

Law 4636/2019

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Most provisions enter into force on 1 January 2019

UNHCR – Vassilis Avdis

General Comments

- Short time for consultation
- Codification
- Stricter provisions
 - Procedural requirements, formalities
- Burden to the Authorities
 - Different duration for refugee status/subsidiary protection
 - No suspensive effect for all appeals

- Art. 2 – Definition of family members family members of the “beneficiary of international protection” excludes families formed after leaving the country of origin.
- Art. 23 – Family Unity - repealing of provision on access to rights granted to family members of a beneficiary of international maintained even after reaching of adulthood, the dissolution of marital relationship (due to death, divorce or separation) with, or the death of, the beneficiary of international protection, and
- Article 51 para. 2 – Reduction of Reception Conditions in case children do not enrol or attend school “because they do not wish to integrate to the system of education”.
 - very large margin of appreciation to the deciding authority,
 - Conformity with reception Conditions Directive?

- Art. 67 para. 2 – Modalities for support provided to persons with special procedural needs in order to apply accelerated procedures
 - “age, gender, sexual orientation, sexual identity, mental disorders or results of torture, rape or other serious forms of psychological, physical or sexual violence”.
 - “adequate support” : “extra breaks during interview, the possibility for the applicant to move during interview, if this is necessary because of his/her health state, and leniency to non-major inaccuracies and contradictions, if these are connected to his/her health state.”

Article 75 - Applications of unaccompanied children

- Unaccompanied children can be examined under accelerated procedures.
 - Except: Children under 15 years old, victims of trafficking, torture, rape, other forms of psychological, physical, sexual violence

Article 83 – Prioritized, Accelerated procedures

- Para. 7 (a) : vulnerable examined under prioritized procedures
- Para. 9 (10) : Unaccompanied children examine under accelerated procedures
 - Safe Country of Origin
 - Inadmissible subsequent
 - Danger to national security/public order

- Art. 90 para. 3 - Non exemption from highly accelerated border procedures of cases of family reunification under Regulation 603/2013 (Dublin III) and of vulnerable applicants
 - Application of admissibility procedures?
 - Application to unaccompanied minors
 - Safe Country of Origin
 - subsequent
 - Danger to national security/public order
 - Safe third Country
 - The applicant has misled the Authorities, fake documents etc.