive, the way it is applied, does not necessarily ensure that the Best Interest of the child is served.[59]
In case the Asylum authority were to conduct family tracing beyond the scope of the Dublin Regulation, in the absence of clear BID procedures with the prospect of a DS, it is unclear how this information would be utilised. It would probably be just another piece of information rather than a decisive factor in a determination, e.g. if returning a minor back to his/her country of origin (Durable solution) -should be in his/her best interest.

56. Council of the European Union, Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), **29 June 2013, OJ L. 180/31-180/59; 29.6.2013, (EU)No 604/2013, available at:** http://www.refworld.org/docid/51d298f04.html

57. Interview with a stakeholder from the Asylum Service.

58. http://www.synergia-net.it/en/european-projects-list/net-for-u-%E2%80%93-needs-tackling-and-networks-tracing-for-unaccompanied-minors-integration-pre121-pe49.html

59. Interview with a "stakeholder" (NGO – GCR lawyer), who also works with minors and assists with the reunification procedure via Dublin.

3. Durable solutions - prospects

Asylum- Right to stay

Asylum applications submitted by unaccompanied minors are always examined according to the regular procedure. (Art. 11 par. 6 PD 113/2013). According to P.D. 113/2013[60], when an unaccompanied minor lodges an asylum application, the authorities competent to receive and examine it 'shall take action according to paragraph 1 of article 19 of Presidential Decree 220/2007 in order to appoint a guardian for the minor. The guardian or the person exercising particular guardianship acts shall be given the opportunity to inform the unaccompanied minor about the meaning and possible consequences of the personal interview and, where appropriate, how to prepare himself/herself for the personal interview. The guardian or the person exercising particular guardianship is invited and may be present during the minor's interview and shall be allowed to ask questions or make comments, so as to facilitate the procedure." (Article 11. 1)

An unaccompanied minor above 14 years old can lodge an application on his/her own behalf, but an unaccompanied minor under 14 years old lodges an application through a representative. (P.D. 113/2013 art. 35 par. 3, 4) Safeguards prescribed by this P.D. include: a) the case workers who conduct interviews with an unaccompanied minor must have the necessary knowledge regarding the special needs of minors and must conduct the interview in such a way as to make it fully understandable by the applicant, taking particular account of his/her age. (Article 11.2) and b) the best interests of the child shall be a primary consideration when implementing the provisions of this article. (Article 11.7)

NGO's cooperate with the public prosecutor for obtaining an order to represent children under 14 years old in the asylum procedure and are present during the asylum examination. In practice, since the guardian has the discretion to be present during the examination of an asylum application by a minor over 14, the guardian (public prosecutor) is prevented from being present due to reasons described in the earlier section (guardianship). As a result UAMs over 14 are left without legal representation and protection in the asylum procedure. Very few children over 14 are assisted in preparing for their asylum examination, the interview, and have a lawyer or a social worker present with them during the asylum examination. This service is provided only by few NGOs or pro bono lawyers.

Minors, whose application for international protection has been rejected, may be granted a residence permit on humanitarian grounds. However, this application is examined on the condition that the case of the applicant has been referred to the Ministry of Interior by the Competent Decision Authorities, following an assumption that the person referred may meet one or more of the defined prerequisites for obtaining a permit on humanitarian grounds.[61]

Provided that, being an unaccompanied minor is not one of the prerequisites for qualifying for a humanitarian residence permit, a referral cannot be made for all UAMs. In essence there is no guarantee that UAMs will have legal residence before they reach 18. As indicated in the identification section earlier in this report, only a small percentage of children arriving in Greece apply for asylum and a great number of these applications are submitted as a means for reunification with their family or relatives through the Dublin Regulation.

60. Presidential Decree No. 113/2013 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" (L326/13.12.2005) and other provisions, **14 June 2013,** http://www.refworld.org/docid/525e84ae4.html

61. Residence permit on Humanitarian Grounds. Common Ministerial Decision (Ref.No.30651/3.6.2014)Gov. Gazette B' 1453/05-06-2014).Please note that "Competent Decision Authorities", according to art. 2 par. s P.D. 113/2013, 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.

