

1. Please provide information on any legislation or policy that prohibits or restricts the use of immigration detention of children and their families in your country. Grateful if you could kindly submit the original text of the legislation or policy, accompanied by an English translation if it is in a language other than English, French or Spanish.

– In Greece the Prosecutor acts as provisional guardian for UAMs, UAMs are entered into the database of EKKA (National Center for Social Solidarity) and are in principle sheltered in appropriate structures, which in practice, however, are functioning at full capacity.

The law on guardianship for unaccompanied minors raises a number of important issues, which were already brought forward before enactment. By and large these issues continue to represent a source of concern:

(a) with 20 children per guardian, the ratio provided for unaccompanied children's guardians is too high, jeopardizing the guardianship function in practice and threatening to make it a merely administrative task rather than a real mentoring one,

(b) the model turns guardians into quasi-civil servants and subsequently suffers from a number of weaknesses, including the lack of accountability and evaluation and slow procedures for taking action.

Practice indicates that children being hosted in families, also on a temporary basis, is clearly in their best interest, in terms of the psycho-social, physical and educational development. This is a strong argument in favor of third persons assuming practical care, covering the day to day and urgent needs of the child, without implications for the legal relationship between the minor and his/her biological family. This requires either a contractual arrangement between the foster parents and the biological parents or the guardian, either a court decision or a decree issued by the Prosecutor (art 1532 of the Civil Code, art 17 of law 4538/2018). Foster parenting of UAMs also requires (a) official registration of the prospective foster parents and (b) registration of the child in the EKKA register.

- A transitional regime, administered through EKKA, was in vigor until the end of December 2019 and was not generally applicable on all unaccompanied minors. Under the then rules of the Ministry of Labor, the access to AMKA (Social Security Register) and to health care was denied to children who were born in Greece from parents-citizens of third (non EU) countries whose sojourn permit regime had not yet been regularized.

In order to address an emergency situation regarding the protection of unaccompanied migrant or refugee children, the Greek State has developed a special branch of services for those children; however, over the years this has turned into the development of an entirely parallel mechanism, out of line with the mainstream child protection system of services, with different provisions, different standards of care for migrant and refugee children compared to children born in Greece. Apart from raising fundamentally ethical concerns, this dual system is also extremely inefficient, at a time when available resources for child protection become more and more scarce. Fears however exist that this dichotomy tends to be expanded, rather than eliminated, since no plan is visible for merging or integrating these two sub-systems of services.

Ministerial decree 199 of 31/01/2020 has legally remedied these fundamental shortcomings by the issuance of a Provisional Number of Health Care Security for Foreigners (Π.Α.Α.Υ.Π.Α). This provisional registration is available to all asylum seekers and will provide free access to medical and pharmaceutical care. Practical instructions as to the registration platform and other aspects of implementation are still being awaited, however, while issuance of the Provisional Number to all migrants and refugees currently in Greece has been announced to take place mid-April 2020.

2. Please provide information on existing non-custodial alternatives to immigration detention of children in your country (e.g. community-based reception solutions) and elaborate how these alternatives effectively enhance the protection of the rights of migrant children and their families.

'The Smile of the Child' operates according to the principle that a child in danger or in need must be helped, regardless of nationality, ethnic or social background, religion or whatsoever criterion.

In this spirit, 'The Smile of the Child' has been offering holistic care and shelter in the eleven Homes of the Organization over the past two decades. This approach has proven to be a very suitable solution for migrant and refugee children as well. The model has proven to contribute to the successful social integration of these children, avoiding the feeling of separation and distinction and preventing phenomena of racist reactions towards them. To the contrary, the temporary solutions that have been adopted and internationally financed so far for the accommodation of refugee and migrant children in large and impersonal settlements have proven to be inappropriate and occasionally even dangerous for the children.

In the newest Home in Kavala the same holistic care and shelter is offered to both UAMs and children with usual residence in Greece and at risk of violence, exploitation or neglect. The Kavala Home was renovated with finance of the European Union Humanitarian Aid (ECHO), with 'The Smile of the Child' as an implementing partner of the International Organization for Migration (IOM). Since 2017, the Home is operating with funds from the National Program of the Asylum, Migration and Integration Fund (AMIF). Since 2017, 21 unaccompanied refugee and migrant children have stayed in the Home and currently, 12 unaccompanied refugee and migrant children are living in the Home, together with 8 children at risk.

3. Please provide information on any existing good practices or measures taken in your country to protect the human rights of migrant children and their families while their migration status is being resolved, including inter alia their rights to liberty, family life, health and education (e.g. by ensuring effective access to inter alia adequate reception, healthcare, education, legal advice, family reunion).

- New regulation of the Provisional Number of Health Care Security for Foreigners must be evaluated at a later stage.

-Foster parenting of UAMs is a good practice, but currently too marginal to be considered as such in Greek society.

4. Please indicate any challenges and/or obstacles in the development and/or implementation of non-custodial alternatives to immigration detention of children and their families.

- Securing finance for a mixed model (cfr. 2) and for any solution which focuses on small numbers of UAMs in order to promote societal integration and to secure a holistic nature of care. International political tendency is rather to finance large units which cannot and do not cover anything but very basic needs, if that. Integration of UAMs can only be properly pursued if they are supported holistically.

- As international family reunification and relocation show persistent signs of slowing down to even lower levels, the need of integration programs for refugee and migrant children is becoming increasingly pressing. There is still no proper recognition of the merits of the non-institutional, professionally run small group housing model for unaccompanied minors.

- More than any other category of children, UAMs are at risk of falling victim to human trafficking and exploitation, sexual and otherwise. It is important to remind that it was actually the Palermo Convention which, by separating smuggling from trafficking, in practice made the recognition of the status of victim of human trafficking for the vast majority of UAMs impossible. We advocate for the abolishment of this distinction.

5. What support could other stakeholders (other than your Government) provide to strengthen the development and/or implementation of non-custodial alternatives to immigration detention of children and their families that enhance the protection of their rights?

- More focus of political and financial support from international institutions for locally based organizations with a long-term commitment to offer solutions which aim at holistic care and societal integration of UAMs.

- More European solidarity for relocation and receptiveness for international family reunification.