

# Temporary Protection Greece

This annex on temporary protection complements and should be read together with the [AIDA Country Report on Greece](#).

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Official data and information on beneficiaries of temporary protection and on the implementation of the law on temporary protection in Greece are very limited. Thus, comments made on practice and implementation of the law on temporary protection are based on GCR's experience and exchanges with other relevant NGOs in the field.

# Temporary Protection Procedure

## A. General

The Temporary Protection Directive was introduced in the national legal framework by presidential decree (80/200614/4/2006). The decree was abolished by law (Article 148 of Law 4939/22 Ratification of the Code of Legislation on the reception, international protection of third country nationals and stateless persons and temporary protection in the event of a mass influx of displaced foreigners). The temporary protection procedure is described in the same law (Part 6, Articles 119 – 146).

Temporary Protection was activated in accordance with Council Implementing Decision (EU) 2022/382 (04/03/2022); it concerns legal residents who were living in Ukraine before 24 February 2022 and includes Ukrainian nationals, third-country nationals who were stateless persons, beneficiaries of international protection or who had equivalent national protection in Ukraine before 24 February 2022, as well as the family members of the categories of persons mentioned above.

Temporary Protection was activated by Ministerial Decision (172172/2022 28/03/2022)

There were not significant numbers of people who were displaced - directly or indirectly - by the war present in the country but beyond the scope of TPD. 118 non-Ukrainian third country nationals were granted TP, among which 101 Russians.

There is no available data on the number of individuals who were potentially entitled to temporary protection present in Greece in 2022, although reports put the figure at around 80,000 people.<sup>1</sup> Official data and information on beneficiaries of temporary protection has been very limited. The last official data on arrivals was given to UNHCR in August 2022.

The EUAA carried out 14,986 registrations for temporary protection in Greece in 2022.<sup>2</sup>

In 2022 21,532 people were granted temporary protection (including 21,314 Ukrainians).

## B. Qualification for temporary protection

In Greece temporary protection applies to Ukrainian nationals, as well as stateless persons and beneficiaries of international protection or of an equivalent national protection in Ukraine, and the family members of the categories of persons mentioned above.

People from the above categories who had arrived in Greece from 26 November 2021 onwards were eligible for temporary protection. The Ministerial Decision (MD) in Greece copied the Council Decision without adding or removing any categories of displaced persons.

According to the MD family members are:

- ❖ the spouse of a person eligible for temporary protection or the person with whom they live in a free union within the framework of a stable relationship duly proven,
- ❖ the minor unmarried children of a person eligible for temporary protection or of their spouse, without distinction as to whether they were born within or outside marriage or adopted,
- ❖ other close relatives who were living together as part of the family unit at the time of the circumstances surrounding the mass influx and who are wholly or mainly dependent on a person eligible for temporary protection.

The initial MD granted temporary protection for 12 months.

<sup>1</sup> ΕΘΝΟΣ, 'Περισσότερους από 75.000 Ουκρανούς φιλοξένησε η Ελλάδα - Πώς αντιμετωπίσαμε την κρίση' 24 February 2023, available in Greek at: <https://bit.ly/45NoB16>.

<sup>2</sup> Information provided by the EUAA, 28 February 2023.

## **C. Access to temporary protection and registration**

### **1. Admission to territory**

There were no reports of people fleeing from Ukraine refused entry at the border, including for people who returned to Ukraine and sought to re-enter Greece.

### **2. Freedom of movement**

There were no known issues for individuals entitled to temporary protection not holding a biometric passport or biometric travel document in moving within the country's territory or while attempting to continue their journey towards other European countries.

### **3. Registration under temporary protection**

The Asylum Service is responsible for registering applications for temporary protection. Five Regional Offices are available for the temporary protection procedure (Attica (2), Thessaloniki, Crete, Patras). Applicants have to include the following in their application: e-mail address, personal details, the type and number of identification document, level of education, the field of professional activity, any need for housing, the collection point of the allocated Temporary Protection Beneficiary card.

Filling in the application can be done online ([migration.gov.gr](http://migration.gov.gr)) and then an appointment is booked for one of the Asylum Regional Offices.

The application has to be submitted within 90 days of arrival (Schengen Visa rules) but there are no consequences in case of non-compliance, according to the Ministry of Migration guidelines. Passports (biometrical and non-biometrical), residence permits and asylum cards can all be used to prove that a person falls under the scope of temporary protection.

The Ministry of Migration provides beneficiaries of temporary protection with a Temporary Protection Beneficiary card (within 90 days).

In practice delays are observed due to the lack of staff but these are not significant.

### **4. Legal assistance**

There is no specific legal assistance foreseen for beneficiaries of temporary protection.