Integration

According to the Asylum Service data, in 2014 there were 447 requests for asylum submitted by unaccompanied minors and international protection was granted thus far, (many cases are still pending), to 106 minors .[62] When a UAM receives international protection he has the right to stay in a reception facility for minors or in another appropriate facility. (P.D. 141/2013 art. 32 c) This PD also stipulates that beneficiaries of international protection participate in appropriate integration programmes that the competent departments of the Ministry of Employment, Social Security and Welfare develop. (art. 35) The rights of the UAM to education, vocational training, health care, language support and employment are also stipulated in the law. While various actors are responsible for implementing actions in this respect, (Ministries of Education, Employment, Health, Justice and NGOs), in practice there is no clear integration policy dictating a set of appropriate and targeted integration measures (policies and procedures), nor is there an appropriate body or a guardian to ensure that the UAM has enrolled in an integration programme or participates in a set of actions (i.e. education, training, language support, employment), for his integration. Since many UAMs do not want to enter a reception facility and those who enter leave soon thereafter,[63] the implementation of an integration programme is extremely difficult. Moreover, the programmes developed by the aforementioned Ministry are rather limited in their scope since they are entirely based on ERF funding, the great bulk of which goes to support the reception responsibilities of the Ministry, thus necessitating the placement of integration matters in the 'back seat'.[64]As recent research indicated, *'Integration measures have been mostly on paper but in practice rather minimal.'*[65]

At present there are no operating integration programmes that are financed by the State. The last two projects operated by the Greek Council for Refugees and the Greek Red Cross were financed by ERF and ended in December 2014 and it has not even been announced when AMIF which replaces ERF, will be initiated.

Family reunification via Dublin Regulation

Dublin Regulation (604/2013/EU) currently provides numerous guarantees and legal options for UAMs for assessing and serving their best interest, thus limiting the possibility of any child to remain unaccompanied in case there are family members in another member state. Within the Dublin system if a family member, sibling or relative[66] is found to be in another member state reunification is considered to be the priority as it is understood as de facto serving the best interest of any child.[67] Thus, in providing for the most sustainable and long-term solution serving the well-being of the child, the existence of any of the above persons in EU territory is a decisive factor indicating the procedure to be followed.

Under article 6 member states exchange information and collaborate with each other, as well as with other necessary international organizations, in order to locate any family member or a competent relative in their territory. Asylum seeking UAMs are to be supported by a qualified professional as a representative[68] to ensure that the child's best interest is taken under consideration during the procedure and his/her views are

62. Specifically, 78 UAMs received protection status at first instance (53 refugee status and 25 subsidiary protection) while 29 received protection status on second instance (19 and 9 respectively). This data was provided by the Asylum service upon request.

63. See footnote number 21

64. Of the total ERF budget for 2012 (5.099.682) and for 2013 (4.009.053), the amounts allocated for integration related matters, were 387.272 and 219.060 respectively. http://www.ypakp.gr/

65. Hellenic Foundation for European and Foreign Policy (ELIAMEP), Migration in Greece – Recent Developments in 2014, http://www.eliamep.gr/wp-content/uploads/2014/10/Migration-in-Greece-Recent-Developments-2014_2.pdf, pages16-17

66. An uncle/ aunt or grandparent (Article 2 (h) Definitions)

67. See also preamble of the Regulation (13) and (16) as well as article 6 (3) providing guiding indicators to the members states when assessing the best interest of a child placing family reunification possibilities as the first factor to be examined. According to the preamble the existence of a competent family member or relative in any member state is to be understood as a binding responsibility criterion.

