

Country Report: Cyprus



**2016
Update**



Acknowledgements & Methodology

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All information provided in this report is based on direct assistance provided to asylum seekers and beneficiaries of international protection as well as information received for advocacy interventions and studies/assessments, and on information obtained from the authorities. Information on detention is based on Future Worlds Center weekly visits to Menogia Detention Centre and information on the Kofinou Reception Centre from biweekly visits.

The information in this report is up-to-date as of 31 December 2016.

The Asylum Information Database (AIDA)

The Asylum Information Database (AIDA) is coordinated by the European Council on Refugees and Exiles (ECRE). It aims to provide up-to date information on asylum practice in 20 countries. This includes 17 EU Member States (AT, BE, BG, CY, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, SE, UK) and 3 non-EU countries (Serbia, Switzerland, Turkey) which is accessible to researchers, advocates, legal practitioners and the general public through the dedicated website www.asylumineurope.org. The database also seeks to promote the implementation and transposition of EU asylum legislation reflecting the highest possible standards of protection in line with international refugee and human rights law and based on best practice.



This report is part of the Asylum Information Database (AIDA) funded by the European Programme for Integration and Migration (EPIM), a collaborative initiative of the Network of European Foundations.



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Glossary & List of Abbreviations

Recourse	Judicial review of administrative acts before the Supreme Court
CAP	Community Assessment and Placement Model
CAT	United Nations Committee against Torture
CoE	Council of Europe
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CRMD	Civil Registry and Migration Department Τμήμα Αρχείου Πληθυσμού και Μετανάστευσης
EASO	European Asylum Support Office
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EDAL	European Database of Asylum Law
EMN	European Migration Network
EPIM	European Programme on Integration and Migration
FGM	Female Genital Mutilation
FWC	Future Worlds Center
IRCT	International Rehabilitation Council for Torture Victims
KISA	Action for Equality, Support and Antiracism
RoC	Republic of Cyprus
RRA	Refugee Reviewing Authority Αναθεωρητική Αρχή Προσφύγων
UNCAT	United Nations Committee against Torture
UNHCR	United Nations High Commissioner for Refugees
UNVFT	United Nations Voluntary Fund for the Victims of Torture
URVT	Unit for the Rehabilitation of Victims of Torture

Statistics

Overview of statistical practice

The Asylum Service, a department of the Ministry of Interior, is the authority responsible for asylum-related statistical collection in Cyprus. The below statistics have been provided by the Asylum Service and the Refugee Reviewing Authority prior to the consolidation of statistics for Cyprus, therefore there may be deviations from the final number provided to Eurostat. There are no statistics currently available for cases pending before the Administrative Court.

Applications and granting of protection status at first instance: 2016

	Applicants in 2016	Pending applications in 2016	Refugee status	Subsidiary protection	Rejection	Refugee rate	Subs. Prot. rate	Rejection rate
Total	3,055	2,293	129	740	748	8%	45.8%	46.2%

Breakdown by countries of origin of the total numbers

Syria	1,248	:	29	694	6	4%	95.2%	0.8%
Somalia	224	:	25	2	28	45.4%	3.6%	51%
Pakistan	217	:	0	0	133	0%	0%	100%
India	205	:	0	0	121	0%	0%	100%
Vietnam	155	:	0	0	165	0%	0%	100%
Bangladesh	137	:	0	0	51	0%	0%	100%
Egypt	109	:	1	0	71	1.4%	0%	98.6%
Iraq	92	:	12	27	9	25%	56.2%	18.8%
Sri Lanka	75	:	0	0	40	0%	0%	100%
Cameroon	72	:	3	1	7	27.3%	9.1%	63.6%

Source: Asylum Service; Refugee Reviewing Authority.

Gender/age breakdown of the total number of applicants: 2016

	Number	Percentage
Total number of applicants	3,055	
Men	:	
Women	:	
Children	:	
Unaccompanied children	221	

Source: Asylum Service, Refugee Reviewing Authority.

Comparison between first instance and appeal decision rates: 2016

Statistics for decisions by the Administrative Court are not available.

Overview of the legal framework

Main legislative acts relevant to asylum procedures, reception conditions and detention

Title in English	Original Title (GR)	Abbreviation	Web Link
Refugee Law 2000 (6(I)/2000) <i>Amended by:</i> Refugees (Amendment) Law 2016 105(I)/2016 <i>Amended by:</i> Refugees (Amendment) Law (No 2) 2016, 106(I)/2016	Ο περί Προσφύγων Νόμος του 2000 (6(I)/2000) <i>Τροπ:</i> Ο περί Προσφύγων (Τροποποιητικός) Νόμος του 2016 105(I)/2016 <i>Τροπ:</i> Ο περί Προσφύγων (Τροποποιητικός) Νόμος του 2016 (Αρ. 2) 106(I)/2016	Refugee Law	http://bit.ly/1O3Odb4 (GR)
State Medical Institutions and Services General Regulations 2000-2013	Οι Περί Κυβερνητικών ιατρικών Ιδρυμάτων και Υπηρεσιών Γενικοί κανονισμοί του 2000-2013		http://bit.ly/1RwrE4U (GR)
Medical Institutions and Services (Regulations and Fees) 1978-2013	Οι Περί ιατρικών Ιδρυμάτων και Υπηρεσιών (Ρύθμισης και Τέλη) Νόμοι του 1978 έως 2013		http://bit.ly/1M8f0Wd (GR)
Aliens and Immigration Law (Cap.105)	Ο περί Αλλοδαπών και Μεταναστεύσεως Νόμος (ΚΕΦ.105)	Aliens and Immigration Law	http://bit.ly/1IXTPnM (GR)
Rights of Persons who are Arrested and Detained Law 2005	Ο περί των Δικαιωμάτων Προσώπων που Συλλαμβάνονται και Τελούν υπό Κράτηση Νόμος του 2005 (163(I)/2005)		http://bit.ly/1IXTWQj (GR)
Legal Aid Law 2002 (165(I)/2002) <i>Amended by:</i> Legal Aid (Amendment) Law 111(I)/2016	Ο Περί Νομικής Αρωγής Νόμος του 2002 (165(I)/2002) <i>Τροπ:</i> Ο Περί Νομικής Αρωγής (Τροποποιητικός) Νόμος του 2002 111(I)/2016	Legal Aid Law	http://bit.ly/1CEeWu6 (GR)
Advocates Law Cap. 2	Ο περί Δικηγόρων Νόμος (ΚΕΦ.2)		http://bit.ly/1K4yryl (GR)
General Administrative Law Principles Law 1999	Ο περί των Γενικών Αρχών του Διοικητικού Δικαίου Νόμος του 1999 (158(I)/1999)		http://bit.ly/1Gjthap (GR)
Law on the establishment and operation of the Administrative Court (131(I)/2015)	Ο περί της Ίδρυσης και Λειτουργίας Διοικητικού Δικαστηρίου Νόμος του 2015 (131(I)/2015)	Administrative Court Law	http://bit.ly/1VsDv68 (GR)
Civil Registry Law, (141(I)/2002)	Ο Περί Αρχείου Πληθυσμού Νόμος του 2002 (141(I)/2002)	Civil Registry Law	http://bit.ly/2IC2uDr (GR)
Council Regulation (EC) No 866/2004 on a regime under Article 2 of Protocol No 10 of the Act of Accession as last amended by Council Regulation (EC) No 587/2008 (OJ L 163/1)		Green Line Regulation	http://bit.ly/1CBNDkg (EN)

Overview of the main changes since the previous report update

The report was previously updated in **November 2015**.

Asylum procedure

- ❖ **Reform:** An amendment to the Refugee Law, transposing the recast Asylum Procedures Directive, was tabled in March 2016 and adopted in October 2016. An amendment to the Legal Aid Law, transposing relative articles of the recast Asylum Procedures Directive, was tabled in March 2016 and adopted in November 2016.
- ❖ **Appeal:** The Administrative Court has been established and as of January 2016 has taken over from the Supreme Court as the first instance judicial review authority for asylum decisions. In order to ensure that asylum seekers in Cyprus have a right to an effective remedy against a negative decision before a judicial body on both facts and law in accordance with Article 46 of the recast Asylum Procedures Directive, the relevant authorities have taken steps to modify the procedure as follows: abolish the Refugee Reviewing Authority (RRA), which is a second level first-instance decision-making authority that examines recourses (appeals) on both facts and law, but is not a judicial body, and instead provide a judicial review on both facts and law before the recently established Administrative Court. In practice, the RRA has yet to be abolished and continues to review asylum decisions.
- ❖ **Guardianship:** Regarding the representation of unaccompanied children, the recent amendment maintains that the Director of Social Welfare Services acts as representative of unaccompanied children in the asylum procedures but for judicial proceedings the Commissioner for Children's Rights is responsible to ensure representation.

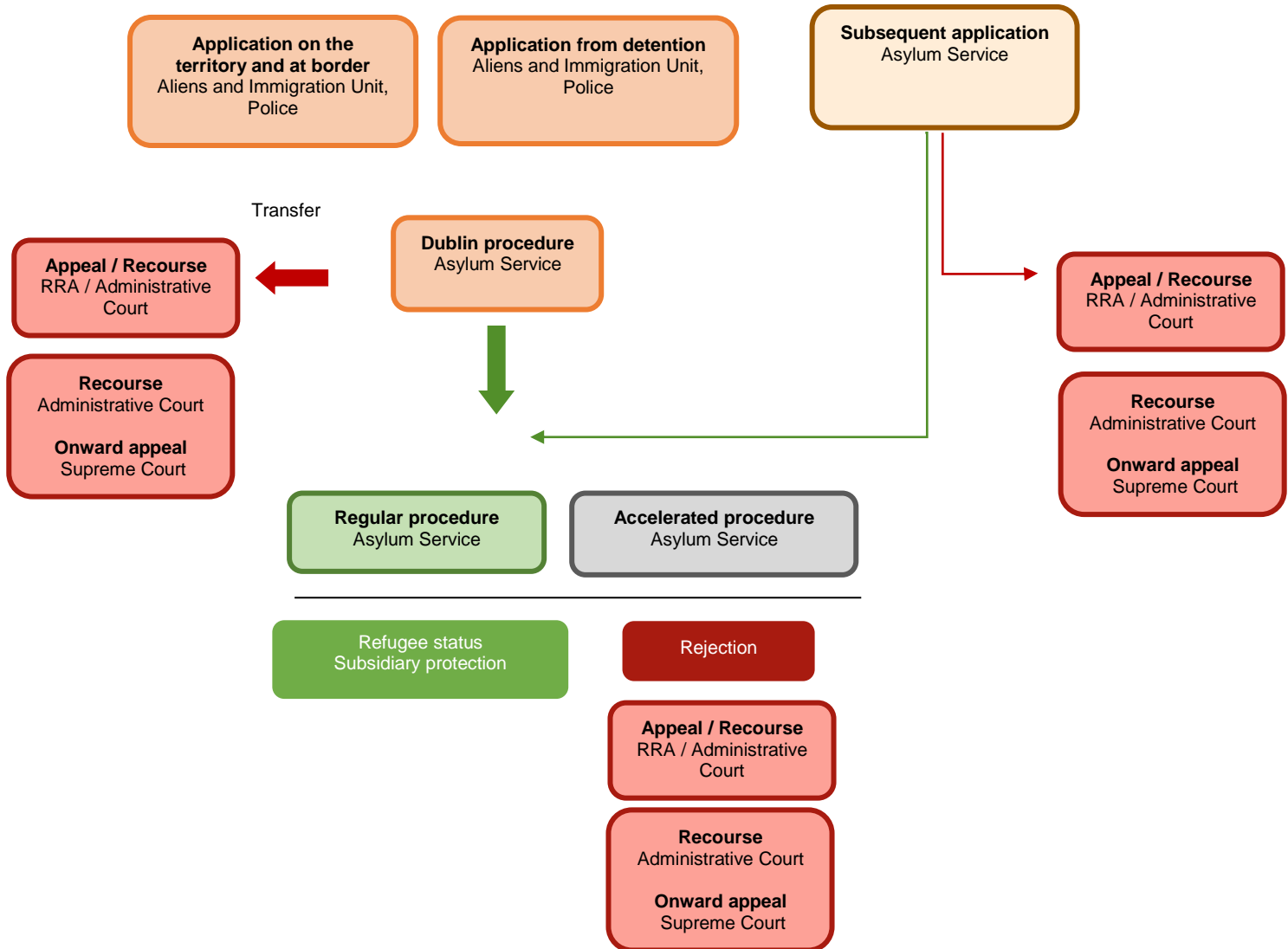
Reception conditions

- ❖ **Reform:** An amendment to the Refugee Law, transposing the recast Reception Conditions Directive, was tabled in March 2016 and adopted in October 2016.

Asylum Procedure

A. General

1. Flow chart



2. Types of procedures

Indicators: Types of Procedures

Which types of procedures exist in your country?

- | | | |
|---|---|--|
| ❖ Regular procedure: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Prioritised examination: ¹ | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Fast-track processing: ² | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Dublin procedure: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Admissibility procedure: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Border procedure: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| ❖ Accelerated procedure: ³ | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Other: | | |

Are any of the procedures that are foreseen in the law, not being applied in practice? ☒ Yes ☐ No

Although an accelerated procedure is foreseen in national legislation, in practice it is not applied. Prioritised examination of well-founded cases, as well as fast-track processing, is carried out within the regular procedure.

3. List of the authorities that intervene in each stage of the procedure

Stage of the procedure	Competent authority (EN)	Competent authority (GR)
Application at the border	Aliens and Immigration Unit, Police	Υπηρεσία Αλλοδαπών και Μετανάστευσης
Application on the territory	Aliens and Immigration Unit, Police	Υπηρεσία Αλλοδαπών και Μετανάστευσης
Dublin procedure	Asylum Service	Υπηρεσία Ασύλου
Accelerated procedure	Asylum Service	Υπηρεσία Ασύλου
Refugee status determination	Asylum Service	Υπηρεσία Ασύλου
Administrative appeal	Refugee Reviewing Authority	Αναθεωρητική Αρχή Προσφύγων
Judicial appeal	Administrative Court	Διοικητικό Δικαστήριο
Onward appeal	Supreme Court	Ανώτατο Δικαστήριο
Subsequent application (admissibility)	Asylum Service Refugee Reviewing Authority (if an appeal was submitted before the RRA in the first application)	Υπηρεσία Ασύλου Αναθεωρητική Αρχή Προσφύγων

4. Number of staff and nature of the first instance authority

Name in English	Number of staff	Ministry responsible	Is there any political interference possible by the responsible Minister with the decision making in individual cases by the first instance authority?
Asylum Service	32 staff, incl. 12 caseworkers	Ministry of Interior	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

¹ For applications likely to be well-founded or made by vulnerable applicants. See Article 31(7) APD.

