



HELLENIC REPUBLIC
Ministry of Migration & Asylum

AGE ASSESSMENT IN RECEPTION AND
ASYLUM PROCEDURES.
LEGAL FRAMEWORK AND PRACTICE
IN GREECE.

Rome, 30 March 2022

Legal Framework

Law 4636/2019 (as amended):

- Art. 2 (i): “Unaccompanied minor” is the minor who arrives in Greece unaccompanied by an adult who has his/her parental responsibility according to Greek Law, and for as long as the minor is not effectively taken into the care of such a person, including a minor who is left unaccompanied **after** he/she has entered Greece.
- Art. 41 (i): “Separated minor” is the minor who arrives in Greece without being accompanied by an adult who has his/her parental responsibility according to Greek Law **but** is accompanied by an adult family member who exercise in practice the care of the minor.
- Art. 41 (e): “Representative of an unaccompanied minor” is the temporary or permanent guardian of the minor or the person appointed by the competent Public Prosecutor for Minors or, in the absence of the latter, by the First Instance Public Prosecutor to ensure the minor’s best interests.
- Guardianship, representation and best interest of minors (Art. 32, Art. 60)

Legal Framework

Law 4636/2019 (as amended):

- Age determination procedure is launched:
 - during reception and identification (Art. 39 par.5 (f))
 - during asylum processes (Art. 75).
- when there is **doubt** on the age of the third country national/stateless person.

Exceptions

- If during the personal interview it appears that the applicant registered as an adult is manifestly a minor.
- When there are identification documents (passport/national identity) issued in the country of origin.

Law 4756/2020 and Presidential Decree 70/2021

- Further provisions on guardianship and representation of UAM

Joint Ministerial Decision 9889/2020

- New operational framework on age assessment procedure.

Procedures regarding age assessment

When doubt is raised, employees/Agencies who can officially inform the competent authorities for the referral, are:

- Employee of the Reception and Identification Service,
- Employee of the Asylum Service,
- Employee of any competent agency on the protection of UAMs (Special Secretariat for the Protection of UAM, General Directorate of Social Solidarity of Ministry of Labor and Social Affairs, National Centre of Social Solidarity),
- Personnel from any organization (NGOs') active in the field of protection of minors or health sector,
- The competent Public Prosecutor for minors,
- The representative/legal guardian.

Competent authorities for referral are:

If the individual, resides in	
Reception and Identification Centre (RIC)	RIC's Director
Accommodation facility run by Reception and Identification Service (RIS)	Facility's Director
Outside RICs/Accommodation facility	Reception and Identification Service's (RIS) Director

Asylum interview

Asylum Service's Director

How competent authorities act when doubt is raised...

- Issue a referral decision.
- Must be fully justifiable.
- Includes information provided to the individual and documents submitted.
- The decision is also notified to the individual and other involved actors.

The competent authority that orders the referral, acts as the coordinator of the process.

Procedural Safeguards

- Inform UAM and his/her guardian on the age assessment procedure, the method of the assessment, the possible consequences of the assessment on the examination of their asylum application and the consequences in case of refusal to the assessment.
- The UAMs and/or their guardians must consent to the procedure of the age assessment.
- Until the completion of the procedure, the person will be treated as an UAM.
- Special reception conditions.
- If UAM does not agree with the age assessment, the examination the asylum application proceeds. If the application is to be a negative one, the reasons of rejection must not be based on the refusal of the age assessment.

Best interest of the minor remains a priority

Age assessment is carried out by:

- the Medical Examination and Psychosocial Support Unit of the Reception and Identification Center or of the Temporary Reception or Accommodation Facility (for those who have applied for international protection),
- the Mobile Reception and Identification Units,
- the locally closest competent facility of the national health system,
- or in case of inability of the above, a private specialist, such as a pediatrician or physician and a private trained psychologist and social worker, provided that the process is included in a related funded programme.

The competent authority decides where to refer, based on the easiest, most accurate and fastest age assessment process

Three-stage procedure

- a) an evaluation of the physical development of macroscopic features, after clinical examination and obtaining a medical history based on reference values or somatometric data.
- b) a psychosocial assessment by a psychologist and social worker, who examine the cognitive, behavioral and psychological development of the individual and compile a report, including at least one semi-structured interview, during which the personal history of the individual is investigated, taking into account all the necessary elements related to the psychological growth of the individual.
- c) A medical examination performed either with a radiograph of the left wrist and hand to determine the bone age, or a dental examination, or a dental x-ray, or, finally, by any other appropriate means, which based on international literature and practice can give a valid conclusion.

Three-stage procedure

- ❑ Exhaustion of each of the above stages is mandatory before the implementation of the next, is adequately justified and notified to the referring body for further referral actions in cases of justified inability to assess the age.
- ❑ The procedure is stopped, if safe conclusion is reached during the first or second stage.

Receiving the results

- Final reports and/or medical exams are forwarded to the referral authority, responsible to issue a decision adopting the relevant findings.
- The individual is also notified on the decision.
- Right to an effective remedy.
- Benefit of the doubt in favor of the UAM.

CHALLENGES

- COVID-19 restrictions.
- Unreliable submitted ID documents.
- Difficulties in case of mass influx of applicants/ many involved actors/ lack of personnel/ NHS caseload.

GOOD PRACTICE

- ❖ 2 IOM-run mobile units undertaking all age assessment referrals for the first two stages of the procedure for individuals in RICs.
- ❖ Trained personnel.
- ❖ Funded by the EU, under the relocation scheme, ended in 31.12.2021.



Thank you

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