68. Without prejudice to the legal or other representative of the child prescribed in art.25 of Directive 2013/32/ EU

heard. At the same time, the regulation system provides for its own decisive for the BIC factors to be reviewed and assessed (i.e. reunification possibilities, well-being and social development of the minor, safety and security as well as the minor's views) limiting the member states discretion when applying the principle.

In practice, upon the registration of the asylum claim, the Asylum Service interviews[69] the child inquiring on the presence of any family member or relative in EU territory, collecting as much information possible on the adult's whereabouts and contact details, as well as any documents indicating family ties. Children are also referred to EKKA by the Service if they consent and are given information on how to proceed with any medical examinations required in order to be accommodated. A "take charge" claim is transmitted promptly in the third country, pending approval or the submission of additional information.

If a family member is located in a member state, this state accepts a 'take charge' claim,[70] unless the particular reunification does not serve the best interests of the child. With the new Regulation, member states have no discretion to deny reunification of a child with a family member, or another relative i.e. uncle, aunt, grandparent,) in cases family members cannot be located. A claim however can be denied if reunification is deemed to be contrary to the BIC principle.

Despite the fact that the Dublin system is structured so as to eliminate the possibility of any child being left unaccompanied, by introducing the new obligation to reunify with relatives and therefore expanding the notion of capable adults , problems can and do arise, among member states as to whether a particular relative, is capable of taking care of the child or such a unification is actually for the child's best interest, sometimes leading to unfair and unjust solutions that undermine the child's situation. Assessments vary and occasionally differ, depending on state particularities. (I.e. Sweden denied the unification of a teenager UAM in Greece with his uncle, on the basis that the relative had a low income and his home was not "satisfactory" , completely disregarding the fact that the child in Greece will remain with no actual guardian, no housing , or any financial support . On the other hand, Germany has never denied unification on such basis, acknowledging the problems of the reception and guardianship system in Greece.

Usually within a month, a reply is received accepting the minor mainly with no implications or need for medical examinations or additional information. As the above mentioned examples state the content of the reply, depends on the member state the claim has been transmitted to.

UAMs are informed as soon as the translating capacity of the Service allows and they are called in the premises to sign an official notice of the decision. In cases of children younger than the age of 14, the Public Prosecutor is notified but in order for the procedure to continue, a person specifically appointed by the Public Prosecutor must visit the Service and sign relevant documentation as well as declare his ability or inability to escort the child to the third country -in order for a police officer to be appointed as an escort. After the UAM is officially notified of the decision, they are notified as to possible transfer dates and flights so that they may be able to access the required documents on time. Again transfer is delayed for children in need of a police escort due to limited capacity of police forces to undertake such duties as well. The transfer usually occurs after 4-5 months of the date of the acceptance, indicating a minimum of 7 to 8 months for the total procedure to be completed.

According to NGO's and IOM experience many minors attempt to reach their families irregularly rather than wait for the completion of the lengthy reunification procedure.

69. In cases of minors under the age of 14 the Public Prosecutor acting as a temporary guardian by law, is informed in order to consent to the registration.

70. Statistical information regarding Dublin Regulation for 2013-2014: Take charge claims 138, Acceptances 85. Rejections 33, Completed transfers 41. This info was furnished by the Asylum Service, upon request.

The Greek Council for Refugees provides legal and social assistance to Refugees in Athens in Salonika and in the Evros Region. Among other services, GCR supported 630 cases of family reunification within the framework of the Dublin Regulation, during 2012 and 2013[71] Ecumenical Refugee Programme (ECRP) provides legal and social assistance to asylum seekers and refugees. Since 2013 they have been implementing programmes of legal and social assistance placing particular emphasis also on Family Reunification. From January 2011 to June 2014 they assisted 310 Dublin Cases, corresponding to 580 persons, among them 131 families (369 persons) and 95 unaccompanied minors.[72]

NGOs' assistance during the reunification process starts with a consultation with the child and verification that a family member or relative lives in another MS. Then assistance is provided for the submission of an asylum application, (access to the procedure and representation), following an order by the public prosecutor in case of children under 14 years old. Family members / relatives and other NGOs or supporting lawyers in other MS are contacted throughout the procedure. There is continuous cooperation with the Dublin Unit of the Asylum service and also with the prosecutor of minors. There have also been instances where a police officer was not able to accompany the child travelling to another MS and thus an NGO representative was granted permission by the prosecutor to accompany the child and hand it to the competent authority of the receiving country.