### **5. Information provision and access to NGOs**

According to the law (article 125) written 'information is to be provided in a language understandable to them' (whether that be online, flyers etc). The information is provided by the Ministry of Migration mainly online in Ukrainian. NGOs, migrant and refugee communities also provide information (info sessions, online, flyers etc). Information is provided at border-crossing points on how to apply for temporary protection but interpretation is a challenge.

## **D. Guarantees for vulnerable groups**

There were no specific procedures for the identification of vulnerability in Greece and no procedure was introduced or adapted to the needs of non-accompanied minors entitled to temporary protection.

There was no specific programme to address the needs of individuals fleeing from Ukraine suffering from mental health problems, including torture survivors. In practice some NGOs provided assistance.

## Content of Temporary Protection

### A. Status and residence

#### 1. Residence permit

##### Indicators: Residence permit

- |  |           |
|--|-----------|
| 1. What is the duration of residence permits granted to beneficiaries of temporary protection?   | 12 months |
| 2. How many residence permits were issued to beneficiaries from the activation of the Temporary Protection Directive until 31 December 2022? | 21,532    |

After registration, the regional Asylum Offices deliver a Temporary Protection Beneficiary card within 90 days. The initial Ministerial Decision (3/2022) included protection for a 12-month period, renewable if necessary (by ministerial decision).

Beneficiaries of temporary protection have access to the labour market and healthcare in accordance with Directive 2001/55.

There can be only one application request. If someone requests temporary protection in another EU Member State, their request in Greece is automatically cancelled.

#### 2. Access to asylum

Beneficiaries of temporary protection can also apply for international protection whenever they wish, without having their temporary protection residence permit withdrawn.

### B. Family reunification

There are no specific provisions on family reunification for beneficiaries of temporary protection in Greece. According to article 131 (Preserving family unity) of the law 4939/22 'in cases of families which existed in the country of origin and were separated due to the circumstances of the mass influx, they shall be considered as part of the family of the resident:

(a) the spouse of the resident, the minor unmarried children of the resident or his/her spouse, without distinction as to whether they were born in or out of wedlock or by adoption.

(b) Other first and second-degree relatives by blood or marriage who were living together as part of the family at the time of the events leading to the mass influx and who were fully or mainly supported by the resident at that time.

In cases where the separated family members of the first subparagraph of the previous paragraph enjoy temporary protection in another EU Member State, the Asylum Service of the Ministry of Immigration and Asylum shall take the necessary steps towards the competent authority of the state concerned to achieve family unity of these persons with the persons residing in Greece, after taking into account the wishes of the aforementioned family members.

The Service referred to in the previous paragraph shall take the same actions as above for the achievement of family unity of persons residing in Greece with the separated members of the family referred to in paragraph a' of Para. 1, who are not residing in another EU Member State and who are in need of protection.

The family unity may also be achieved for the family members of other first and second degree relatives by blood or marriage who were living together as part of the family at the time of the events leading to the

mass influx and who were fully or mainly supported by the resident at that time, taking into account the adverse consequences that may arise for the family members if reunification does not take place.

The choice of the Member State of the European Union in which family reunification is to take place shall also take into account the provisions of Articles 141 and 142 (Law 4939/2022)

Family members who enter the country in the context of maintaining family unity shall be granted a residence permit in accordance with the provisions of para. 1 of Article 124. The transfer of family members of the resident to the territory of another EU Member State for the purpose of maintaining family unity entails the withdrawal of residence permits issued by the Greek authorities, as well as the termination of the obligations of our country with regard to the temporary protection of these persons.

For the implementation of the provisions on family unity, Greece cooperates with the competent international organisations, where necessary.

### C. Movement and mobility

Beneficiaries of temporary protection are free to move within the State in Greece and have freedom of movement towards other EU Member States once registered.

### D. Housing

#### Indicators: Housing

- |   |                        |
|---|------------------------|
| 1. For how long are temporary protection beneficiaries entitled to stay in reception centres? | There is no time limit |
| 2. Number of beneficiaries staying in reception centres as of 12/22                           | No data provided       |
| 3. Number of beneficiaries staying in private accommodation as of 12/22                       | No data provided       |

The main forms of accommodation provided to beneficiaries of temporary protection is in reception centres. As of July 2022 housing was also provided through the HELIOS project (implemented by IOM Greece in collaboration with the Ministry of Migration and Asylum), aimed to support the successful integration of beneficiaries of international protection and temporary protection in Greece, by offering accommodation support, Greek language courses and employability support.

According to Article 129 of Law 4939/22 on shelter centres, social assistance, medical care:

1. Persons enjoying temporary protection reside in special accommodation centres operated under the care and responsibility of the Ministry of Immigration and Asylum.
2. The persons accommodated under the preceding paragraph shall be provided with the necessary medical care, including the necessary treatment of illnesses, first aid and at least one medical examination.
3. In case the aforementioned guests in the accommodation centres do not have sufficient resources for their maintenance, the Ministry of Immigration and Asylum shall provide them with food, clothing and any other possible social assistance.
4. Cases of persons with special needs, such as infants, elderly persons, unaccompanied minors, sick persons, injured persons, as well as persons who have been subjected to torture, rape or other serious forms of mental, physical or sexual violence, shall be treated as a matter of priority.
5. Where persons enjoying temporary protection are engaged in gainful or independent activity, their capacity to contribute to their needs shall be taken into account when determining the level of assistance provided.

