**Reply to the questionnaire on the rights of the child and family reunification**

***Answers are provided by the Ministry of Asylum and Migration of the Hellenic Republic***

1. **a. How can the right to family life be upheld for children in cross-border situations, particularly migrant children who are separated from their families (taking into consideration Article 10 of the Convention on the Rights of the Child)?**

A number of relevant provisions in the Greek migration and asylum legislation establish or preserve the family unit in cross-borders situations, in cases of children who are separated from their families.

Considering that migrant children constitute a particularly vulnerable group, the right to family life, in such cases, can be amplified. In particular, the right to family unity is, in principle, upheld through provisions which enable siblings to stay together, or children to be reunited with other family members; these provisions are implemented following a thorough assessment of the best interest of the child and a hearing where the child’s opinion is voiced, depending on age and maturity.

Dedicated institutions responsible for the protection of children can significantly contribute to upholding family life for migrant children. The Special Secretariat for the Protection of Unaccompanied Minors under the Ministry of Migration and Asylum has undertaken responsibility for the management and provision of support to unaccompanied minors. One of its objectives is to establish a coordination mechanism so that all actions regarding family tracing procedures, such as description of relative provisions, procedural safeguards and actors involved, are streamlined.

Moreover, the Greek Μigration Authorities are fully and effectively implementing the specific Directive on the right to Family Reunification (2003/86/ EC), in line with their obligations arising from the European Union acquis.

The swift conclusion of the reunification process for children is, indeed, a priority for our country.

In the context of asylum, the above-mentioned Family Reunification Directive also applies to recognized refugees residing in any EU Member-State; recognized refugees have the right to invite members of their family, as defined in the Directive, to join them in the Member State they themselves reside in. Unaccompanied minors may be invited under more favorable conditions at the same time when the reunification of unaccompanied minor refugees with their parents, or a legal guardian, or other family member is ensured.

In relation to third country nationals entering Greece to seek asylum (asylum seekers), applicable rules ensure family reunification if their family members reside in another EU member state. Within the context of the relative Dublin procedure, which can be invoked in order to restore family links, unaccompanied minors can be transferred by the EU Member State of first entry to the Member State which is responsible for examining the child’s application for international protection.

Family unity is a key consideration when it comes to procedures of relocation. Under the EU Relocation Programme (in which not all Member States participate), following the confirmation of eligibility of the unaccompanied minor for relocation, the presence of a family member residing in one of the other participating EU Member States is a critical factor for the relocation decision.

Furthermore, in cases where siblings or cousins are concerned and where all those minors are eligible for relocation, efforts are being made for them to be relocated in the same country with a view to maintaining family unity.

In the case where the family member is located within Greece, an inquiry takes place in order to verify a) the precise family link and b) to consider whether the restoration of said family link is in the best interest of the child. This involves examining a spectrum of factors such as the capacity of the kin to take care of the minor, to cater for the minor’s needs (such as education, housing, sound psychosocial development, health etc) and to manage the minor’s legal representation.

If it is established that the best interest of the child is better served by reuniting him/her with an adult relative, the competent Greek Public Prosecutor (at the request of child protection actors familiar with the case in question), can either a) issue an official order, in which the daily care of the minor is appointed to that relative, or b) can officially appoint that relative as the legal guardian of the minor, depending on the case and legal procedure followed.

If it is established that the best interest of the child is better served by reuniting him/her with a minor relative, also present in Greece as an asylum seeker (i.e. another sibling, cousin etc.), the competent Greek Public Prosecutor, in coordination with the Special Secretariat for the Protection of Unaccompanied Minors, shall issue an official order in which the minor will be appointed to stay in the same accommodation facility as his/her family member, following the evaluation of a number of factors, such as availability at the said facility, possibility of school attendance, etc.

In addition, Greece has recently launched a national tracing and protection Mechanism for unaccompanied children in precarious conditions. The Mechanism includes a 24/7 telephone hotline for identifying and tracing children in need, which is available in six (6) languages. The hotline provides guidance to children, citizens, local and public Authorities regarding steps and actions to be taken from the point of first identifying an unaccompanied child until his/her timely transfer to emergency accommodation facilities.

Regarding to protection of family life for children on the move, the following legal provisions should also be highlighted:

Article 23 of Law 4636/2019 on International Protection and other provisions, stipulates the principle of maintaining family unity as following: 1. |The competent Authorities shall ensure that all necessary measures are taken to safeguard that family unity is maintained.

Article 49 of Law 4636/2019 provides for the implementation of appropriate measures to safeguard the family unity of applicants for international protection, in accordance with the wishes of the parties involved.

Article 60, par. 5 of Law 4636/2019 provides for siblings to live together, taking into account the best interest of the minor and in particular his/her age and degree of maturity.

Article 60, par. 6 of Law 4636/2019 provides that in the context of protection of the best interest of unaccompanied minors, the Special Secretariat for the Protection of Unaccompanied Minors of the Ministry of Migration and Asylum makes efforts to locate his/her family members as soon as possible, in cooperation with the child’s representative and/or guardian.

1. **b. How can the best interests of children separated from their families in cross-border situations, in particular migrant children, be more effectively upheld without discrimination?**

The best interest of the child principle is, indeed, one of the core principles at the heart of the Convention on the Rights of the Child. This principle provides for the best interest of the child to be the primary consideration in all matters involving or affecting him/her.

Greek national legislation provides for the protection and integration of children on the move which are third country nationals. The relevant provisions ensure a) their access to the Greek public educational system (primary and secondary education), without restrictions, regardless of the legal status of residence of their parents or guardians and b) full access to public health services, both at the level of regular medical care and of emergency care, without restrictions (Law 4251/2014, articles 21 and 26).

The best interest of the child should always be a primary consideration when implementing asylum and reception procedures. In this respect, Greek Authorities responsible for reception of asylum seekers, prioritize the child´s best interest with regard to family reunification, quality of life, issues of security, protection and social development, possibility to stay with relatives etc.

In line with the best interest principle, the Special Secretariat for the Protection of Unaccompanied Minors has developed the National Strategy for the Protection of Unaccompanied Minors, in which the best interest of the child is a core principle transcending the whole policy document and a key consideration in the totality of its actions and projects.

More specifically, the Special Secretariat will be introducing a widespread use of best interest assessment in all appropriate fields to identify the most suitable solution for each minor, based on his/her specific profile, any developments and challenges which may arise as well as their regular review and update. The assessment can be undertaken either by responsible and expert staff or in consultation with others, while participation of the child himself/herself is also necessary. Areas of interest include: personal information, family status and history of separation, protection needs and care assessments, including living conditions, safety and security, health and access to medical care, access to food, water and sanitation, education, the minor’s daily activities, protection and wellbeing, family tracing, legal status etc.

Lastly, utmost importance is being given to the appointment of a representative and/or focal point for each unaccompanied minor, whose responsibility will be to safeguard the minor’s best interest in all procedures directly affecting him/her (legal, administrative, family reunification, asylum claim etc). Currently, professionals working with NGOs responsible for the accommodation facilities for unaccompanied minors or for offering legal services are most often authorized by the Public Prosecutor to represent them in all administrative procedures and ensure their best interests Such arrangements do not, however, constitute a permanent solution in addressing the right of the child to representation given that the Special Secretariat is working on amending the legal framework on guardianship of unaccompanied minors, in order to ensure a more flexible and sustainable system, characterized by guarantees of accountability, quality and impartiality.