Return and Reintegration

IOM Greece is the only organization operating Assisted Voluntary Return and Reintegration (AVRR) programmes for migrants who are unable or unwilling to remain in host countries and wish to return voluntarily to their countries of origin. Since many minors do not register in the official system and remain in the margin of society of the most populated cities, completely vulnerable and exposed to all sorts of risks, IOM decided to implement an Unaccompanied Minors' pilot project of voluntary repatriation to their country of origin, which ran from February 2013 until the autumn of 2014.

On its website, IOM states that, for the successful implementation of AVRR programs, the cooperation and participation of a broad range of actors is required. The partnerships created by IOM and a diverse range of national and international stakeholders are essential to the effective implementation of AVRRs – from the pre-return to the reintegration stages.[73] The "actors" directly involved in the UAM pilot project, included, UAMs, civil society (NGO's ARSIS and PRAKSIS), governmental authorities (public prosecutor for minors acting in his capacity as the lawful temporary guardian, the First Reception Service, Dublin Units of the Asylum Service, the Ministry of Labour and Welfare - EKKA), other international organizations and IOM missions at the countries of origin.

IOM Greece has also been involved in all three possible durable solutions (family reunification in third country, return to country of origin, stay in country of arrival), and each D.S. is examined according to IOM Guidelines and procedures relevant to the provision of any assistance and/or support to Unaccompanied Minors, which comply with the UNCRC and the EU Charter of Fundamental Rights. Furthermore, IOM policy is based on the principle that the "best interests of the child" is paramount. In this respect when IOM plans for any of the durable solutions, (apparently for the UAM return project as well),the **main factors** taken into account are:

71. GCR Annual reports 2012, 2013 available at: http://gcr.gr/index.php/en/publications-media/annual-reports

72. See, Ecumenical Refugee Programme. Activity report for the period September 1st, 2013 until August 31st, 2014, p. 10 http://www.ecclesia.gr/greek/koinonia/erp_2013_2014.pdf It should be noted that few other NGOs are involved with family reunification. Yet GCR and ECRP, because of their capacity possibilities serve most of the UAMs in this process.

73. http://greece.iom.int/node/25

- The wishes/views of the child, taking in consideration the age and maturity of the child
- Family assessment and situation of family
- Sustainability of the possible solution and timing of the solution

The child receives consultation and information by other IOM staff or by social workers of participating NGOs in the framework of the V.R. programme. IOM guidelines require that family tracing and family assessments be completed by the appropriate IOM or partner staff before proceeding with any other activities. The information is collected and used to support the child in determining his/her best interests and in identifying a durable solution that reflects the best interests. In this respect the option of return is examined.

Specifically the procedure in terms of the DS options is as follows:

- Minors who are already in a protective environment such as an NGO, receive psycho-social support and information on all their options. They are provided with time to understand their options and the procedures involved. For minors who approach IOM Greece directly, the first concern is to ensure that they have accommodation and time to recover from any traumatic experiences. In all circumstanes involving minors the most important factors are:
  safe accommodation, provision of their immediate needs (health, nutrition), communication with family, psycho-social support, provision of learning opportunities and time to reflect on their options (subject to their maturity and ability to understand their options).
- Reflection/recovery time is essential not only for the well-being of the minor but also to provide organizations with the time to learn about the child, his/her family and his/her background. This background information also enables organizations to investigate the possible solutions available for each minor including family tracing, family assessment, the possibility of reunification in a third country or application for asylum.

