



# UNHCR

United Nations High Commissioner for Refugees  
Haut Commissariat des Nations Unies pour les réfugiés

## MEMORANDUM

**submitted by the United Nations High Commissioner for Refugees in the context of the Parliamentary consultation on the Draft Law of the Ministry of Migration and Asylum entitled: “Promotion of legal migration policies, transposition of Directive (EU) 2024/1233 regarding a single application procedure for granting third-country nationals a single residence and work permit within the territory of a Member State, and regarding a common set of rights for third-country workers who are legally residing in a Member State, amendments to the Migration Code and other provisions”**

### Introduction

1. The Representation of the United Nations High Commissioner for Refugees (hereafter “UNHCR”) in the Hellenic Republic submits this Memorandum as the Agency entrusted by the United Nations General Assembly with the responsibility for providing international protection to refugees and other persons within its mandate, and for assisting governments in seeking permanent solutions to the problem of refugees. UNHCR’s responsibilities under its Statute are reiterated in the 1951 Convention relating to the Status of Refugees (hereafter “1951 Refugee Convention”) to which Greece is a Party since 1952. Article 35 of the 1951 Refugee Convention foresees that States “cooperate with the Office of the United Nations High Commissioner for Refugees [...] in the exercise of its functions and shall in particular facilitate its duty of supervising the application of the provisions of the Convention”. The same obligation is included in Article II of the 1967 Protocol. UNHCR’s supervisory responsibility is also reflected in European Union (EU) Law (Article 78(1) of the Treaty on the Functioning of the EU and Article 18 of the Charter of Fundamental Rights of the European Union).
2. This Memorandum summarizes UNHCR’s commentary on the Draft Law, with a focus on provisions which UNHCR believes, if adopted, will have a significant impact on the protection of refugees and asylum seekers. UNHCR’s full commentary on the draft law submitted for public consultation is annexed to this Memorandum and includes comments to provisions of relevance to UNHCR’s mandate.
3. UNHCR acknowledges that the proposed legislative initiative is situated within broader efforts to establish a modern and effective framework for legal migration, intended to take into account both the needs of the Greek economy and considerations related to public security.
4. UNHCR welcomes several provisions that align the existing legal framework for the appeals stage with recent jurisprudence of the Council of State, emphasize pre-integration for asylum-seekers, and promote better coordination among competent ministries in implementing national migration and social integration policies.
5. However, UNHCR expresses concern over several provisions that impose restrictive measures against civil society. If enacted, these measures could significantly impede their operations and the delivery of humanitarian assistance to asylum-seekers, beneficiaries of international protection, and other vulnerable groups. It is essential to adopt a balanced approach that ensures accountability while preserving the



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indispensable role of civil society in safeguarding human rights and complementing state functions.

6. UNHCR very much hopes that this Memorandum and its Commentary to the Draft Law will be given due consideration and contribute to the legislative process. UNHCR firmly believes that the adoption of asylum and migration laws that are aligned with international and European standards, will contribute to the effective management of mixed movements of refugees and migrants and prevent abuse of the asylum system. UNHCR stands ready to support the Government of the Hellenic Republic in these endeavours.

### **Comments on specific draft provisions with significant impact**

7. **Sanctions for offences related to facilitation of “unlawful migration” including for NGOs and its members and other relevant offences - Articles 15-16 amending Articles 24-25 of the Migration Code**

The Draft Law introduces an escalation of criminal sanctions for offences related to the facilitation of “unlawful migration”, including unlawful entry, exit, or stay, the unlawful possession or retention of travel documents, and the transportation of third country nationals under specified circumstances. Of particular concern is the introduction of aggravated forms of these offences when committed by members of civil society organizations registered in the NGO Registry, resulting in substantially harsher penalties and, in certain cases, the reclassification of misdemeanours as felonies. In addition, UNHCR is concerned over the possibility for an NGO to be deleted from the NGO Registry upon the mere initiation of criminal proceedings against any of its members, prior to any judicial determination of guilt, with re-registration permitted only following an irrevocable acquittal. During this period, the organization would be barred from accessing State or EU funding and from operating within facilities of the Ministry of Migration and Asylum.