Beneficiaries of temporary protection are entitled to stay in reception centres for as long as they benefit from temporary protection.

There is no data on the number of places in reception dedicated to temporary protection beneficiaries.

The state offers accommodation in special reception facilities (camps) or through the HELIOS integration project. Beneficiaries can apply to access the HELIOS integration project. In practice many are not willing to stay in camps.

Beneficiaries of temporary protection living in private accommodation stay with relatives, friends, compatriots in apartments etc. There are no specific safeguards in place for those living in private accommodation.

## **E. Employment and education**

### **1. Access to the labour market**

According to Article 128 of Law 4939/22 the following applies on employment and vocational training:

‘1. A residence permit issued to a person enjoying temporary protection shall also have the status of a work permit valid for the county in which his/her residence has been established throughout the period of temporary protection. This work permit shall confer the right to engage in an economic activity as an employed or self-employed person, in accordance with the provisions in force, as well as the right to participate in adult education, vocational training or work experience programmes. The above rights shall be exercised provided that the posts are not filled by EU citizens or citizens of States bound by the Agreement on the European Economic Area, as well as by legally resident citizens of third countries who are in receipt of unemployment benefits.

2. The legislation in force concerning remuneration, access to social security schemes, and the conditions or special conditions relating to employment or self-employment shall also apply to persons enjoying temporary protection.’

There are, however, no specific measures in place to facilitate access to the labour market for temporary protection beneficiaries and to date there is no data on the numbers of beneficiaries who had accessed the labour market by the end of 2022.

### **2. Access to education**

Going to school is mandatory for children aged six to fifteen years old. According to Article 130 of Law 4939/22 on education: ‘Beneficiaries of temporary protection who are under 18 years of age shall be granted the right of access to public schools in which reception classes or tutorial classes are in operation or are planned to be in operation.’

Temporary protection beneficiaries are entitled to education under the same conditions as nationals.

There is no data on the number of child beneficiaries of temporary protection who had accessed the education system by the end of 2022.

The language barrier is an important challenge. Accommodation in camps also poses an issue as camps are remote without appropriate options for commuting and so access to school is problematic. The HELIOS project requires beneficiaries to rent apartments on their own. Sometimes schools are not close and this is also an issue.



It has been pointed out that in some cases small school units are unable to accommodate all children because of lack of capacity. The phenomenon of schools being reluctant to accommodate refugee children does not apply with children from Ukraine.

There are only limited places in specific areas for children with special needs.

According to Article 128 of the law 4939/22 on employment and vocational training:

1. 'A residence permit issued to a person enjoying temporary protection shall also have the status of a work permit valid for the county in which his/her residence has been established throughout the period of temporary protection. This work permit shall confer the right to engage in an economic activity as an employed or self-employed person, in accordance with the provisions in force, as well as the right to participate in adult education, vocational training or work experience programmes. The above rights shall be exercised provided that the posts are not filled by EU citizens or citizens of States bound by the Agreement on the European Economic Area, as well as by legally resident citizens of third countries who are in receipt of unemployment benefits.
2. The legislation in force concerning remuneration, access to social security schemes, and the conditions or special conditions relating to employment or self-employment shall also apply to persons enjoying temporary protection.'

It is not possible to access the higher educational system except after passing the national exam, which takes place once a year.

Language barriers and the distance of the accommodation facilities may also be a challenge to accessing vocational training but there is no data in order to have a definitive conclusion.

## **F. Social welfare**

Social welfare is provided for beneficiaries of temporary protection (article 129 of Law 4939/2022). For example, in case beneficiaries in the accommodation centres do not have sufficient resources for their maintenance, the Ministry of Immigration and Asylum shall provide them with food, clothing and any other possible social assistance.

The conditions for social welfare are the same but they are provided at a lower level.

The Ministry of Migration and Asylum coordinates social assistance and it is not tied to a requirement to reside in any specific place or region. However, if beneficiaries do not stay in the designated special facilities, they do not benefit from the ministry's practical assistance.

There is no data on the number of beneficiaries of temporary protection who had accessed different forms of social welfare by 31 December 2022.

## **G. Health care**

According to Article 129 (paragraph 2) of Law 4939/22: 'Temporary protection beneficiaries shall be provided with necessary medical care, including any necessary treatment of illnesses, first aid and at least one medical examination.'

Thus, they are not entitled to the same health care as nationals, or as legally residing third-country nationals.

Language is a practical obstacle, as are staff availability and the limited capacity of the health system.