When an unaccompanied minor requests assistance to return to his/her country of origin through IOM country missions, IOM undertakes family tracing activities, family assessment and best interests assessment. From over 1000 unaccompanied minors who were provided with information and counselling on assisted voluntary return and reintegration to their country of origin, 282 registered to voluntarily return. Following the above procedures, of the 282 minors who expressed their desire to return home, 59 unaccompanied minors were assisted with voluntary return to their respective country of origin.

IOM Greece cooperates with the prosecutor for minors or prosecutor of first instance, who is the temporary guardian of all unaccompanied minors. The temporary guardian is responsible for making decisions to ensure the protection of the best interests of the child. In this respect the prosecutor makes the final decision regarding the durable solution for each unaccompanied minor. IOM provides the background information that is collected, i.e. family tracing, family assessment, including issues of potential violence and abuse, ability to care appropriately for the minor, safety in the community/country and the child wishes. [74]The Prosecutor's decision is based on the suggestion made by the NGO that submits the relevant and supportive information. IOM in fact only referred minors to the prosecutor with whom they had consulted and had subsequently determined that it was in their best interests to return home (59 UAMs out of 282).[75]

74. Information on Return and reintegration derives from an interview with the "stakeholder" from the IOM office in Greece
75. The interviewee from the Ministry of Employment notes that destituted UAMs prefer to go back home rather than stay in Greece, but the way this voluntary return is pursued can not really be perceived as a durable solution. Moreover, the option of return home, compared to other D.S options does not constitute an "equal" option particularly in terms of the sosiopolitical situation in the home country, the 'investment' of the parents and relatives already made, the risks the UAM undertook during his journey and the actual/real choices back home.

4. Determining a durable solution - Actors involved and their role

There are many actors involved in responding to the needs of unaccompanied minors ranging from the police at the borders, lawyers, social workers, UNHCR staff, reception centre staff, doctors, teachers, guardians (public prosecutors), interpreters, lawyers, NGOs, and asylum and immigration officials.

Many of these actors provide services according to their roles and available means. Respectively, Monitoring and evaluation of the actions and services relevant to a "durable solution" is inherent in the procedure each relevant actor follows. Not all the services are available throughout Greece however. In the big cities and particularly in Athens, children may find more support and services and yet at the same time they may live in conditions of destitution and may be exposed to great risks since no one - given the limitation of the identification mechanism and the guardianship system- can assume responsibility for them.

The Public Prosecutor, as the temporary guardian for UAMs, might make a decision regarding a durable solution, based on ad hoc reporting or consultation with agencies involved with the child, usually upon request by a NGO, the asylum authority or IOM. UNHCR teams provide expert support to the competent local authorities in the profiling and referral procedures in new arrivals. It also provides information to new arrivals regarding their rights, obligations and on the asylum procedure at entry points all over Greece and also at the FRC at "Fylakio". At the FRC, IOM provides information on the voluntary return programme

they operate, "Medical Intervention" (MED IN) provides medical, psychosocial services and assists in the identification of vulnerable groups i.e UAMS , victims of trafficking, "METADRASI" provides interpretation services on a contractual basis. FRS staff will notify the guardian when a minor is identified and the asylum service when a minor wishes to apply for asylum and will also submit a request for accommodating the UAM to a reception centre. The guardian (public prosecutor) will see that the child is transferred to a reception centre. If a minor under 14 years old wants to apply for asylum then the guardian is notified by the asylum service and efforts are made for finding someone willing to obtain permission from the public prosecutor to provide assistance and represent the child during the asylum procedure. If the child informs the Asylum Service that there are family members or relatives in another M.S. then the Dublin Regulation proceedings are initiated. When children who have not applied for asylum and are not in a reception centre approach an NGO like GCR or ECRP, they will receive assistance according to their wishes and based on the evaluation of their best interests. When family reunification is an option for them, all necessary steps will be undertaken for facilitating it. When children who cannot stay legally in Greece or have some protection status but are so destitute that they prefer to return to their country of origin they will receive appropriate assistance and counselling from IOM and upon their BID they may return.