While the objective of safeguarding public order and strengthening migration management is legitimate, UNHCR considers that the scale and severity of the proposed measures raise serious concerns regarding compliance with fundamental rights, the principle of proportionality, and the rule of law. Although, the Draft law submitted to the parliament, in comparison to the version submitted for public consultation, includes an additional safeguard for reasoning on the NGO’s management accountability, UNHCR remains concerned on the possibility of the deletion of an organization from the NGO Registry, even without a final conviction. Such measures risk imposing sanctions of far-reaching consequence on civil society actors and may significantly undermine the operational capacity of organizations providing humanitarian assistance and essential services, despite their widely recognized and complementary role in supporting State functions, protecting human rights, and strengthening social cohesion.

8. **Ten-Year Residence Permit for individuals who entered Greece as unaccompanied minors - Article 38**

UNHCR expresses serious concern regarding the proposed abolition of Article 161(1)(c) of Law 5038/2023, which currently allows third-country nationals or stateless persons who entered Greece as unaccompanied children and completed at least three years of secondary education in a Greek school to be granted a ten year residence permit. UNHCR had welcomed this provision when it was introduced in 2023, as it constituted an



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important safeguard for young people transitioning to adulthood and supported their integration into Greek society. Its removal would risk leaving a particularly vulnerable group without a secure legal status, despite their demonstrated links to the country through education.

**UNHCR's general recommendation** in relation to unaccompanied children who remain without status is to consider the granting of a residence permit, where this is determined to be in their best interests, until they reach adulthood, with the possibility of extending the permit under defined conditions, dominated by child protection considerations or other factors, putting maturing child at risk. Other than that, such an extension could also be linked either to the continuation of education, including vocational training, or for employment purposes, thereby facilitating a smoother transition to adulthood and supporting integration into the labor market.

In the absence of a new or alternative legal framework addressing these needs, UNHCR recommends that the existing provision introduced in 2023 be retained as a minimum safeguard to ensure a smooth transition to adulthood, promote social cohesion, and facilitate the integration of young people into the labour market.

**Lastly, UNHCR welcomes as a positive development the inclusion, in the version of the draft law submitted to Parliament,** of an explicit transitional provision stipulating that applications submitted up to the entry into force of the law shall continue to be examined under the legal framework applicable at the time of their submission. This approach is consistent with well-established principles of Greek administrative law, including the principle of legal certainty and the principle of the protection of legitimate expectations vis-à-vis the administration.

## **9. Training and further professional development for asylum-seekers - Article 42**

UNHCR welcomes the proposed explicit reference in Article 175(3)(a) of the Migration Code to the pre-integration of asylum-seekers, including measures such as training and further professional development while accommodated within the reception system, with a view to facilitating their integration into the labour market. UNHCR recommends the inclusion of an enabling provision for the issuance of a Joint Ministerial Decision to regulate the modalities of such training and professional development programmes, which could be made available at an early stage, including to persons from the age of 15.

## **10. Interministerial Coordination Committee for Migration Policy and Social Integration - Article 43**

UNHCR welcomes the introduction of Article 175A of the Migration Code, which establishes an Interministerial Committee for the Coordination of Migration Policy and Social Integration, together with dedicated Sub-Committees on Migration Policy and Social Integration. This structure may enhance coordination in the development and implementation of national strategies on legal and irregular migration and social integration. UNHCR further welcomes the addition in the draft law submitted to Parliament, of the Ministry for Family and Social Cohesion among the Ministries represented in the Committee and Sub-Committees, given the Ministry's mandate in the areas of social protection, poverty reduction, and housing policy. This addition was also recommended by UNHCR in its comments to the Ministry of Migration and Asylum.



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**11. Composition and extension of the tenure of the members of the Independent Appeals Committees of the Appeals Authority and harmonization of the legislation following the abolition of the single-member formations of the Independent Appeals Committees - Article 47 and 49 respectively.**

UNHCR welcomes the amendments introduced by the Draft Law regarding the composition and tenure of the Independent Appeals Committees of the Appeals Authority and the harmonization of the legislative framework following the abolition of single-member formations. The amendments align the relevant provisions of Laws 4375/2016 and 4939/2022 with Judgment No. 1150/2025 of the Plenary of the Council of State, which found the single-judge composition of the Committees to be unconstitutional, thereby reducing risks of annulment, procedural delays, and legal uncertainty. UNHCR considers that the Draft Law appropriately addresses these matters at the level of formal legislation, anticipates corresponding amendments to the regulatory framework to eliminate any remaining references to single-member formations, and welcomes the provision ensuring the continuity of Committees' members' tenure until the appointment of successors as a safeguard against institutional gaps and the accumulation of pending appeals.

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**28 January 2026**