² Accelerating the processing of specific caseloads as part of the regular procedure.

³ Labelled as "accelerated procedure" in national law. See Article 31(8) APD.

In most cases the Asylum Service, the first instance authority, decides independently without interference from the Ministry of Interior. However, from time to time the Minister of Interior will have input in setting the policy for asylum seekers from specific countries of origin such as when there is an influx of asylum seekers from a country in conflict (i.e. Iraq, Syria). Additionally there have been cases where the Minister of Interior has inquired about individual cases and requested them to be given priority or special attention.

5. Short overview of the asylum procedure

The asylum procedure in Cyprus is a single procedure whereby both refugee status and subsidiary protection status is examined. In accordance with the Refugee Law, an asylum application may be lodged at entry points into the Republic of Cyprus (RoC) or within the territory at any police station. An asylum application can also be lodged from detention or prison. In practice asylum applications are only received at the Aliens and Immigration Unit, which is a department of the Police.⁴ One such office exists in each of the 5 districts in Cyprus (Nicosia, Limassol, Larnaka, Paphos, Ammochostos). For people in detention their asylum applications are received directly within the detention facilities, for people in prison who have requested to lodge an asylum application, the Aliens and Immigration Unit will be notified and will send one of their police officers to receive the asylum application. The majority of asylum seekers enter Cyprus from the areas not controlled by the RoC, at the north of the island, and then cross the “green line” / no-man’s land to the areas under the control of the RoC. The “green line” is not considered a border, and although there are authorised points of crossing along it, these are not considered official entry points into the RoC.

When persons present themselves to the Aliens and Immigration Unit, stating the intention to apply for asylum they are often given appointments to return on another day (approximately 3 days to 1 week) to submit the application. During this time they have no proof that they intended to apply, however rarely are there reports of this leading to the arrest of the persons concerned. Once an application is lodged by the Aliens and Immigration Unit, it is immediately registered in the common data system which is managed by the Asylum Service and fingerprints are taken. A person is considered an asylum seeker from the day the asylum application is made up to the issuance of the final decision.

Specifically, the following procedures exist:

Regular and accelerated procedure: The Refugee Law provides for a regular procedure and an accelerated procedure. The Asylum Service, a department of the Ministry of Interior, is responsible for the first instance examination of asylum applications, including the examination of the Dublin Regulation criteria. In addition the Asylum Service is responsible for the overall coordination on issues related to asylum, asylum seekers and persons under international protection, as well as the management of the reception centre. The decision issued by the Asylum Service can lead to refugee status, subsidiary protection status or a rejection. Until the April 2014 amendment to the Refugee Law, the Asylum Service could also grant humanitarian status, but this has since been removed.

The Asylum Service is responsible for both the regular and accelerated procedures and asylum seekers are entitled to material reception conditions during both these procedures. The accelerated procedure has a specific time limit for the issuance of the decision and shorter time limits for the submission of an appeal. In practice the accelerated procedure is never used. However, asylum applications from countries considered to be safe or countries facing a humanitarian crisis are prioritised through a fast-track procedure.

⁴ Article 11(2)(a) Refugee Law.

Dublin / admissibility procedure: According to Article 11(B)(2) of the Refugee Law, during the procedure to identify the Member State responsible under the Dublin Regulation a person is considered an asylum seeker. Regarding asylum seekers returned to Cyprus under the Dublin Regulation, if the refugee status determination procedure was not concluded this will resume at the stage it was left off. The current practice leading on from the end of 2014 indicates that Dublin returnees whose final decision is pending are not detained upon return but instead are transferred to Kofinou Reception Centre. For Dublin returnees who have a final decision, it is expected that they will be detained upon return, however there have been no such cases to indicate the practice.⁵

Admissibility of a subsequent application / new elements: When a rejected asylum seeker submits a subsequent application or new elements to the initial claim, authorities will first examine the admissibility of such an application or elements. During the admissibility procedure the person is not considered an asylum seeker. If the new application or new elements are admitted then the person is considered an asylum seeker and the new application or new elements are examined under the regular procedure.

Appeals: In order to ensure that asylum seekers in Cyprus have a right to an effective remedy, the relevant authorities have taken steps to modify the asylum procedure as follows; abolish the Refugee Reviewing Authority (RRA), which is a second level first-instance decision-making authority that examines recourses (appeals) on both facts and law, but is not a judicial body, and instead provide judicial review on both facts and law before the recently established Administrative Court.

However, as the RRA has yet to be abolished the practice, currently, following a negative decision on the asylum application by the Asylum Service, an asylum seeker has the following options: (a) he or she may file an appeal at the RRA within 20 calendar days,⁶ and if rejected by the RRA, he or she has the right to submit a recourse⁷ before the Administrative Court within 75 calendar days. The second option the applicant has is (b) to bypass the RRA stage and submit a recourse directly before the Administrative Court within 75 calendar days. All decisions issued by the Administrative Court can be appealed before the Supreme Court within 42 days.

The appeal before the RRA and the Administrative Court has suspensive effect,⁸ and both examine both facts and points of law. There is no specific time limit set for the issuance of a decision but the law provides that a decision must be issued as soon as possible.⁹ The onward appeal before the Supreme Court examines only points of law and does not have suspensive effect.

The procedure before the RRA is administrative, not judicial, and applicants have a right to submit an appeal without legal representation; however, if they do not have legal representation the chances of succeeding at the appeal stage are extremely limited. The procedure before Administrative Court is judicial and applicants need a registered Lawyer to represent them before the Court. In view of the problematic access to legal aid, it is questionable how many applicants will actually be able to access to this remedy.

⁵ Based on information provided by NGO Future Worlds Center which carries monitoring visits to Kofinou reception centre and provides free legal support to asylum seekers since 2008 and assists an average of 400 cases per year.

⁶ Article 28ΣΤ(2) Refugee Law (this has been deleted from the law but still used in practice).

⁷ Administrative recourse under Article 146(1) of the Constitution of the Republic of Cyprus. This provision provides as follows: "the Supreme Constitutional Court shall have exclusive jurisdiction to rule on any appeal against a decision by the Administrative Court which has exclusive jurisdiction to decide at first instance on any action condition being a decision, measure or any organ failure, authority or person exercising any executive or of the administration of on-the because this is contrary to the provisions of the Constitution or of any law or is made in excess or in abuse of powers vested in such organ or authority or person."

⁸ Article 8 Refugee Law.

⁹ Article 31Γ(5)Refugee Law.

B. Access to the procedure and registration

1. Access to the territory and push backs

Indicators: Access to the Territory

1. Are there any reports (NGO reports, media, testimonies, etc.) of people refused entry at the border and returned without examination of their protection needs? ☒ Yes ☐ No

The majority of asylum seekers enter Cyprus from the areas not controlled by the Republic of Cyprus (RoC), in the north of the island, and then cross the “green line” / no-man’s land to the areas under the control of the RoC. The “green line” is not considered a border and although there are authorised points of crossing along it, these are not considered official entry points into the RoC. Crossing of the “green line” is regulated under the “Green Line” Regulation.¹⁰ If a person has entered the areas in the north without permission from the authorities there, he or she may be arrested and returned to Turkey and possibly from there to his or her country of origin. As the *acquis* is suspended in the areas in the north,¹¹ there is no asylum system in force and persons cannot seek asylum there. In order to cross the “green line” through the points of crossing a person needs a valid visa and will be checked by police acting in the north and then by RoC Police. As the majority of persons seeking asylum do not have such a visa, they cross the “green line” in an irregular manner often with the help of smugglers.¹² If a person who has entered the north in an irregular manner is able to cross at these points and expresses the intention to apply for asylum to the RoC police officers, he or she will then be referred to the Aliens and Immigration Unit in order to lodge an application. If the person has been in the RoC before and had been forcefully or voluntarily returned, but had remained irregularly, he or she may be arrested and detained, but he or she will be given access to the asylum procedure.

Besides arrivals from the north, a smaller number of asylum seekers enter the RoC at official points of entry (ports and airports), as well as small number from boat arrivals. The boat arrivals include boats that did not intend to come to Cyprus but got into trouble off the coast of the RoC and were rescued, and boats that intended to come to Cyprus. There has been a rise in the latter category in 2016.

People apprehended by the police within RoC territory before applying for asylum are often arrested for irregular entry and/or stay, regardless of whether they were intending to apply for asylum, even if they were on their way to apply for asylum and have only been in the country for a few days. Since 2014, this does not apply to Syrian nationals who will not be arrested even if they have not regularised their stay, with the exception of a small number of Syrians who entered the RoC by boat arrivals and were arrested upon arrival due to previously being in Cyprus and still listed as “prohibited immigrants”.

Until the recent amendment to the Refugee Law in October 2016, asylum seekers whose asylum application was pending judicial review were not considered to have the status of an asylum seeker and did not have the right to remain during this process. As a result they could be detained as “prohibited immigrants” and deported. With the amendment to the Refugee Law, asylum seekers pending judicial review of their asylum claims to the newly formed Administrative Court are now afforded the right to remain up until the decision issued by the Administrative Court or the lapse of the deadline to submit such a review.¹³ However, the right to remain only applies to asylum seekers whose application was

¹⁰ Council Regulation (EC) No 866/2004 on a regime under Article 2 of Protocol No 10 of the Act of Accession as last amended by Council Regulation (EC) No 587/2008.

¹¹ EU Accession Treaty - Protocols on Cyprus, available at: <http://bit.ly/2m6QXjG>. The Protocol on Cyprus, attached to the Treaty of Accession signed on 16 April 2003 by the Republic of Cyprus, provides for the suspension of the application of the *acquis* in those areas of the Republic of Cyprus, where the Government of the Republic does not exercise effective control.

¹² European Commission, *Twelfth report on the implementation of Council Regulation (EC) No 866/2004 of 29 April 2004 and the situation resulting from its application covering the period 1 January until 31 December 2015*, COM(2016) 494, 4 August 2016, available at: <http://bit.ly/2mDHmOO>.

¹³ Article 8(1)(a) Refugee Law.

lodged after 20 July 2015, the date upon which the transposition of the recast Directive was due. In the recent months since the amendment, such cases have been released from detention.¹⁴

For asylum seekers whose claim was lodged prior to 20 July 2015, the right to remain is as per the previous Refugee Law, according to which it ceases “from the date of notifying the decision of the Reviewing Authority”. Asylum seekers from that point on are considered “prohibited immigrants” and deportation / detention orders are issued against them; even prior to receiving notice of the negative asylum decision, and without being provided with a legal or an *ex officio* remedy or protective measures to determine their right to remain during the judicial review process.

2. Registration of the asylum application

Indicators: Registration

1. Are specific time-limits laid down in law for asylum seekers to lodge their application?
☒ Yes ☐ No
2. If so, what is the time-limit for lodging an application?
6 working days

According to the recently amended Refugee Law,¹⁵ an asylum application is addressed to the Asylum Service, a department of the Ministry of Interior, and made at the competent Aliens and Immigration Unit, that has no later than 3 working days after the application is made to register it and then must refer it immediately to the Asylum Service for examination. In cases where the applicant is in prison or detention, the application is made at the place of imprisonment or detention.¹⁶ If the application is made to authorities who may receive such applications but are not competent to register such application, then that authority shall ensure that the application is registered no later than 6 working days after the application is made.¹⁷ Furthermore, if a large number of simultaneous requests from third country nationals or stateless makes it very difficult in practice to meet the deadline for the registration of the application as mentioned above then these requests are registered no later than 10 working days after their submission.¹⁸

The law does not specify the time limits within which asylum seekers should make their application for asylum; it only specifies a time limit between making and lodging an application.¹⁹ According to the Refugee Law,²⁰ applicants who have entered irregularly are not subjected to punishment solely due to their illegal entry or stay, as long as they present themselves to the authorities without undue delay and provide the reasons of illegal entry or stay. In practice the majority of persons entering or staying in the country irregularly will not be arrested when they present themselves to apply for asylum unless there is an outstanding arrest warrant or if they were in the country before and there is a re-entry ban. In limited cases persons may be arrested when they present themselves to apply due to their irregular entry or stay even if there is no arrest warrant or re-entry ban.

According to the Refugee Law,²¹ if an asylum seeker did not make an application for international protection as soon as possible, and without having a good reason for the delay, the accelerated procedure can be applied, yet in practice this is never implemented. The fact that an asylum application was not made the soonest possible by an asylum seeker who entered legally or illegally will often be taken into consideration during the substantial examination of the asylum application and as an indication of the applicant's lack of credibility.

¹⁴ Based on weekly monitoring visits carried out by the FWC in 2016.

¹⁵ Article 11(1) Refugee Law.

¹⁶ Article 11(2)(a) Refugee Law.

¹⁷ Article 11(2)(b) Refugee Law.

¹⁸ Article 11(2)(c) Refugee Law.

¹⁹ Article 11(4)(a) Refugee Law.

²⁰ Article 7 Refugee Law.

²¹ Article 12Δ(4)(i) Refugee Law.

The applicant must lodge the application within 6 working days from the date the application was “made” at the place that it was made, provided that it is possible to do so within that period.²² If an application is not lodged within this period, then the applicant is considered to have implicitly withdrawn or abandoned his or her application.²³ Finally, within 3 days from lodging the application, a confirmation that an application has been made must be provided.²⁴

The amendment has not changed the practice and there is no distinction between making and lodging an application. As before, when persons present themselves to the Aliens and Immigration Unit, stating the intention to apply for asylum they are either permitted to immediately lodge the application or requested to return on another day. If permitted to immediately lodge the application, they are also provided with a confirmation on the same day that they have done so and have access to reception conditions with this confirmation. The Unit will also immediately register the application in the common asylum database which is managed by the Asylum Service. If persons are requested to return on another day, which can vary from 3 days to 1 week, to lodge the application, they are not provided with evidence that they have stated an intention to apply for asylum nor are they registered by the Unit in any way. During this time they do not have access to reception conditions or proof of their status in the country, however rarely are there reports of this leading to arrest.