Since a durable solution is based on a certain plan, we observed that some actors may through their actions, either contribute somehow to the attainment of a durable solution or expose a minor to various risks. Where a UAM first arrives in Greece, determines to a great extent the possibility of a durable solution. When UAMs arrive in the islands where the FRS is not operational or has no jurisdiction, then the police become administratively responsible to manage new arrivals. Given their limited capacity and the expectation of more people to come, their conduct with newcomers is hurried and limited and in this respect a lot of UAMs are recorded as adults. They are transferred to detention centres and while an age assessment is an option, it does not always serve the best interests of the child as the benefit of the doubt which should be in favour of the minor is not applied.[76] As a result many children remain detained for lengthy periods and are also subject to deportation procedures. If however, they arrive in the North-Eastern part of Greece they may have better

76. See also, Greek Council for Refugees document with prot. Number509/12.6.2014, to Ministry of Public Order/Foreigners' Division and other competent authorities, regarding; "Administrative detention of persons declaring to be minors and age assessment procedure". The document presents the age assessment procedure followed and the issues it raises in terms of protection safeguards and in terms of protecting the best interests of the child. Available at GCR.

luck as after a relatively short detention period, the police will transfer them to the FRS. Although the FRS has a restricted capacity, it can facilitate to some extent the prospects of a durable solution for a UAM through its operational mechanisms and procedures. Similarly in the islands, where the mobile units operate and where they are assisted by UNHCR and a few NGOs, UAMs have more of a chance of being identified and being referred to the competent authorities.

5. Durable solutions: in practice

The D.S. concept is not included in any of the official legal documents relating to Asylum in Greece. The concept of the best interests of the child is found in many legal documents and it should guide the actions of all relevant actors. As there is no best interest determination procedure or guidelines, in practice, various actors apply the concept either in the manner in which they understand it or according to their internal BID principles or procedures. It appears that the actions of state actors in Greece focus primarily on meeting a UAM particular need when it arises and this within an environment with limited options and a restricted capacity. In this respect, their actions are guided by their obligation to implement according to their mandate. Thus it is the fulfilment of the action that receives more attention rather than the UAM and his/her long-term wellbeing being the subject of the action.

This does not mean that long-term protection is entirely excluded. Long-term protection remains a possibility but it is not based on a concrete plan following a best interests determination. For example, the competent authorities for examining an asylum application can facilitate family reunification for a child, which is a durable solution. However, their actions are guided by their responsibility to correctly apply the relevant provisions of the Dublin Regulation and not necessarily by their pursuit of this particular durable solution. The same applies for a return to the country of origin, which results when someone does not obtain legal status in Greece. When the envisaged protection guarantees for returning minors are in place, minors could be returned home which is also a durable solution. However, return to the country of origin is not considered in itself a durable solution for the minor, but rather the mere application of the law regarding the return of those staying illegally.

At the different stages of the process the minor's voice may be heard, i.e. when they arrive in Greece, when they are in reception centres, when they go the asylum service or when they visit NGOs. Various actors do not just hear but also listen to what the minor says in order to work with them and assist them. An example comes from one of the interviewees answering the questions: 'What do you feel you need to determine a durable solution for an individual child.'

"I need a thorough social history of the child which will include basic info such as history prior to his departure from his country family surroundings, family's whereabouts, relations with parents and siblings, social environment, educational level, history of employment, reasons for leaving the country, circumstances of the trip, trip route, ties in the country of arrival, current status of being – means of subsistence, relatives in other EU MS. Also an assessment by a social worker or psychologist, regarding the child's mental and emotional status is necessary. Finally, an idea of what the child wants to do and his/her dreams/hopes for the future.

In response to the question: 'How do you establish a relationship based on trust with the child; do you think that relationship affects your ability to determine a durable solution?'

'By being informal, by creating a child friendly environment, by having the child sit next to me instead of across from me, by letting the child take his time and not pressure it to answer a predetermined set of questions, by smiling often, by encouraging the child to draw while in the mtg. By letting him/her know that you

are available to help, (seeing them without a prearranged mtg, by providing them with a phone number for emergency cases of any kind). This enhances my ability.'[77]

This approach does serve the best interests of the child but it is outside the context of an official BID procedure. It comes from one of the actors in the field who does a BID which takes under consideration the child's wishes and proceeds with family reunification via the Dublin Regulation. However, if the child does not come into contact with an NGO, he most likely would try to leave Greece on his own and would expose himself to further risks.

In summary, the lack of a best interests assessment soon after a child enters Greece and a subsequent BID procedure along with the lack of a person to assume real responsibility for the child, means that the application of a durable solution is left to chance rather than being a real prospect.

However, recently there have been some positive steps regarding the asylum system which potentially will have some impact on the protection of UAMs. Specifically:

- Three new centres for UAMs are being created and thus there will be increased capacity for minors in reception centres.[78]
- Following the initiative of the Ministry of Justice, Transparency and Human Rights, a special working group/Task Force on unaccompanied minors was established in 2013. It consists of representatives of the co-responsible authorities: the Ministry of Justice, the Hellenic Police, the First Reception Service, the Asylum Service, the Ministry of Labour, UNHCR and the Ombudsman. The aim of the task force is to develop a national strategy on UAMs.[79] UNHCR mentions that the aim is to propose measures for improving the guardianship system.[80] Whatever the aim may be, this is definitely a step in the right direction.
- The European Commission awarded Greece funding from the Integration Fund (AMIF) to support the enhancement of the Asylum Service for unaccompanied minors. [81] Concerning detention the Alternate Minister of Migration, Tasia Christodoulopoulou, has announced that detention of newcomers and asylum seekers will be a measure of last resort and alternatives to detention will be implemented. Already hundreds of detainees have been released. This positive development means that detention time is drastically limited and thus it is expected to result in reduced costs for the management of the detention centres and the prospective savings will be utilized to increase the budget and services for asylum seekers.

What children say

The previous sections indicated the legal framework, the actual practice and the attitude of the pertinent stakeholders as regards the protection of the UAMs, the prospects of a durable solution and some positive developments. The following presents the children's thoughts on durable solutions.

77. Interviewee with a stakeholder (NGO-GCR lawyer) working also with children, usually for family reunification purposes.

78. See European Commission, Staff Working Document on the Assessment of the implementation Greek Action Plan on Asylum and Migration management, 6 October 2014, SWD(2014) 316 final, p. 12 which men tions seven new reception facilities, (among them three for UAMs); See also ECRE's report "What's in a name? The reality of First "Reception" at Evros - AIDA FACT-FINDING VISIT IN GREECE", February 2015, p. 9 http://www.ecre.org/component/downloads/downloads/992.html

79. Ibid. p. 10

80. UN High Commissioner for Refugees (UNHCR); Observations on the Current Situation of Asylum in Greece, published in January 2015 page 23, http://www.refworld.org/docid/54cb3af34.html

81. http://www.avramopoulos.gr/el/content/prostheti-ektakti-hrimatodotisi-13-ekat-eyro-stin-ellada-apo-tin-ee-gia-tin-stirixi-tis-leitoyrgias-tis, in Greek.

These were some of the answers to the question: 'What do the children think of durable solutions?
'

> *'To have a house. To be able to stay in Greece. To have my basic needs met. To have some financial assistance. To learn a trade and have an honest hobby. To be with those I love. A permanent residence in Greece.*
> *To have legal papers. To be respected as equal and not be treated as a foreigner.*
> *To be with my family. Reunite with my family from Syria to a safe place. To be able to study and go to Germany. To be somewhere that they will respect me and where there are better conditions.*
> *To be with my family. And to be with my family in another country.*
> *To go to Denmark where my relatives are and then reunite with my mother who is in Syria.*
> *To go to another country in Switzerland where my mother lives.*
> *To be somewhere that I feel I can live that I am safe that I can do things that I have opportunities that I can study.'*