All asylum applications are received by the Aliens and Immigration Unit, which is an office within the Police. One such office exists in each of the 5 districts in Cyprus (Nicosia, Limassol, Larnaka, Paphos, Ammochostos). For persons in detention, their asylum applications are received directly within the detention facilities, whereas for persons in prison who have requested to lodge an asylum application, the Aliens and Immigration Unit will be notified and will send one of their police officers to receive the asylum application. In the past, this led to delays but in the past year there has been sufficient improvement.²⁵

According to the amended Law fingerprints should be taken when an application is made.²⁶ However, in practice fingerprints are taken by the Aliens and Immigration Unit when an application is lodged. Fingerprints are taken of the applicant and all dependents aged 14 and over.

²² Article 11(4)(a) Refugee Law.

²³ Article 11(4)(c) Refugee Law.

²⁴ Article 8(1)(b) Refugee Law.

²⁵ Based on information provided to the FWC on asylum seekers who applied for asylum while in prison.

²⁶ Article 11A Refugee Law.

C. Procedures

1. Regular procedure

1.1. General (scope, time limits)

Indicators: Regular Procedure: General

- | | |
|--|---|
| 1. Time-limit set in law for the determining authority to make a decision on the asylum application at first instance: | 6 months |
| 2. Are detailed reasons for the rejection at first instance of an asylum application shared with the applicant in writing? | <input checked="" type="checkbox"/> Yes ²⁷ <input type="checkbox"/> No |
| 3. Backlog of pending cases as of 31 December 2016: ²⁸ | 2,293 |

According to the law, the Asylum Service shall ensure that the examination procedure is concluded as soon as possible, without prejudice to an adequate and complete examination.²⁹ Furthermore the Asylum Service shall ensure that the examination procedure is concluded within 6 months of the lodging of the application.³⁰ In instances where the Asylum Service is not able to issue a decision within 6 months, it is obliged to inform the applicant of the delay and, upon request, of the applicant, provide information on the reasons for the delay and on the time-frame in which a decision on the application is expected.³¹

The 6 month time-frame can be extended for a period not exceeding a further 9 months, where: (a) complex issues of fact and/or law are involved; (b) a large number of third-country nationals or stateless persons simultaneously apply for international protection, making it very difficult in practice to conclude the procedure within the 6-month time limit; (c) where the delay can clearly be attributed to the failure of the applicant to comply with his or her obligations as provided for under the law.³² By way of exception, the Asylum Service may, in duly justified circumstances, exceed the time limits laid down by a maximum of 3 months where necessary in order to ensure an adequate and complete examination of the application.³³

The Head of the Asylum Service may postpone concluding the examination procedure where the Asylum Service cannot reasonably be expected to decide within the time limits laid down, due to an uncertain situation in the country of origin which is expected to be temporary. In such a case, the Asylum Service shall conduct reviews of the situation in that country of origin at least every 6 months; inform the applicants concerned within a reasonable time of the reasons for the postponement; inform the European Commission within a reasonable time of the postponement of procedures for that country of origin.³⁴

Finally, the law states that in any event, the Asylum Service shall conclude the examination procedure within a maximum time limit of 21 months from the lodging of the application.³⁵

In practice, the time required for the majority of decisions on asylum applications exceeds the 6 month period, and in cases of well-founded applications, the average time taken for the issuance of a decision

²⁷ Only upon request of the applicant. The applicant must review the file which is in Greek. A copy of the detailed reasons is not provided to the applicant or to legal representative.

²⁸ Both Asylum Service and Refugee Reviewing Authority.

²⁹ Article 13(5) Refugee Law.

³⁰ Article 13(6)(a) Refugee Law.

³¹ Article 13(6)(b) Refugee Law.

³² Article 13(7) and Article 16 Refugee Law.

³³ Article 13(8) Refugee Law, entering into force on 20 July 2018.

³⁴ Article 13(9) Refugee Law, entering into force on 20 July 2018.

³⁵ Article 13(10) Refugee Law, entering into force on 20 July 2018.

takes approximately 2-3 years. It is not uncommon for well-founded cases to take up to 3-4 years of waiting time before asylum seekers receive an answer.³⁶ While there has been a substantial improvement in processing times for fast-tracked nationalities (see section on [Regular Procedure: Fast-Track Processing](#)), for other nationalities there are still long delays. There are no consequences from the delays mentioned above and the Asylum Service does not inform the asylum seeker of the delay as provided for in the law, unless the applicant requests information on the delay. Even when such a request is submitted to the Asylum Service, the written response mentions briefly that the decision will be issued within reasonable time, yet no specific time frame or reasons for the delay are provided to the applicant.

1.2. Prioritised examination and fast-track processing

The amended Refugee Law now includes a specific provision for the prioritised examination of applications, within the regular procedure, applicable where:³⁷

- (a) the application is likely to be well-founded;
- (b) the applicant is vulnerable,³⁸ or is in need of special procedural guarantees, in particular unaccompanied minors.

Although efforts are made to ensure such prioritisation is given especially to vulnerable cases such as to victims of torture, violence or trafficking, it does not necessarily imply that other important safeguards are followed, such as the evaluation of their vulnerability and psychological condition and how this may affect their capability to respond to the questions of the interview. Overall, prioritisation of a vulnerable individual's case does not necessarily ensure that the interview is carried out under the appropriate procedures specified in accordance to vulnerability. In addition these cases may start out prioritised but there are often delays due to lack of interpreters or requirements for other examinations to be concluded before a decision can be made such as examination of victims of torture by the Medical Board or victims of trafficking by the Anti Trafficking Department of the Police and there is not always.

Further to the instances of prioritisation mentioned in the Refugee Law, the Asylum Service continues to prioritise certain caseloads and examines them within the regular procedure and not the accelerated procedure, under three circumstances:

- (1) When the country of origin is deemed generally safe;³⁹
- (2) If a conflict is taking place in the country of origin, such as Iraqi cases in the past and Syrian cases currently; or
- (3) When the asylum seeker is in detention (see section on [Detention: Duration of Detention](#)).

In 2016, the time required for the examination of cases of Syrians and Palestinians ex Syria increased in comparison to the previous year, with the average time going from 6-12 months to 12-18 months. Even cases of refugees relocated to Cyprus were passing the 6-month mark, even though the refugees had received assurances that their cases would be prioritised.

³⁶ Based on information provided by the FWC.

³⁷ Article 12E Refugee Law.

³⁸ Within the meaning of Article 9KΔ Refugee Law.

³⁹ Note that this is also a ground for using the accelerated procedure.

1.3. Personal interview

Indicators: Regular Procedure: Personal Interview

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the regular procedure?
❖ If so, are interpreters available in practice, for interviews?
☒ Yes ☐ No
☒ Yes ☐ No
2. In the regular procedure, is the interview conducted by the authority responsible for taking the decision?
☒ Yes ☐ No
3. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

According to the law, all applicants including each dependent adult are given the opportunity of a personal interview.⁴⁰ The Refugee Law now also permits,⁴¹ where simultaneous applications by a large number of third-country nationals or stateless persons make it impossible in practice for the determining authority to conduct timely interviews on the substance of each application by the Asylum Service, the Ministerial Council to issue an order, published in the Gazette, providing that experts of another Member States, who have been appointed by the European Asylum Support Office (EASO) or other related organisation, be temporarily involved in conducting such interviews. In such cases, the personnel other than the Asylum Service, shall receive in advance the relevant training and shall also have acquired general knowledge of problems which could adversely affect an applicant's ability to be interviewed, such as indications that the applicant may have been tortured in the past.

The personal interview on the substance of the application may be omitted where:⁴²

- (a) The Head of the Asylum Service is able to take a positive decision with regard to refugee status on the basis of available evidence; or
- (b) the Asylum Service is of the opinion that the applicant is unfit or unable to be interviewed owing to enduring circumstances beyond his or her control. When in doubt, the Asylum Service shall consult a medical professional to establish whether the condition that makes the applicant unfit or unable to be interviewed is of a temporary or enduring nature.

According to the law,⁴³ the Asylum Service shall take appropriate measures to ensure that personal interviews are conducted under conditions that allow the applicant to explain in detail the reasons for submitting the application for asylum, and in order to do so the Asylum Service shall:

- (a) Ensure the competent officer who conducts the interview is sufficiently competent to take account of the personal or general circumstances surrounding the application, including the applicant's cultural origin, cultural origin, gender, sexual orientation, gender identity or vulnerability;
- (b) Wherever possible, provide for the interview with the applicant to be conducted by a person of the same sex if the applicant so requests, unless the Asylum Service has reason to believe that such a request is based on grounds which are not related to difficulties on the part of the applicant to present the grounds of his or her application in a comprehensive manner;
- (c) Select an interpreter who is able to ensure appropriate communication between the applicant and the competent officer who conducts the interview. The communication shall take place in the language preferred by the applicant unless there is another language which he or she understands and in which he or she is able to communicate clearly. Wherever possible, an interpreter of the same sex is provided if the applicant so requests, unless the Asylum Service has reasons to believe that such a request is based on grounds which are not related to

⁴⁰ Article 13A(1) Refugee Law.

⁴¹ Article 13A(1A) Refugee Law.

⁴² Article 13A(2) Refugee Law.

⁴³ Article 13A(9) Refugee Law.

difficulties on the part of the applicant to present the grounds of his or her application in a comprehensive manner

- (d) Ensure that the person who conducts the interview on the substance of an application for international protection does not wear a military or law enforcement uniform;
- (e) Ensure that interviews with minors are conducted in a child-appropriate manner.

Furthermore when conducting a personal interview, the Asylum Service shall ensure that the applicant is given an adequate opportunity to present elements needed to substantiate the application in accordance with the law⁴⁴ as completely as possible. This shall include the opportunity to give an explanation regarding elements which may be missing and/or any inconsistencies or contradictions in the applicant's statements.⁴⁵

In practice, all asylum seekers are interviewed, and in the majority of cases the interview takes place 1-2 years after the application has been submitted, with the exception of cases that are being prioritised under fast-track processing (see section on [Regular Procedure: Fast-Track Processing](#)). In addition, there is no evidence of the Asylum Service omitting the interview in cases where the applicant may be unfit or unable to be interviewed owed to enduring circumstances beyond his or her control, even in highly vulnerable cases and even when such exemption has been requested.⁴⁶ All interviews are carried out by the Asylum Service, which is the authority responsible for taking decisions on asylum applications, and an interpreter is always present as provided for in the law. Applicants can make a request regarding the gender of both the examiner as well as the interpreter and in practice if such a request is made then it is usually granted. However, an applicant often does not have knowledge of this right in order to make such a request.

Although an interpreter is always present at interviews, they are not professional interpreters nor adequately trained, and there is no code of conduct for interpreters.⁴⁷ Asylum seekers often complain about the quality of the interpretation as well as the impartiality /attitude of the interpreter, yet such complaints are seldom addressed by the Asylum Service.⁴⁸ During monitoring of interviews at the Asylum Service, it has been noted that although asylum seekers are asked by the interviewing officer whether they can understand the interpreter, most of the time they are reluctant to admit that there is an issue with understanding and prefer to proceed with the interview as they feel they have no other choice or are unwilling to wait for a longer period of time (sometimes months) for another interview to be scheduled.⁴⁹ In addition, there have been cases where the applicant has complained about the interpreter regarding the quality of interpretation or attitude, and this has been perceived as lack of cooperation on behalf of the applicant.

The recently amended Refugee Law permits audio/video recordings.⁵⁰ However, in practice only a verbatim transcript of the interview is drafted. The law also provides that the examiner must provide an opportunity to the applicant to make comments and/or provide clarifications orally and/or in writing with regard to any mistranslations or misconceptions appearing in the written report or in the text of the transcript at the end of the personal interview or within a specified time limit before take a decision on the Head of the request.⁵¹ Furthermore, the legal representative / lawyer can intervene once the interview is concluded,⁵² and this is the only stage at which corrections are permitted. However the practice remains the same and varies between the examining officers, as some officers will allow such

⁴⁴ Article 16(2)(a) and Article 18(3)-(5) Refugee Law.

⁴⁵ Article 13A(10) Refugee Law.

⁴⁶ Based on information provided by the FWC.

⁴⁷ KISA, *Comments and observations for the forthcoming 52nd session of the UN Committee against Torture*, April 2014, available at: <http://bit.ly/1I2c0K3>, 39-40.

⁴⁸ Based on information provided by the FWC.

⁴⁹ Based on information from legal advisors of the FWC present at the interviews.

⁵⁰ Article 18(2A)(a)(i) Refugee Law.

⁵¹ Article 18(2A)(a)(iii) Refugee Law.

⁵² Article 18(1A) Refugee Law.

corrections and will only take into consideration the corrected statement, whereas others will allow such corrections but then consider the initial statement and the corrected statement to be contradictory and have often used this as evidence of lack of credibility on behalf of the applicant. In some cases the officer has not accepted any corrections at all.

There are often complaints by asylum seekers that the transcript does not reflect their statements, which is attributed either to the problematic interpretation or to problems with the examining officer, such as not being appropriately trained especially for the examination of vulnerable persons or sensitive issues, not being impartial, having a problematic attitude and not allowing corrections or clarifications on the asylum seeker's statements.

According to the amended Law before the decision is issued on the asylum application the applicant and/or the legal advisor / lawyer has access to the report of the personal interview or the text of the audio and/or visual recording of the personal interview.⁵³ When an audio and/or visual recording of the personal interview is carried out, access is provided only if the applicant proceeds with a judicial review of the asylum application before the Administrative Court,⁵⁴ with the exception of applications examined under the accelerated procedure.

As audio/video recording is not used in practice, access should be provided to the report of the personal interview, prior to the issuance of the decision. According to the Asylum Service such access is provided and applicants are informed of this right during the personal interview, however very few applicants seem to be aware of this right and there is no evidence of anyone accessing this right. Access entails reviewing the report which is in Greek or sometimes in English, without translation / interpretation and without having a right to receive a copy of it, which may also contribute to applicants not accessing this right.

In the case of the legal advisor / lawyer accessing it prior to the issuance of the decision, very few applicants have a legal advisor / lawyer at the first instance examination, and even if they do, not many lawyers are familiar with the asylum procedure.

Furthermore access to the file, including the report of the personal interview is not provided to the applicant after the decision has been issued but only to the legal advisor/lawyer again a copy is not provided but only the right to review the file and its contents.

Regarding asylum applications examined whilst in detention, the overall quality of the asylum examination is not particularly affected by the fact that the applicant is in detention, as the examination including the personal interview, is carried out by an officer / caseworker from the Asylum Service with the assistance of an interpreter. However, it is evident that the psychological state of individuals who are in detention is rarely taken into consideration during the interviewing process. The majority of interviews are carried out at the offices of the Asylum Service, as with all asylum seekers; even if carried out in the detention centre it will be in a private room by the caseworkers of the Asylum Service.

⁵³ Article 18(2B)(a) Refugee Law.

⁵⁴ Article 18(2B)(b) Refugee Law.

1.4. Appeal

Indicators: Regular Procedure: Appeal

1. Does the law provide for an appeal against the first instance decision in the regular procedure?

<ul style="list-style-type: none">❖ If yes, is it❖ If yes, is it suspensive	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> Judicial <input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> Administrative <input type="checkbox"/> No
--	--	--
2. Average processing time for the appeal body to make a decision:

<ul style="list-style-type: none">❖ Cases considered unfounded❖ Cases considered well-founded	<div>6-18 months</div> <div>2-4 years</div>
--	---

In order to ensure that asylum seekers in Cyprus have a right to an effective remedy against a negative decision before a judicial body on both facts and law in accordance with Article 46 of the recast Asylum Procedures Directive, the relevant authorities have taken steps to modify the procedure as follows; abolish the Refugee Reviewing Authority (RRA), which is a second level first-instance decision-making authority that examines recourses (appeals) on both facts and law, but is not a judicial body, and instead provide judicial review on both facts and law before the recently established Administrative Court.

The Administrative Court was established in 2015,⁵⁵ and started operating on 1 January 2016, taking over from the Supreme Court as the first-instance judicial review authority for asylum cases. However, the Administrative Court will only examine application made on 20 July 2015 onwards on both facts and law. For applications made prior to the given date, the Administrative Court will only examine on points of law, as did the Supreme Court. As a result, applicants who applied prior to 20 July 2015 will never have access to an effective remedy before a court or tribunal, as required by the recast Asylum Procedures Directive. In addition, the Administrative Court comprises of only five judges without any legal assistants who must determine any judicial review pertaining to an administrative decision, not just asylum decisions, which has raised concern on the capacity the Court has to deal with such a workload.

The intention has been to abolish the Refugee Reviewing Authority (RRA), which has been the second instance administrative authority, and in view of this the recent amendment to the Refugee Law has removed all articles that concern the operations of the RRA. However, the Refugee Law also states that the termination of operations of the RRA will enter into force on a date that is to be defined by the Council of Ministers and published in the Gazette, yet to date no such decision has been issued. Furthermore, in view of the intention to abolish the RRA in recent years, most officers of the RRA have been transferred to other authorities, leaving only five examining officers for a backlog of some 650 cases, many of which have been pending for several years.

In practice, following a negative decision on the asylum application by the Asylum Service, an asylum seeker has the following options:

- (a) He or she may file an appeal at the RRA within 20 calendar days,⁵⁶ and if rejected by the RRA, he or she has the right to submit a recourse⁵⁷ before the Administrative Court within 75 calendar days.
- (b) The second option the applicant has is to bypass the RRA stage and submit a recourse directly before the Administrative Court within 75 calendar days. All decisions issued by the Administrative Court can be appealed before the Supreme Court within 42 days.

⁵⁵ Law N. 131(I)/2015 on the establishment and operation of the Administrative Courts, 21 July 2015.

⁵⁶ Article 28ΣΤ(2) Refugee Law (this has been deleted from the Law but still used in practice).

⁵⁷ Administrative recourse under Article 146(1) of the Constitution of the Republic of Cyprus. This provision provides as follows: "the Supreme Constitutional Court shall have exclusive jurisdiction to rule on any appeal against a decision by the Administrative Court which has exclusive jurisdiction to decide at first instance on any action condition being a decision, measure or any organ failure, authority or person exercising any executive or of the administration of on-the because this is contrary to the provisions of the Constitution or of any law or is made in excess or in abuse of powers vested in such organ or authority or person."

Asylum seekers are informed about their right to appeal either before the RRA or before the Administrative Court, and this is included in the first instance decision. The appeal before the RRA and the Administrative Court has suspensive effect,⁵⁸ and both examine both facts and points of law. There is no specific time limit set for the issuance of a decision but rather the law provides that a decision must be issued as soon as possible.⁵⁹ The onward appeal before the Supreme Court examines only points of law and does not have suspensive effect.

The recent amendments of October 2016 to the Refugee Law allow access, for the first time before a decision is issued on the asylum application, to the interview transcript, assessment / recommendation, supporting documents, medical reports, country of origin information that have been used in support of the decision.⁶⁰ However, as it is a recent development is not clear yet whether and how applicants and legal representatives have knowledge of this right and if they exercise it. Legal representatives also have access to the content of the file when representing applicants.⁶¹ In practice the Asylum Service stipulates in the rejection letter provided to the applicant that such access can only be provided once, although the Refugee Law does not contain such a limitation. Furthermore, in practice access is always given to the interview transcript and assessment / recommendation but not consistently to other supporting documents, medical reports or country of origin information that have been used in support of the decision.

The procedure before the RRA is administrative, not judicial, and applicants have a right to submit an appeal without legal representation. However, if they do not have legal representation the chances of succeeding at the appeal stage are extremely limited. Due to the fact that legal aid is not provided by the state at this stage of the asylum procedure (see section on [Regular Procedure: Legal Assistance](#)), only a small number of applicants are represented and are able to submit well-argued appeals against the decision of the Asylum Service. Before the amendment to the Refugee Law,⁶² it was provided that it is up to the discretion of the RRA to provide for a hearing. In practice, a hearing is very rarely provided for. Such hearings are not carried out in public and the decisions are not published, however a detailed decision is sent to the applicant.

The RRA can grant refugee status or subsidiary protection to asylum seekers. The average time taken to issue a decision varies from 6 months to 3 years depending on the case. As in the first instance examination for well-founded cases, it is not unusual for the RRA to take 3 years or more to issue a decision.⁶³ If rejected by the RRA, an asylum seeker has the right to submit a recourse before the Administrative Court within 75 calendar days.

The procedure before Administrative Court is judicial and applicants need a registered Lawyer to represent them before the Court, in view of the problematic access to legal aid (see [Regular Procedure: Legal Assistance](#)) it is questionable how many applicants will actually be able to access to this remedy. Furthermore, regarding the procedural rules followed by the Court, there are gaps concerning issues related to asylum claims such as the examination of expert witnesses.

⁵⁸ Article 8 Refugee Law.

⁵⁹ Article 31Γ(5) Refugee Law.

⁶⁰ Article 18(2B) and (7A) Refugee Law.

⁶¹ Article 18-bis Refugee Law.

⁶² Article 28Z(4) Refugee Law, deleted from the Law.

⁶³ Based on information provided by the FWC.

1.5. Legal assistance

Indicators: Regular Procedure: Legal Assistance

1. Do asylum seekers have access to free legal assistance at first instance in practice?
☐ Yes ☒ With difficulty ☐ No
❖ Does free legal assistance cover:
☒ Representation in interview
☒ Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice?
☐ Yes ☒ With difficulty ☐ No
❖ Does free legal assistance cover
☒ Representation in courts
☒ Legal advice

Asylum seekers have a right to legal assistance throughout the asylum procedure, if they can cover the cost, as free legal assistance is not easily available and *pro bono* work by lawyers is prohibited by the Advocates Law,⁶⁴ and may lead to disciplinary measures against lawyers.

Legal information and assistance at first instance

For the first instance examination the recently amended Refugee Law introduces the obligation on the state to ensure, upon request, and in any form the state so decides, that applicants are provided with legal and procedural information free of charge, including at least information on the procedure in the light of the applicant's particular circumstances and in case of a rejection of the asylum application information that explains the reasons for the decision and the possible remedies and deadlines.⁶⁵

According to the law,⁶⁶ such information can be provided by:

1. Non-governmental organisations;
2. Professional public authorities, provided that they secure the consent of the state authorities;
3. Specialised government agencies, provided that they secure the consent of the specialised government agencies;
4. Private lawyers or legal advisers;
5. The Asylum Service officers who are not involved in processing applications.

Finally the Head of the Asylum Service has the right to reject a request for free legal and procedural information provided that it is demonstrated the applicant has sufficient resources. The Head may require for any costs granted to be reimbursed wholly or partially if and when the applicant's financial situation has improved considerably or if the decision to grant such costs was taken on the basis of false information supplied by the applicant. If the applicant refuses or fails to satisfy this requirement, the Head may take legal action to recover the relevant amount due as a civil debt to the RoC.⁶⁷

In practice the Asylum Service has decided to take up the responsibility to provide such information and has appointed an officer from the Asylum Service who does not examine asylum applications to do so. As this has yet to start operating, there is no information on how effective it is. Furthermore, for cases before the RRA, it is not clear if such information will be provided at this stage as well.

Free legal assistance continues to be provided at the administrative stages under funded projects such as those provided by UNHCR, and other smaller projects from time to time. Due to the lack of state-provided legal assistance, UNHCR has funded consistently the project "Strengthening Asylum for Refugees and Asylum Seekers in Cyprus", implemented by the NGO Future Worlds Center since

⁶⁴ Article 17(9) Advocates Law.

⁶⁵ Article 18(7)(a) Refugee Law.

⁶⁶ Article 18(7)(c) Refugee Law.

⁶⁷ Article 18(7)(d) and (e) Refugee Law.

2006,⁶⁸ which provides for 2-3 lawyers for all asylum seekers and beneficiaries of international protection. However, its capacity is insufficient for the numbers of asylum seekers and refugees in Cyprus and therefore concentrates on precedent-setting cases. A project funded under the European Refugee Fund (ERF) which provided free legal assistance specifically to asylum seekers was implemented once for the first 6 months of 2013, then for the first 6 months of 2014 and for another 6 months until June 2015 by the NGO Future Worlds Center.⁶⁹ Legal assistance has not been included under the Asylum, Migration and Integration Fund (AMIF) at a national level.⁷⁰ The lack of legal assistance provided by the state, the lack of funding for non-state actors to provide such assistance combined with the lack of any information provided currently by the state (see section on [Information for Asylum Seekers and Access to NGOs and UNHCR](#)) leads to a major gap in the information asylum seekers have on the asylum procedures in Cyprus.

Asylum seekers reach NGOs providing legal assistance primarily through word of mouth, especially since the information available to asylum seekers is often not available or outdated (see section on [Information for Asylum Seekers and Access to NGOs and UNHCR](#)) or via other NGOs that may not have legal assistance and may refer asylum seekers to NGOs that do. Individual officers working in various departments of the government that come in contact with asylum seekers may refer them to NGOs to receive legal assistance, whereas asylum seekers residing in the reception centre may be referred by the staff working there. In the case of asylum seekers in detention they come in contact with NGOs again through other detainees but also by the NGOs carrying out monitoring visits to the detention centre.⁷¹

Legal assistance on appeal

Legal aid is offered by the state only at the judicial examination of the asylum application before the Administrative Court, which has taken over the judicial review of asylum applications as of January 2016.⁷² The application for legal aid is subject to a “means and merits” test.⁷³ According to this test, an asylum seeker applying for legal aid must show that he or she does not have the means to pay for the services of a lawyer. This claim will be examined by an officer of the Social Welfare Services who submits a report to the Administrative Court. In the majority of cases, asylum seekers are recognised not to have sufficient resources.

Regarding the “merits” part of the test, which is extremely difficult to satisfy, with the recent amendment to the Legal Aid Law the wording has been changed from “the appeal is likely to be successful” to “the appeal has a real chance of success”. Up until January 2016, legal aid applications were examined by the Supreme Court which only examines points of law. This meant asylum seekers had to raise legal / procedural points without the assistance of a lawyer and convince the Judge that there is a possibility the Court may rule in favour of the person if it later examines the asylum decision. Additionally in this process the state lawyer representing the Republic acts as opponent and always submits reasons why the appeal does not have a real chance of success and that Legal Aid should not be provided, which leads to an extremely unequal process. It is nearly impossible for a person with no legal background to satisfy this requirement and as a result, since the 2010 amendment of the law for Legal Aid which extended legal aid to the asylum procedure, only 5 applications for legal aid had been granted.⁷⁴ The applications that were successful were mostly prepared free of charge by lawyers working with NGOs.

⁶⁸ For an overview, see FWC, *Strengthening Asylum*, at: <http://bit.ly/1L9ypGb>.

⁶⁹ For an overview, see FWC, *Provision of Free Legal Advice to Asylum Seekers in Cyprus*, available at: <http://bit.ly/1Mahy6e>.

⁷⁰ Ministry of Interior, *European Funds*, available at: <http://bit.ly/2mcB4sq>.

⁷¹ Based on information provided by the NGO Future Worlds Center, which carries out weekly visits to the detention centre.

⁷² Article 6B(2) Legal Aid Law.

⁷³ Article 6B(2)(b)(bb) Legal Aid Law.

⁷⁴ According to a search carried out on the [Cylaw database](#), for 2010-2015, approximately 50 applications for legal aid submitted by asylum seekers were found, out of which 5 were granted.

Although the newly established Administrative Court examines both points of law and fact, the applicant still has to raise points to establish that there is a real chance of success again with the state lawyer arguing the opposite. As a result there has not been a substantial rise on the success rate of legal aid applications granted.⁷⁵ It remains to be seen how the Court will interpret the new wording and if it will lead to a real and effective access to legal aid.

The UN Committee against Torture (UNCAT) has stated in its fourth report on Cyprus that it considers that the criteria are overly restrictive to legal aid of asylum seekers and undocumented immigrants and places them at risk of unwarranted *refoulement* and illegal detention,⁷⁶ while the report of the Working Group on the Universal Periodic Review of Cyprus included a recommendation to ensure that asylum seekers have free legal aid throughout the asylum procedure.⁷⁷ The Council of Europe Commissioner for Human Rights, Nils Muižnieks,⁷⁸ after a visit to Cyprus in December 2015 and in the subsequent report issued March 2016 also raised his concerns about the lack of legal aid for asylum seekers during the administrative stages of the asylum procedure, and the very limited access to legal aid during relevant judicial proceedings. In his report, he urged Cyprus to introduce in law and practice effective remedies concerning the detention of migrants, including asylum seekers, and their deportation.

2. Dublin

2.1. General

Dublin statistics: 2016

Outgoing procedure			Incoming procedure		
	Requests	Transfers		Requests	Transfers
Total	157	62	Total	166	4
United Kingdom	58	23	Germany	83	1
Germany	34	18	Sweden	20	0
Sweden	18	10	Austria	15	0

Source: Asylum Service. Figures refer to persons concerned per requests and transfers. 3 incoming transfers were carried out by Finland.