Some of the answers to the question *'If you were determining a durable solution for another person how would you do it and what would you take under consideration?'* included:

> *I would want the child to be with his family either here or in another country. To be somewhere where the child will be safe and happy. I would ask the child what he wants but if the child was very young would not ask it. Would communicate with the family to see what is going on. I would ask the parents if they loved him and if they would accept their child to be with them.*
> *Because the young child cannot decide for what is right, I would not ask it, instead I would ensure the protection of the child. If older, would ask the child what he wants to do in the future. Would consult with other people who have experience what would be better for the child in the future. Would also ask the parents how the situation in the country of origin is. I would like to see the child be in a country where it is more secure/protective and the child would have more opportunities.*
> *The State should take care of the child. I would personally take the child to his parents. If not possible then I would try to take care of it.*
> *I would ask what the child wants and also the adult who is responsible for the child.*
> *I would ensure that the child is with his family and has whatever he wants. Society should take care of young children.*
> *I would help the child obtain legal papers, find his mother and bring it to her. I would decide in consultation with someone older, for example an uncle.*
> *I would consider the child's age and where his parents are. I would like to see the child be with his parents and I would also consult with older people. The child should be in a protective environment with relatives.*
> *I would take care of the child as best it is for him and as much as I could. I would see that the child goes to school; I would assist it, see that the child is protected and that is not alone (on his own).'*

In Conclusion

Children's perception of a durable solution entails the acquisition of legal status, the provision of services to ensure that their basic needs are met, that they are respected and not discriminated against, that opportunities and future prospects are possible and also to be in a protective environment, as almost all of them said they want to be with their parents, which for them is the epitome of their protection. The children's answers indicate that in determining a D.S., they would take into consideration: the opinion of the child if they are old enough, the opinion of older people who have experience (stakeholders), the existence of a secure and protective environment, the possibility of future prospects, the family situation, their

wishes and if it is appropriate for the child to be with his parents. Finally, to the question, 'why do you think determining a durable solution is important?', the answer was pretty unanimous: because it is good for the child.

The children interviewed indicated the basic aspects of a best interests assessment and of a best interests determination; it was very clear that their future and long-term prospects are very important for them.

It is important to have a legal framework which places a child at its centre, followed by policies that support it and an effective guardian in order to safeguard the best interest of the child and facilitate durable solutions. In Greece, the legal framework has lapses in terms of protecting the best interests of the child and there is also a complete absence even in paper of a best interest assessment and a best interest determination.[82] Moreover, there is no statutory body responsible for the overall protection of the child and the services provided are thus fragmented. The positive changes mentioned earlier, will alleviate some of the areas of concern but the serious issues affecting the protection of UAMs in Greece remain.

Until a comprehensive national strategy is in place, which includes the enhancement of the legal framework ensuring the protection of unaccompanied minors and including a functional and effective guardianship system, children will continue to be affected by the problematic identification issues upon their entry into Greece, the absence of a functioning referral mechanism for them, the lack of a standardized and uniform age assessment procedure, prolonged detention periods, lack of reception facilities, limited integration aspects, and an ineffective guardianship system. They will continue to be exposed to the risks of living on their own, and will risk travelling to other countries in search of a protective environment and they will even make the decision to go back to their own countries against the advice of caretakers since they have lost any hope.

Drastic changes may eventually bring about a situation where we will be able to fully accommodate UAMs and ensure that their well-being and rights are the primary and paramount consideration.

82. UNHCR refering to durable solutions notes that "the absence of formalised BIA and BID procedures renders children vulnerable and susceptible to irregular onward movement." UN High Commissioner for Refugees (UNHCR), UNHCR observations on the current asylum system in Greece, December 2014, page 23, http://www.refworld.org/docid/54cb3af34.html