Application of the Dublin criteria

The applicant is interviewed by Dublin Regulation officers and all documents and information are collected in collaboration with him or her. For unaccompanied minors, both the interview and family tracing is done in the presence and with the collaboration of the Social Welfare Service's officers. Following this, the request is submitted via 'DubliNet' to the relevant Member State.

In practice the evidential requirements that are needed to prove family links are mostly documents that prove familial relationship with the individual in question are requested from the asylum seeker, such as identity documents, family registration documents, birth / marriage certificates, photographs, any documents available and when necessary DNA tests. The authorities conducting the Dublin procedure

⁷⁵ According to a search carried out on the [Cylaw database](#), for 2016, 22 decisions were issued on legal aid applications to challenge the decision on the asylum application out of which 2 were granted.

⁷⁶ UNCAT, *Concluding Observations on the Fourth Report of Cyprus, Committee against Torture*, 21 May 2014.

⁷⁷ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Cyprus, Twenty-sixth session*, 4 April 2014.

⁷⁸ Council of Europe Commissioner for Human Rights, *Report following the visit to Cyprus from 7 to 11 December 2015*, CommDH(2016)16, 31 March 2016, available at: <http://bit.ly/2mcxpec>.

will not refuse to apply the family provisions if the asylum seeker has not indicated the existence of family members in another Member State from the outset.⁷⁹

The criteria most frequently used in practice for incoming requests are previous application for international protection and for outgoing requests, family unity for unaccompanied minors.

The discretionary clauses

The humanitarian clause may be applied when the other criteria are not applicable and humanitarian reasons arise, whereas the sovereignty clause may be applied when the transfer is not going to be implemented within the time limits for reasons not foreseen in the Regulation i.e. health issues.⁸⁰

2.2. Procedure

Indicators: Dublin: Procedure

1. On average, how long does a transfer take after the responsible Member State has accepted responsibility? 2-3 months

All asylum seekers applying for asylum aged 14 and over as well as their dependants, also aged 14 and over, are systematically fingerprinted and checked in Eurodac.⁸¹ The Dublin procedure is systematically applied in all cases;⁸² when lodging an application for asylum, the applicant also fills in a Dublin questionnaire where he or she has to state any previous travels or any relatives present in another Member State. Should he or she have travelled through another Member State or have relatives present in one Member State, the Dublin Unit invites the applicant for an interview.

Individualised guarantees

The Dublin Unit seeks individualised guarantees that the asylum seeker will have adequate reception conditions upon transfer for specific categories only i.e. minors with or without families, single women, persons with health issues and in general vulnerable persons.⁸³ Such guarantees are sought after the responsible Member State has agreed to take charge of / take back the applicant.

Transfers

When another EU Member State accepts responsibility for the asylum applicant, it takes on average 2 months (based on estimations from practical experience) before the applicant is transferred to the responsible Member State. Asylum seekers are not detained for the purpose of transfer, whereas the actual transfer takes place under supervision or when necessary under escort.

In 2016, Cyprus carried out 62 outgoing transfers, mainly to the UK, Germany and Sweden.

⁷⁹ Information provided by the Dublin Unit, October 2015.

⁸⁰ *Ibid.*

⁸¹ Article 11A Refugee Law.

⁸² Article 11B Refugee Law.

⁸³ Information provided by the Dublin Unit, October 2015.

2.3. Personal interview

Indicators: Dublin: Personal Interview

☒ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the Dublin procedure?
☒ Yes ☐ No
❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

The interview for the Dublin procedure is carried out by the Dublin Unit of the Asylum Service. These interviews are conducted in the same manner as the regular procedure, meaning that an interpreter is always available when needed and applicants can choose the gender of the interpreter and/or interviewer. It is also recorded in the same way as the regular procedure, meaning only a written transcript is produced as audio/video recording is not used (see section on [Regular Procedure: Personal Interview](#)). The interview for the Dublin procedure focuses on determining the Member State responsible for examining the application for international protection. For possible take-back questions focus on the applicants entry into other member states prior to reaching Cyprus, whether or not they have applied for asylum in said countries and the reasons for applying, duration of stay along with specific dates of entry, reason for leaving the country. For family unity reasons, questions focus on whether the individual has family members in other member states, as well the relationship with the individual in question, their relatives' status in the country and whether they can obtain any documents proving the familial relationship. All applicants are also informed on the Dublin procedure, what it entails, the possibilities and effect on the case.⁸⁴

2.4. Appeal

Indicators: Dublin: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the Dublin procedure?
☒ Yes ☐ No
❖ If yes, is it ☒ Judicial ☒ Administrative
❖ If yes, is it suspensive ☐ Yes ☒ No

The procedure for appeals against Dublin procedure decisions is identical to appeals in the regular procedure (see [Regular Procedure: Appeal](#)), except for the suspensive effect of the appeal before the RRA. Whereas an appeal in the regular procedure before the RRA has automatic suspensive effect, in the case of an appeal against a decision in the Dublin procedure it does not suspend the decision, unless the RRA so determines.⁸⁵ According to information provided by the Asylum Service, the RRA has so far suspended all transfers until a decision has been issued on appeal. As in the regular procedure, a judicial review is available before the Administrative Court,⁸⁶ during which the applicant has a right to remain.

The majority of cases in Cyprus that may be transferred to other Member States are not challenged by asylum seekers, as the great majority of the cases are related to family unity reasons and their preference is to not remain in Cyprus.

⁸⁴ Based on testimonies of individuals who have undergone a Dublin related interview.

⁸⁵ Article 11B(3) Refugee Law.

⁸⁶ Article 31F(3) Refugee Law.

2.5. Legal assistance

Indicators: Dublin: Legal Assistance

☒ Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?
☐ Yes ☒ With difficulty ☐ No
❖ Does free legal assistance cover:
☒ Representation in interview
☒ Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against a Dublin decision in practice?
☐ Yes ☒ With difficulty ☐ No
❖ Does free legal assistance cover
☒ Representation in courts
☒ Legal advice

There is no access to free legal assistance from the state before the Asylum Service and Refugee Reviewing Authority during the Dublin procedure. However, such cases can be assisted by the free legal assistance provided for by NGOs under project funding, but the capacity of these projects is extremely limited (see [Regular Procedure: Legal Assistance](#)). Legal aid is offered by the state only at the judicial examination of the Dublin decision before the Administrative Court.⁸⁷ The application for legal aid is subject to a “means and merits” test and is extremely difficult to be awarded (see [Regular Procedure: Legal Assistance](#)). However, asylum seekers, as stated above, extremely rarely submit appeals against the Dublin transfer and as such no free legal assistance has ever been requested during the appeal procedure so as to have statistics on the matter.

2.6. Suspension of transfers

Indicators: Dublin: Suspension of Transfers

1. Are Dublin transfers systematically suspended as a matter of policy or jurisprudence to one or more countries?
☒ Yes ☐ No
❖ If yes, to which country or countries? Greece

The majority of cases that fall under the Dublin procedure in Cyprus are requests from other Member States for Cyprus to take responsibility (“take back” requests) and seldom will an asylum seeker leave another Member State and come to Cyprus. In case a transfer is not possible within the time-limits foreseen by the Dublin Regulation, Cyprus will assume responsibility for examining the asylum application and asylum seekers will have full access to reception conditions and all other rights enjoyed by asylum seekers.

There are no national court rulings on Dublin transfers.

2.7. The situation of Dublin returnees

Regarding asylum seekers transferred back from another Member State, as of the end of 2014 a shift in practice has been noted according to which Dublin returnees whose final decision is pending are not detained. In the case they have no place on their own to stay, they are transferred to Kofinou Reception Centre, which is an open centre for asylum seekers.⁸⁸

⁸⁷ Article 68(8) Legal Aid Law.

⁸⁸ Based on information provided by the FWC which carries visits to Kofinou reception centre.

For asylum seekers transferred back from another state, if a final decision was not issued prior to them leaving Cyprus, the asylum procedure resumes where it was left off, whereas if a final decision was issued then deportation procedures are initiated.

Suspension of transfers to Cyprus

It should be noted that, in a UK case of March 2016, the High Court upheld a Dublin transfer to Cyprus of a person with specific medical needs, even in the presence of a risk of unlawful detention upon return.⁸⁹

Only 4 persons have been returned to Cyprus throughout 2016: 3 from Finland and 1 from Germany.

3. Admissibility procedure

The amended Refugee Law provides that an application for international protection is inadmissible only where:⁹⁰

- (a) another Member State has granted international protection;
- (b) a country which is not a Member State is considered as a **First Country of Asylum** for the applicant;
- (c) a country which is not a Member State is considered as a **Safe Third Country** for the applicant;
- (d) the application is a subsequent application, where no new elements or findings relating to the examination of whether the applicant qualifies as a beneficiary of international protection have arisen or have been presented by the applicant; or
- (e) a dependant of the applicant lodges an application, after he or she has consented to have his or her case be part of an application lodged on his or her behalf, and there are no facts relating to the dependant's situation which justify a separate application.

Furthermore, where an application is considered inadmissible, the Head of the Asylum Services closes the file and stops the examination of the application by a decision which is taken and registered in the file without following the regular or accelerated procedure.⁹¹ Before the decision on admissibility is taken, the Asylum Service allows the applicant to state his views on the application of the grounds and for this purpose carries out a personal interview on the admissibility of the application.⁹²

4. Border procedure (border and transit zones)

There is no border procedure in Cyprus.

5. Accelerated procedure

5.1. General (scope, grounds for accelerated procedures, time-limits)

As in the regular procedure, the Asylum Service is the authority responsible for taking decisions at first instance in accelerated procedures.

The amended Article 12Δ of the Refugee Law provides that an accelerated procedure is applied by order of priority and within 30 days after the asylum application is made, where the responsible officer considers that the applicant:

⁸⁹ High Court of England and Wales, *Pour v Secretary of State for the Home Department* [2016] EWHC 401 (Admin), Judgment of 1 March 2016.

⁹⁰ Article 12B-quater(2) Refugee Law.

⁹¹ Article 12B-quater(1) Refugee Law.

⁹² Article 12B-quater(3) Refugee Law.

- (a) Comes from a country where there is no serious risk of persecution;⁹³
- (b) Comes from a safe third country;⁹⁴
- (c) Comes from a safe European third country;⁹⁵
- (d) Comes from a safe country of origin;⁹⁶
- (e) Lodges an inadmissible application;⁹⁷
- (f) Comes from a first country of asylum;⁹⁸
- (g) Meets one of the following criteria:⁹⁹
 - i. the applicant, in submitting his/her application and presenting the facts, has only raised issues that are not relevant or of minimal relevance to the examination of whether he or she qualifies as a refugee;
 - ii. the applicant is from a safe country of origin within the meaning of the Law;¹⁰⁰
 - iii. the applicant has misled the authorities by presenting false information or documents or by withholding relevant information or documents with respect to his or her identity and/or nationality that could have had a negative impact on the decision;;
 - iv. it is likely that, in bad faith, the applicant has destroyed or disposed of an identity or travel document that would have helped establish his or her identity or nationality;
 - v. the applicant has made clearly inconsistent and contradictory, clearly false or obviously improbable representations which contradict sufficiently verified country-of-origin information, thus making his or her claim clearly unconvincing in relation to whether he or she qualifies as a beneficiary of international protection by virtue of the Law;
 - vi. the applicant has introduced a subsequent application for international protection that is not inadmissible in accordance with Article 16Δ;
 - vii. the applicant is making an application merely in order to delay or frustrate the enforcement of an earlier or imminent decision which would result in his or her removal;
 - viii. the applicant entered the territory of the Republic unlawfully or prolonged his or her stay unlawfully and, without good reason, has either not presented himself or herself to the authorities or not made an application for international protection as soon as possible, given the circumstances of his or her entry;
 - ix. the applicant may, for serious reasons, be considered a danger to the national security or public order, or has been forcibly expelled for serious reasons of public security or public order under national law;
 - x. the applicant refuses to comply with an obligation to have his or her fingerprints taken in accordance with the Eurodac Regulation.

In practice the accelerated procedure is never used. Due to this, there is no available information on the consequences on the responsible authority not abiding by the stricter time limits, nor are there any available statistics on this procedure.

⁹³ Article 12A Refugee Law.

⁹⁴ Article 12B Refugee Law.

⁹⁵ Article 12B-bis Refugee Law.

⁹⁶ Article 12B-ter Refugee Law.

⁹⁷ Article 12B-quater Refugee Law.

⁹⁸ Article 12B-quinquies Refugee Law.

⁹⁹ Article 12Δ(4) Refugee Law.

¹⁰⁰ Article 12B-ter Refugee Law.

5.2. Personal interview

Indicators: Accelerated Procedure: Personal Interview

☒ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the accelerated procedure? ☐ Yes ☐ No
 - ❖ If so, are questions limited to nationality, identity, travel route? ☐ Yes ☐ No
 - ❖ If so, are interpreters available in practice, for interviews? ☐ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☐ Never

As is the case during the regular procedure, interviews of applicants during the accelerated procedure are to be carried out by the Asylum Service.¹⁰¹ The personal interview on the substance of the application may be omitted where:¹⁰²

- The Head of the Asylum Service is able to take a positive decision with regard to refugee status on the basis of available evidence;
- The Asylum Service is of the opinion that the applicant is unfit or unable to be interviewed owing to enduring circumstances beyond his or her control. When in doubt, the Asylum Service shall consult a medical professional to establish whether the condition that makes the applicant unfit or unable to be interviewed is of a temporary or enduring nature.

Once a decision is issued under the accelerated procedure, access to the report or to the transcript of the audio/visual recording of the interview, where applicable, the registration is granted is granted at the same time the decision is made.

As the accelerated procedure is not applied in practice, it is not possible to comment on the nature of the interview.

5.3. Appeal

Indicators: Accelerated Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the accelerated procedure?
 - ☒ Yes ☐ No
 - ❖ If yes, is it ☒ Judicial ☒ Administrative
 - ❖ If yes, is it suspensive ☒ Yes ☐ No

There is no separate procedure for appealing against a decision in the accelerated procedure. As is the case with the regular procedure, an administrative appeal that has suspensive effect is submitted to the RRA and a judicial review before the Administrative Court.

The only difference from the appeal in the regular procedure are the different time limits set for lodging an appeal and the stricter time limits set for the authorities to issue a decision. The time limit within which an appeal must be lodged is 10 working days instead of 20 calendar days as with the regular procedure. The stricter time limit does not apply when the accelerated procedure is imposed under Article 12Δ(4)(a) of the Refugee Law, which concerns claims that are likely to be well-founded or the applicant has specific needs. In accordance with the law,¹⁰³ the RRA must issue a decision within 15 days, while under the regular procedure decisions must be issued “as soon as possible”.

¹⁰¹ Article 12Δ(2) Refugee Law.

¹⁰² Article 13A(2) Refugee Law.

¹⁰³ Article 28H Refugee Law.

As in the regular procedure, an appeal is available before the Administrative Court is available, however the right to remain is not automatic for decisions made with the accelerated procedure but is decided by the Court with the submission of a relevant application by the applicant.

Due to the fact that the accelerated procedure is never used there is no information on the submission of appeals.

5.4. Legal assistance

See the section on [Regular Procedure: Legal Assistance](#).

D. Guarantees for vulnerable groups

1. Identification

Indicators: Identification

1. Is there a specific identification mechanism in place to systematically identify vulnerable asylum seekers? ☐ Yes ☐ For certain categories ☒ No
❖ If for certain categories, specify which:
2. Does the law provide for an identification mechanism for unaccompanied children? ☐ Yes ☒ No

As of October 2016, the recently amended Refugee Law introduces an identification mechanism, specifically it provides that an individual assessment shall be carried out to determine whether a specific person has special reception needs and/or requires special procedural guarantees, and the nature of those needs.¹⁰⁴ These individualised assessments should be performed within a reasonable time period during the early stages of applying for asylum, and the requirement to address special reception needs and/or special procedural guarantees applies at any time such needs are identified or ascertained.

The amended Refugee Law also provides that any special reception / procedural needs of applicants, identified by any competent governmental authority upon exercising its duties, need to be reported to the Asylum Service. It also provides a basic overview of the procedure to be followed: specifically, the competent officer at the place where the claim of asylum is made fills a special document indicating any special reception and/or procedural needs of the claimant as well as the nature of such needs. The type of that document is not specified in the law but according to the Asylum Service it has been provided.

The Refugee Law also provides that during the preliminary medical tests which are performed to all asylum seekers, a report will be prepared by the examining doctor, a psychologist or another expert, indicating any special reception / procedural needs of the applicant and their nature. Furthermore, within a reasonable time period from the admission of a claimant in a reception centre and following personal interviews, the social workers and psychologists working in the facility will prepare a relevant report to Asylum Service indicating any special reception needs as well as their nature. Finally, the Social Welfare Services are required to identify any special reception needs and report them to Asylum Service, but that applies in case an asylum seeker presents him or herself to Social Services and “whenever this is possible”.

The above amendments acknowledge the need of timely identifying and addressing the special reception and procedural needs of vulnerable persons and introduce a basic framework of operation. However, further elaboration is required in order for an effective mechanism to be set up. In the

¹⁰⁴ Articles 9KΔ(a) and 10A Refugee Law.

absence of specific legislative or procedural guidelines, the identification and assessment of special reception and procedural needs take place fragmentally, while the assessment tools and approaches to be used are neither defined nor standardised. Relevant to that, there is no provision for training of the staff engaged in the identification and assessment procedure, and the role of Social Welfare and Health Services – being the most competent state authorities in relation to evaluating the needs of vulnerable persons – is rather confined. No monitoring mechanism of the overall procedure is foreseen which could contribute to the efficient and timely coordination among the involved agencies.

Furthermore, although persons, whose special reception needs and/or procedural needs are identified and assessed, should receive appropriate support within a reasonable time frame,¹⁰⁵ the exact level, type or kind of support is not specified in the law.

Currently the Asylum Service has provided a relevant form and trained the authorities where asylum applications are made as well as other authorities (Labour Office, Social Welfare Services, and others) to identify vulnerable persons or indications that a person may be vulnerable. However, this is limited to visible signs and there is no other assessment tool used. Due to this, vulnerable persons and their special reception and/or procedural needs are still identified in a non-standardised manner. This might happen during people's contact with the Welfare Services, during the interview for the examination of the asylum application and by local NGOs offering community services and support. There are no available statistics or official information on the effectiveness of this procedure. From information provided by vulnerable asylum seekers, it is not effective.¹⁰⁶

The lack of an effective identification procedure prevents or delays (depending on the specific vulnerability and support consequently required) access to any available support, which in itself is limited. In cases of victims of torture or violence, the lack of access to support will often impair the efficient examination of asylum applications, since they do not receive prior counselling psychological or legal that may assist them to present their asylum claim adequately. The lack of effective measures for the timely identification specifically of victims of torture was recently noted by the UN Committee against Torture,¹⁰⁷ and more recently by the Council of Europe Commissioner for Human Rights, Nils Muižnieks,¹⁰⁸ who also raised his concerns on issues related to unaccompanied children and specifically the lack of identification procedure of vulnerable persons, including unaccompanied children.

Age assessment

The recently amended Refugee Law provides that the Asylum Service may use medical examinations to determine the age of an unaccompanied child, within the examination of the asylum application when, following general statements or other relevant evidence, there are doubts about the age of the applicant.¹⁰⁹ If, after conducting the medical examination, there are still doubts about the age of the applicant, then the applicant is considered to be minor. Furthermore the law provides that any medical examination shall be performed in full respect of the unaccompanied child's dignity, carried out by selecting the less invasive exams and carried out by trained professionals in the health sector so as to achieve the most reliable results possible.

The Asylum Service also has the obligation to ensure unaccompanied children are informed prior to the examination of the application in a language which they understand or are reasonably supposed to understand, about the possibility of age determination by medical examinations. Such information shall include information on the method of examination, the potential impact of the results of the medical

¹⁰⁵ Article 9KΔ Refugee Law.

¹⁰⁶ Based on information provided by the FWC.

¹⁰⁷ UNCAT, *Concluding Observations on the Fourth Report of Cyprus*, 21 May 2014.

¹⁰⁸ Council of Europe Commissioner for Human Rights, *Report following the visit to Cyprus from 7 to 11 December 2015*, CommDH(2016)16, 31 March 2016, available at: <http://bit.ly/2mcxpec>.

¹⁰⁹ Article 10(1Z)(a) Refugee Law.

examinations on the examination of the application and the impact any refusal of an unaccompanied child to undergo medical examinations. Furthermore, the Asylum Service must ensure that the unaccompanied child and/or representative have consented to carry out an examination to determine the age of the child, and the decision rejecting an application of an unaccompanied child who refused to undergo such medical examination shall not be based solely on that refusal.

In practice, not all unaccompanied children are sent for an age assessment, while those for whom there are doubts regarding their age will first have an interview to determine if they should be sent for medical examinations. In Dublin cases, a child may be sent for medical examination where the country to which he or she wants to transfer requires a medical age assessment as part of the examination of the Dublin request. The medical examination comprises of a wrist x-ray, jaw-line x-ray and a dental examination; the physical sexual development examination has been removed from the procedure. The authorities maintain that a psycho-social assessment is carried out but it is not clear if this is the interview carried out before the medical examination and whether it is adequate, as it often resembles the interview carried out as part of the examination of an asylum claim.¹¹⁰

According to the authorities, the doctors that are currently carrying out some of the dental examinations have since been trained under EASO and others are to be trained soon.

According to a report issued by the national Commissioner of Children's Rights, the scientific (medical-based) age assessment procedure is to be used when there are doubts as to the asylum seeker's age. The Commissioner remarked that the medical means used (x-rays) can be invasive, bearing uncertain results, and recalled that the age assessment examinations should be conducted with respect to the children's integrity, rights and personal circumstances.¹¹¹ The Ombudsman also called for a dignified procedure and that the procedures be applied as a last resort, without being part of the standard or usual practice.¹¹² The Council of Europe Commissioner for Human Rights,¹¹³ after a visit to Cyprus in December 2015, also raised his concerns on issues related to unaccompanied children and specifically the age assessment methods used in Cyprus.

Furthermore, there is no procedure in place to challenge the findings and the Asylum Service refuses to give access to the file and documents relevant to the age assessment. As soon as the results are announced to the individuals, they are usually asked or forced to immediately leave the shelter for children where they had been residing, without any material support besides being offered a place in the Kofinou reception centre for asylum seekers.

There is no official information on the number on the children that underwent an age assessment.

2. Special procedural guarantees

Indicators: Special Procedural Guarantees

1. Are there special procedural arrangements/guarantees for vulnerable people?

☒ Yes

☐ For certain categories

☐ No

❖ If for certain categories, specify which:

The recently amended Law introduces for the first time procedural guarantees and provides that if the Asylum Service finds that an applicant is in need of special procedural guarantees, they are provided

¹¹⁰ Based on information provided by the FWC from the transcripts of such interviews.

¹¹¹ Commissioner of Children's Rights, *Position Paper on the first-stage handling of cases of unaccompanied minors, The results of the investigation of complaints, consultation with NGOs and interviews with unaccompanied minors*, November 2014.

¹¹² Ombudsman, *Report on the protection and guardianship system for unaccompanied minors*, 41/2015, 24 August 2015, available in Greek at: <http://bit.ly/2ISKFDK>.

¹¹³ Council of Europe Commissioner for Human Rights, *Report following the visit to Cyprus from 7 to 11 December 2015*, CommDH(2016)16, 31 March 2016, available at: <http://bit.ly/2mcxpec>.

with adequate support, including sufficient time, so that the applicant can benefit from the rights and comply with the obligations provided in the Refugee Law, throughout the asylum procedures and to make it possible to highlight the elements needed to substantiate the asylum application.¹¹⁴ The law also provides that where such adequate support cannot be provided within the framework of the accelerated procedures, in particular where it is considered that the applicant is in need of special procedural guarantees as a result of torture, rape or other serious forms of psychological, physical or sexual violence, the head of the Asylum Service shall not apply, or shall cease to apply the accelerated procedure.

No other procedural guarantees are provided in the law or administrative guidelines or practice to accommodate the specific needs of such asylum seekers.

Regarding the procedure followed during the examination of the asylum application, in recent years there have been improvements noted in the personal interview as well as training of officers / caseworkers carrying out the interview and examining asylum claims. However, specific interview techniques are not systematically used and practice still depends on individual officers / caseworkers conducting interviews. In addition, due to the lack of an adequate identification mechanism, in many cases the interview will be carried out by an officer / caseworker who lack the necessary training and as there is no internal procedure to refer cases, they will often continue with the interview and examination of the application. There are also still complaints about interviews being carried out in an interrogatory manner.

Asylum applications submitted by vulnerable groups of asylum seekers such as victims of torture, severe forms of violence and unaccompanied children follow the regular examination procedure. However, in accordance to Article 12Δ(4)(a) of the Refugee Law, officers are given discretionary power to exercise the accelerated examination procedure when an applicant is deemed to have special needs, although in practice this is never used. Generally, the accelerated procedure is not used by the Asylum Service, under any circumstance.

3. Use of medical reports

Indicators: Use of medical reports

1. Does the law provide for the possibility of a medical report in support of the applicant's statements regarding past persecution or serious harm?
☐ Yes ☒ In some cases ☐ No
2. Are medical reports taken into account when assessing the credibility of the applicant's statements?
☒ Yes ☐ No

The recently amended Refugee Law has added a number of provisions related to medical reports, which should be taken into consideration when assessing the credibility of statements, as well as past persecution or serious harm. Firstly, according to the law, asylum applications are examined and decisions are taken individually, objectively and impartially taking into account, among other, the relevant statements and documents submitted by the applicant including information on whether the applicant has been or may be subject to persecution or serious harm.¹¹⁵ Such documents include medical reports.

Other instances where medical reports should be taken into account for the assessment of credibility as well as past persecution or serious harm are the following:

- ❖ As part of the initial medical examination to which the applicant is submitted the examining physician, psychologist or other specialist prepares a report on the existence of any special

¹¹⁴ Article 10A Refugee Law.

¹¹⁵ Article 18(3) Refugee Law.

reception needs and/or special procedural guarantees of the applicant and the nature of those needs;¹¹⁶

- ❖ The personal interview may be omitted if the Asylum Service is of the opinion that the applicant is unfit or unable to be interviewed owing to enduring circumstances beyond his control, When in doubt, the Asylum Service shall consult a medical professional to establish whether the condition that makes the applicant unfit or unable to be interviewed is of a temporary or enduring nature;¹¹⁷
- ❖ Where the examining officer considers it relevant for the evaluation of the application shall, subject to the applicant's consent, arrange for a medical examination of the applicant concerning signs that might indicate past persecution or serious harm, as well as symptoms and signs of torture or other serious acts of physical or psychological violence, including acts of sexual violence The results of the medical examinations shall be assessed by the determining authority along with the other elements of the application;¹¹⁸
- ❖ The personnel examining applications and taking decisions have the possibility to seek advice, whenever necessary, from experts on particular issues, such as medical, cultural, religious, child-related or gender issues.¹¹⁹

In practice, there are inconsistencies in the way each officer/caseworker interprets medical reports and in the way these are evaluated. Specifically, medical reports provided by private doctors in Cyprus or from the country of origin of the asylum seeker are often viewed as non-credible and not taken into consideration by certain officers/caseworkers, whereas others may evaluate them and include them in the assessment. In addition, the costs for reports from private doctors are borne by the applicant. Medical reports from public hospital doctors are usually considered more credible, but even with such reports, there are discrepancies in the way they are assessed. Currently there are no NGOs providing medical reports. The only available report from an NGO is the one that may be provided under the Unit for the Rehabilitation of Victims of Torture (URVT) project implemented by the NGO Future Worlds Center,¹²⁰ which is a psychological report that may be drafted as part of the rehabilitation services offered to victims of torture.

Regarding victims of torture, the law provides for an examination by a state Medical Board which has been appointed to evaluate torture claims within the asylum procedure.¹²¹ When a claim of torture is made by the asylum seeker or identified by the eligibility officer of the Asylum Service or the Refugee Reviewing Authority, the claimant is referred to this Board for examination. The Board will arrange the appointment with the individual, in most cases scheduling an appointment several months – 1 year after the referral has been made by the Asylum Service. Considering that the initial interview by the Asylum Service which leads to the referral is usually conducted 1-2 years after the submission of the asylum application, this leads to a considerably delayed medical examination of victims of torture etc., which will inevitably affect the Board's findings. The operation of this Board has been problematic with regards to the procedures/methodology followed, as well as in aspects of essential expertise. None of the members have sufficient training on issues of torture and do not follow a specific methodology or procedure for the examination of victims of torture, such as the Istanbul Protocol or other internationally accepted procedures. In addition, the examination itself takes 20 minutes and there are no interpreters present during the examination. The UN Committee against Torture noted in its 2014 report the insufficient interpretation during the medical assessment, and referred to reports that children of victims of torture assumed the role of interpreters¹²² Until recently, this Board did not include a psychological/psychiatric assessment and although it currently claims to have added a psychologist or

¹¹⁶ Article 9KΔ(3)(b) Refugee Law.

¹¹⁷ Article 13A(2)(b) Refugee Law.

¹¹⁸ Article 15 Refugee Law.

¹¹⁹ Article 18(7A)(b)(ii) Refugee Law.

¹²⁰ For more information, see: <http://bit.ly/1HwjN3>.

¹²¹ Article 15 Refugee Law.

¹²² UNCAT, *Concluding Observations on the Fourth Report of Cyprus*, 21 May 2014.

psychiatrist, it has not altered the duration of the examination, nor is there a private examination or evaluation of victim's psychological status. To date, all reports issued by this Board conclude that "the Board is not in a position to determine the cause of the findings".¹²³ This is stated even in cases where there are clear physical findings. The UN Committee against Torture has expressed its concern about information indicating that the process still does not include as a routine measure a psychological/psychiatric evaluation of victims, in addition to the fact that "none of the medical evaluations determined that torture had been the cause of the findings."¹²⁴

Following the criticism received by the UN Committee against Torture (UNCAT) and complaints submitted by NGO Future Worlds Center, the national Ombudsman carried out consultations in 2015 and 2016 with the responsible authorities to improve the procedures followed by the state Medical Board for the evaluation of victims of torture. The Ministry of Health that is responsible for appointing the members of the Board as well as the procedures followed has assured that a new procedure will be followed in line with the Istanbul Protocol, interpreters will be used during the evaluation, a psychologist and psychiatrist will be added and the doctors on the Board will receive further training as well as operational guidelines in line with the Istanbul Protocol. Due to these consultations, the examination of cases by the Board was put on hold and these resumed in October 2015, however the changes the Ministry had committed to were not implemented besides the presence of an interpreter.

In early 2017 the Ministry of Health in collaboration with EASO and the International Rehabilitation Council for Torture Victims (IRCT) organised trainings for all professionals that will be part of the procedure, which will include a psychological assessment. To date there have not been medical reports issued so as to assess whether it will be more comprehensive.

Women that claim to have undergone Female Genital Mutilation (FGM) are referred by the Asylum Service and RRA to a public hospital gynaecologist in order to be examined and verify their claims. This is carried out without any prior counselling or psychological support, also in cases of unaccompanied children / girls. The Ombudsman's Office has also called for training of the doctors carrying out these assessments.

4. Legal representation of unaccompanied children

Indicators: Unaccompanied Children

1. Does the law provide for the appointment of a representative to all unaccompanied children?

☒ Yes
 ☐ No

According to the law, when an application for asylum is lodged by an unaccompanied child, the Aliens and Immigration Unit, which is the authority responsible for receiving asylum applications, must immediately notify the Head of the Asylum Service, who must immediately notify the Director of Social Welfare Services.¹²⁵ In practice there is no proper identification mechanism, save for the police officers at the Aliens and Immigration Unit having to verify the ages on the asylum applications in order to identify children. However, this is not done systematically, nor is there a procedure to identify children who may have entered the country on false documents that show them to be over 18. Due to the lack of information both at the Unit where asylum applications are made as well as in detention centres, unaccompanied children are not always aware that it is to their benefit to report their real age.

¹²³ This is a standard phrase used in individual cases and this information is based on cases represented by the FWC.

¹²⁴ UNCAT, *Concluding Observations on the Fourth Report of Cyprus*, 21 May 2014.

¹²⁵ Article 10 Refugee Law.

The legal and policy framework for unaccompanied children has been repeatedly criticised by the national Ombudsman, who has issued two reports on the issue,¹²⁶ stating the gaps in both policy and practice. The main issues, raised by the Ombudsman are the lack of early identification of unaccompanied children, their detention, the care provided by the Social Welfare Services as the legal guardian, as well as the lack of an effective legal representative that is also provided by the Social Welfare Services, the lack of coordination between the relevant authorities, delays in the examination of their asylum applications and in the latest report the newly introduced age assessment procedure is criticised heavily. The Council of Europe Commissioner for Human Rights, after a visit to Cyprus in December 2015, also raised his concerns on issues related to unaccompanied children and legal representation.¹²⁷

Regarding the actual examination of asylum applications of unaccompanied children, these were put on hold for a period during 2010-2013 due to a disagreement between the Asylum Service/Attorney General and the Commissioner for Children's Rights on how the representation should be carried out by the Commissioner who at the time according to the Refugee Law was the representative. In January 2013 the relevant articles of the Refugee Law were amended and the representation of unaccompanied children was removed from the Commissioner for the Rights of the Child and given to the Director of the Social Welfare Services.¹²⁸ The examination of cases resumed, although there are still often delays in their examination.

In October 2016 with the latest amendment to the Refugee Law, the provision concerning legal representation of unaccompanied children was once again amended and it maintains that the Director of Social Welfare Services acts, in person or via an officer of the Social Welfare Services, as representative of unaccompanied children in the procedures provided in the Refugee Law. For judicial proceedings, the Social Welfare Services ensure the representation of unaccompanied children pursuant to the Commissioner for the Protection of Children's Rights (Commissioner Appointment by the Court as Child Representative) Procedural Rules of 2014.¹²⁹ Therefore representation remains with the Social Welfare Services throughout the asylum procedures except for judicial proceedings where the Commissioner for Children's Rights is responsible to appoint legal representation. In view of this the Commissioner for Children's Rights is currently in the process of setting up a procedure where a lawyer will be appointed to represent where needed unaccompanied children in the judicial proceedings of the asylum procedure.

According to the law, guardianship has automatic and immediate effect, without a decision or act, whereas representation must be taken up and carried out as soon as possible. There is no procedural formality for the Social Welfare Services to take up either appointment and these appointments apply for all procedures.

The role of the representative entails assistance and representation during the administrative examination of the asylum application. In addition, the law provides that the Asylum Service shall ensure that the representative is given the opportunity to inform the unaccompanied child about the meaning and possible consequences of the personal interview and, where appropriate, how to prepare themselves for the personal interview. The Asylum Service permits the representative to be present at the first instance interview and ask questions or make comments, within the framework set by the responsible officer / caseworker who conducts the interview. On the other hand, the guardian is

¹²⁶ Ombudsman, *Intervention regarding the treatment of unaccompanied children*, 29 May 2014; *Report regarding the system of protection and representation of Unaccompanied Minors*, 24 August 2015, 41/2015, available in Greek at: <http://bit.ly/1iZeaPB>.

¹²⁷ Council of Europe Commissioner for Human Rights, *Report following the visit to Cyprus from 7 to 11 December 2015*, CommDH(2016)16, 31 March 2016, available at: <http://bit.ly/2mcxpec>.

¹²⁸ Commissioner for the Protection of Children's Rights, *Report of the Commissioner for Children's Rights in Cyprus to the UN Committee on the Rights of the Child – Supplementary Report to the 3rd and 4th Periodic Report of Cyprus*, September 2011, available at: <http://bit.ly/1HwkyWf>, 41.

¹²⁹ 3/2014, available at: <http://bit.ly/2mKdxvp>.

responsible for the overall well-being of the child, including accommodation, school arrangements, and access to healthcare.

Regarding the representation carried out by the Social Welfare Services, the appointed officer does not have adequate knowledge or training on legal or asylum issues, rarely meets with the child before the interview and, even in cases where they do, often no information is provided on the interview, the meaning of the interview and possible consequences of it. It has been noted that the children are often taken to their interviews on the scheduled day, without prior notice. During the interview the representative is always present, but as they usually have no prior contact with the child and no knowledge about the specific case, they are not in a position to contribute in any way. In all cases monitored by the Future Worlds Center,¹³⁰ the representative has never asked any questions or made any comments after the interview, and no further actions were taken on behalf of the child, such as following up on the case in case of delay or keeping the child informed about the procedure. Also regarding the Dublin procedure, there have been cases where the representative of the child did not inform the Asylum Service of the existence of relatives in other European countries, leading to the expiration of three month deadline to lodge a Dublin request. In instances where the asylum application is rejected, the representative does not have the required legal knowledge to prepare the administrative appeal before the RRA, whereas until recently the law did not provide for representation in the judicial proceedings. Since the recent amendment to the Refugee Law, where an unaccompanied child needs to proceed with a judicial review of the asylum decision the Commissioner for Children's Rights appoints a lawyer for this purpose. To date there are no cases to provide information on the effectiveness of this practice.

E. Subsequent applications

Indicators: Subsequent Applications

1. Does the law provide for a specific procedure for subsequent applications? ☒ Yes ☐ No
2. Is a removal order suspended during the examination of a first subsequent application?
 - ❖ At first instance ☒ Yes ☐ No
 - ❖ At the appeal stage ☒ Yes ☐ No
3. Is a removal order suspended during the examination of a second, third, subsequent application?
 - ❖ At first instance ☒ Yes ☐ No
 - ❖ At the appeal stage ☒ Yes ☐ No

All subsequent applications must go through an admissibility procedure as provided for in the law.¹³¹ Under the Refugee Law as amended in October 2016, the competent authority for the examination of a subsequent application is the Asylum Service.

According to the law, if an applicant submits a subsequent application or new elements or findings on their claim after a final decision was made, the competent authority does not treat these cases as a new application, but as further steps on the initial application.¹³² In relation to the admissibility of the application, the Asylum Service has to conduct a preliminary examination to assess whether the submitted information constitutes new elements or findings which the Asylum Service did not take into consideration when deciding on the initial claim.¹³³

¹³⁰ Based on information provided by the FWC.

¹³¹ Article 16Δ Refugee Law.

¹³² Article 16Δ(2) Refugee Law.

¹³³ Article 16Δ(3)(a) Refugee Law.

When the Asylum Service decides that the subsequent application or new elements or findings are admissible, it will continue with the substantive examination of these, during which the applicant is considered an asylum seeker. According to the law, the decision will only be considered as a new decision if the elements increase the chances of the applicant receiving international protection, and if the competent authority is satisfied that the applicant could not submit these elements in the initial examination, and especially during the stage of a recourse to the Administrative Court under Article 146 of the Constitution, due to no fault of his or her own.

There are no specific time limits within which the Asylum Service must issue a decision on the admissibility of the subsequent application or new elements or findings, and the applicant is not considered an asylum seeker during this procedure. Consequently he or she does not have access to any reception conditions. As a result, the applicant may remain for a considerable time without regular status or any rights while the Asylum Service decides on the admissibility of the subsequent application or new elements.

It should be noted that, whereas in the previous version of the Refugee Law, there was explicit provision of the Refugee Reviewing Authority (RRA) as competent authority for the examination of a subsequent application, the Refugee Law as amended makes no reference to the RRA due to plans to abolish it (see [Regular Procedure: Appeal](#)). However, as there is no development as to that and the RRA continues to operate, the procedure regarding subsequent applications remains as before the amendment to the law, meaning that the competent authority to submit a subsequent application can be either the Asylum Service (first instance administrative body examining asylum applications) or the RRA (second instance administrative body), depending on which of the two authorities issued the final decision on the initial application. Specifically, if an application was examined and rejected by the Asylum Service and the applicant did not proceed with an appeal leading to the decision becoming final, they must submit the subsequent application or new elements to the Asylum Service. If the asylum seeker proceeded with an appeal before the Refugee Reviewing Authority, the subsequent application or new elements must be submitted to this authority. In cases where the asylum seeker continued with an appeal before the Court on the initial application, then the subsequent application or new elements will again be submitted before the RRA.

The Law provides that a personal interview is to be carried out by the Asylum Service and that the procedural guarantees for asylum seekers, as applied during the initial examination, must be observed.

If the RRA is the competent authority, it has the discretion as in the regular procedure to not carry out a personal interview, therefore a decision on a subsequent application can be taken without hearing the applicant. Until recently, this was observed in practice including cases of Syrian applicants who filed subsequent applications and who were granted subsidiary protection without being given a personal interview.¹³⁴ As of June 2014 this practice has changed and the Refugee Reviewing Authority is providing a personal interview to Syrian applicants before granting status.

An important obstacle in submitting a subsequent application is the asylum seekers' lack of knowledge of the right to do so or the procedure that must be followed in regards to the competent authority to examine the admissibility of such an application.¹³⁵

According to the Law, if the Asylum Service takes a negative decision after the substantial examination, an appeal can be submitted before the Administrative Court Which ought to examine both points of law and substance.

¹³⁴ Based on information provided by the FWC.

¹³⁵ *Ibid.*

Throughout 2014 the admissibility procedure for subsequent applications was predominantly followed by Syrians who have been residing in Cyprus with no regular status, following the rejection of their initial asylum applications. The delays noticed in issuing the admissibility decision have resulted in a large number of Syrians having for several months no regular status and access to basic reception rights.¹³⁶ In 2015 there was a substantial improvement in the time required to issue the admissibility decision for Syrian applicants with most requests being examined with 1-2 months. In 2016 the time taken by the authorities to examine the admissibility of subsequent applications has been sufficiently reduced. The subsequent application procedure continues to be predominantly followed by Syrians as well as Iranians, rejected asylum seekers with long-standing (mainly irregular) residence in Cyprus and Muslim born Christian converts from different national backgrounds.

F. The safe country concepts

Indicators: Safe Country Concepts

- | | | |
|--|---|--|
| 1. Does national legislation allow for the use of “safe country of origin” concept? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Is there a national list of safe countries of origin? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| ❖ Is the safe country of origin concept used in practice? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. Does national legislation allow for the use of “safe third country” concept? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Is the safe third country concept used in practice? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Does national legislation allow for the use of “first country of asylum” concept? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

1. Safe country of origin

Article 12B-ter of the Refugee Law defines safe country of origin with reference to the recast Asylum Procedures Directive. This includes countries set out in a common EU list,¹³⁷ as well as the possibility to designate additional countries based on a range of sources of information, as per Article 37 of the recast Asylum Procedures Directive.

The “safe country of origin” concept may be used as a ground for channelling the application in the accelerated procedure.¹³⁸

However there is no national list of safe countries of origin published or being used.

2. Safe third country

The definition of safe third country is defined in Article 12B of the Refugee Law mirrors the provision of Article 38 of the recast Asylum Procedures Directive. This may be used as a ground for inadmissibility and a ground for using the accelerated procedure.

3. First country of asylum

The definition of first country of asylum is defined in Article 12B-quinquies of the Refugee Law which mirrors the provision of Article 35 of the recast Asylum Procedures Directive. This may also be used as a ground for inadmissibility and a ground for using the accelerated procedure.

¹³⁶ Ombudsman, *Position Paper of the Ombudsman as Independent Authority for the Promotion of Rights on the examination of asylum applications by Syrians*, Action 8/2014, available in Greek at: <http://bit.ly/1VAMEUU>.

¹³⁷ While the recast Asylum Procedures Directive currently provides no legal basis for an EU list, this could be done through the adoption of the Commission proposal for a Regulation establishing a common EU list of safe countries of origin.

¹³⁸ Article 12A(1) Refugee Law.

In practice these concepts do not seem to be applied, since the accelerated procedure is not applied (see section on [Accelerated Procedure](#)).

G. Relocation

Indicators: Relocation

1. Number of persons effectively relocated since the start of the scheme 45

Relocation statistics: 2016

Relocation from Italy			Relocation from Greece		
	Received requests	Relocations		Received requests	Relocations
Total	:	11	Total	:	34
Eritrea	:	10	Syria	:	22
CAR	:	1	Iraq	:	9
-	-	-	Eritrea	:	3

Source: Asylum Service.

Under the European Union's relocation scheme, Cyprus started receiving relocated asylum seekers since February 2016. As of February 2017, a total 65 asylum seekers arrived from Italy and Greece. The relocated asylum seekers, upon their arrival in Cyprus, are received by the representatives of the Asylum Service at the Airport and taken to the Kofinou Reception Center for asylum seekers. A medical screening for contagious diseases is carried out within a few days after their arrival. The relocated individuals are requested to lodge an application for asylum in order to initiate the procedure and are considered asylum seekers until a decision is issued. The regular asylum procedure is followed and, although the Asylum Service has stated that they will be given priority, they have also faced lengthy waiting periods before getting a decision (see [Regular Procedure: Fast-Track Processing](#)).

Concerning the vulnerable asylum seekers in need of special attention arising from disability and recent experience of trauma, the Social Welfare Services are informed in order to assess their conditions as well as the suitability of the Reception Centre to accommodate them. In three such cases, necessary actions were taken by the Asylum Service and Social Welfare Services while both UNHCR Cyprus and Future Worlds Center closely monitored the development of the care offered to them. Additionally, Future Worlds Center, in accordance with the guidance of the UNHCR Cyprus, has conducted vulnerability screening of all relocated asylum seekers in order to provide necessary assistance, inform the authorities about any needs for special care identified, and monitor the response.

During the vulnerability assessment many of the relocated asylum seekers, expressed their disappointment regarding the reception conditions in Cyprus as well as the limitations in rights under the status of asylum seekers (restriction of access to labour market). They were reportedly told in Greece or Italy that they would be received as refugees in Cyprus and be afforded full refugee rights upon arrival and unrestricted access to the labour market. As regards to accommodation, they did not expect to be housed in a remote collective centre for asylum applicants but rather be afforded independent accommodation with private hygiene facilities, in an urban area. However in certain cases relocated asylum seekers expressed relief to be in Cyprus and in the reception centre as they reported the conditions in Italy to be worse. Overall it is clear that they are not provided with sufficient information prior to their arrival and they are encouraged often with false information to agree to the relocation.

Furthermore the same issues related to gaps in the special reception needs and procedural guarantees available for asylum seekers (see [Guarantees for Vulnerable Groups](#)) apply for relocated persons.

H. Information for asylum seekers and access to NGOs and UNHCR

Indicators: Information and Access to NGOs and UNHCR

1. Is sufficient information provided to asylum seekers on the procedures, their rights and obligations in practice? ☐ Yes ☒ With difficulty ☐ No
 - ❖ Is tailored information provided to unaccompanied children? ☐ Yes ☒ No
2. Do asylum seekers located at the border have effective access to NGOs and UNHCR if they wish so in practice? Not applicable
3. Do asylum seekers in detention centres have effective access to NGOs and UNHCR if they wish so in practice? ☒ Yes ☐ With difficulty ☐ No
4. Do asylum seekers accommodated in remote locations on the territory (excluding borders) have effective access to NGOs and UNHCR if they wish so in practice? ☒ Yes ☐ With difficulty ☐ No

In accordance with the amended law,¹³⁹ the Asylum Service shall issue a leaflet (φυλλάδιο) in a language which the applicants understand or are reasonably supposed to understand concerning, the benefits to which he or she has a right to in relation to reception conditions and the procedures required to access these benefits; the obligations with which they must comply in relation to the reception conditions; the organisations or groups of persons that provide specific legal assistance and organisations that might be able to help or inform the applicant about existing reception conditions, including health care.

The Refugee Law also provides that the leaflet is given to applicants when they lodge their application by the responsible person at the authority responsible for receiving asylum applications, which is the Immigration Unit, as well any other necessary information regarding reception conditions, which may be provided orally or in writing in a language that they understand or are reasonably supposed to understand the applicant.¹⁴⁰ The Asylum Service ensures that the above information is provided within a reasonable time not exceeding 15 days from lodging the application and for this purpose provides the necessary guidance.

To date, the leaflet is still being drafted and at present there is no up-to-date information provided to applicants.

Applicants are given a leaflet on the Dublin procedures which includes general information on the Dublin procedure, the individual's rights along with a small paragraph on how it applies to unaccompanied minors and also to adults.¹⁴¹ The leaflet also includes contact numbers.

From time to time there are other information materials produced by NGOs or private companies, such as information leaflets, booklets and websites,¹⁴² regarding the asylum procedure, asylum seekers' rights and obligations and available support services. However, these are not always available nor are they updated consistently, since they are often prepared within the framework of various European-funded projects. These leaflets/booklets may be available at various access points for asylum seekers

¹³⁹ Article 9A Refugee Law.

¹⁴⁰ Article 9A(2) Refugee Law.

¹⁴¹ 'Dublin' Regulation (Regulation No. 604/2013) – Leaflet, available at: <http://bit.ly/1OhnwUi>.

¹⁴² Future Worlds Center, *Information on Seeking Asylum in Cyprus*, available at: <http://bit.ly/1HzLDfR>, prepared in the framework of the ERF-funded "Info Bus" project. See <http://bit.ly/1V6deI2>.

only if the implementing agencies take the initiative to disseminate them or if the asylum seekers come into contact with the NGOs providing direct assistance. At present there are no up-to-date information materials available.

There is no specific information provided to unaccompanied children and there is no alternative source of information available at present on this aspect.

Regarding decisions, in accordance with the law,¹⁴³ the Head of the Asylum Service must inform the applicant about the decision of the examination of asylum application and timeframe to exercise their right to lodge a recourse (judicial review) in a language that the asylum seeker understands or may reasonably be considered to understand. In practice the decision of the Asylum Service is provided in written form, the first page is provided in English and in a language understood by the asylum seeker, and includes whether a status has been granted or not, as well as the relevant legal provisions. Attached to this first page is a half-page summary of the reasoning of the decision and this is provided only in Greek or rarely in English. A detailed reasoning of the decision exists in the file at the Asylum Service, as well as the interview transcript. Both can be accessed by the asylum seeker (see section on [Regular Procedure: Appeal](#)) and reviewed in order to prepare an appeal, however these are also available only in Greek (the interview transcript sometimes is in English) and there is no available free translation / interpretation.

In case the Asylum Service does not reach a decision within 6 months, it is obliged by law to inform the asylum seeker of the delay or upon request, provide information on the expected time-frame for the issuance of the decision.¹⁴⁴ In practice this is rarely provided and if an asylum seeker does make such a request, he or she is usually provided with a letter stating that the decision will be made as soon as possible.

There is no up-to-date information provided by the Refugee Reviewing Authority on their procedures and no available information provided regarding the judicial appeal before the Administrative Court or the application for legal aid that can be applied for, although for these it is expected that they will be included in the leaflet that is currently being drafted.

Currently there is no information provided by the state on the procedure for the submission of a subsequent application or new elements, which includes an admissibility procedure. It has been observed by Future Worlds Center that the lack of information for this procedure acts as a deterrent for people who wish to submit a subsequent application or new elements, or who may have applied to the wrong authority which does not forward the application/new elements to the responsible authority; i.e. Syrians who had applied for asylum in the past and wish to submit a new claim or new elements to their claim if it has not been rejected, based on the current situation in Syria. Considering that during the admissibility procedure for subsequent applications or new elements the person is not an asylum seeker and does not enjoy a status or reception conditions, he or she is at risk of arrest and deportation (see section on [Subsequent Applications](#)).

Information in detention

In the main detention centre and in prisons, there are leaflets available on the general rights and obligations of detainees, but no information available on the asylum procedure. This often leads to persons not understanding that they may have an asylum claim or not understanding the asylum procedures, right to apply for legal aid and/or access to remedies. .

¹⁴³ Article 18(7E) and (7B) Refugee Law.

¹⁴⁴ Article 13(6) Refugee Law.

According to the Refugee Law, each detained applicant should be informed immediately in writing, in a language which he or she either understands or reasonably is supposed to understand, the reasons for detention, judicial remedies and the possibility of applying for free legal assistance and representation in such proceedings in accordance with the Legal Aid Law.¹⁴⁵ Furthermore, according to the Rights of Persons who are Arrested and Detained Law,¹⁴⁶ every detainee has the right to have meetings with his or her lawyer. Lawyers appointed by detainees, legal representatives of NGOs working on asylum issues or UNHCR representatives, can visit asylum seekers in the detention centre and hold meetings with detainees confidentially. No major obstacle has been identified in the process of visitation of lawyers, however representatives of NGOs or UNHCR are obliged to send prior notification of their intention to visit the detention centre or a detainee, whereas lawyers are not.

I. Differential treatment of specific nationalities in the procedure

Indicators: Treatment of Specific Nationalities

1. Are applications from specific nationalities considered manifestly well-founded? ☒ Yes ☐ No
❖ If yes, specify which: Syria, Iraq, Somalia, Eritrea
2. Are applications from specific nationalities considered manifestly unfounded?¹⁴⁷ ☒ Yes ☐ No
❖ If yes, specify which: Bangladesh, Pakistan, Philippines, Vietnam

The Asylum Service gives priority to the examination of asylum applications in two cases: cases that are likely to be unfounded because of the country of origin of the applicant and countries that are going through a political or humanitarian crisis and are likely to be well-founded. In the first case the Asylum Service examines asylum applications from countries such as **Bangladesh, Pakistan, Philippines** and **Vietnam** soon after they have been submitted. These cases are often examined by an officer / case worker from the Asylum Service, at the premises of the Aliens and Immigration Unit instead of the offices of the Asylum Service as all other cases. The procedure followed is the regular procedure and all formalities that apply to the regular procedure apply to these cases, including deadlines, appeals and legal representation.

In cases of asylum seekers from countries that are going through a political or humanitarian crisis, the examination of their asylum applications are usually put on hold initially until the authorities decide the policy that will be followed in these cases. Examples of this occurred in the past with **Iraqi** asylum seekers and recently with **Syrian** asylum seekers. In both instances the examination of the asylum applications were on hold for approximately 2 years, but once examination resumed, priority was given to these cases. In the case of Iraqi applicants, the vast majority of cases were granted subsidiary protection and not refugee status. This was the policy previously followed also for Syrian applicants, as only one person received refugee status in 2012, one in 2013 and four in 2014.¹⁴⁸ Since 2015 Palestinians ex Syria, receive refugee status, whereas for Syrian nationals around 96% receive subsidiary protection and the remaining refugee status. In addition, applications from **Eritrea** are considered well founded and granted mostly refugee status, whereas cases from **Iraq** are often granted subsidiary protection.

The policy to grant subsidiary protection instead of refugee status to **stateless Kurds** ex Syria led to a hunger strike and at a later stage thirst strike in May 2015 carried out by two stateless Kurds.¹⁴⁹ The protesters considered that as stateless Kurds the decision to grant them subsidiary protection instead of

¹⁴⁵ Article 95T(8) Refugee Law.

¹⁴⁶ Article 12 Rights of Persons who are Arrested and Detained Law.

¹⁴⁷ Whether under the “safe country of origin” concept or otherwise.

¹⁴⁸ According to statistics provided by the Asylum Service.

¹⁴⁹ KISA, ‘The lives of the strikers must be protected’, <http://bit.ly/1Ukfudu>; FWC *et al*, ‘Hunger strike of stateless Kurds from Syria is escalating – Position of NGO group regarding the regulation of the status and rights of Ajanib Kurds from Syria’, 12 May 2015, available at: <http://bit.ly/1RqFqSX>.

refugee was legally unfounded. In addition, other factors that led to the protest was also the insecurity the protesters felt being stateless and under the status of subsidiary protection, as in 2011 this status was ceased for many Iraqis and Palestinians ex Iraq, as well as the differences in the rights under each status, as subsidiary protection in Cyprus does not enjoy the right to family reunification nor a travel document. The two protestors were eventually granted citizenship and the authorities have assured that arrangements are being made for a travel document to be issued to persons under subsidiary protection by the end of the 2015.

Reception Conditions

A. Access and forms of reception conditions

1. Criteria and restrictions to access reception conditions

Indicators: Criteria and Restrictions to Reception Conditions

1. Does the law make material reception conditions available to asylum seekers in the following stages of the asylum procedure?

❖ Regular procedure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Dublin procedure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Accelerated procedure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ First appeal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Onward appeal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Subsequent application	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
2. Is there a requirement in the law that only asylum seekers who lack resources are entitled to material reception conditions?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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During the administrative and judicial instance of the procedure, asylum seekers have the right to access material reception conditions.

Specifically, according to national legislation, asylum seekers are entitled to material reception conditions as follows:

Regular and accelerated procedure: Asylum seekers are entitled to material reception conditions during both these procedures, although in practice the accelerated procedures are never used. For both procedures asylum seekers are entitled to reception conditions from the making of the application up to the issuance of a decision of the Administrative Court.

Dublin procedure: During the determination procedure to identify the Member State responsible under the Dublin Regulation, a person is considered an asylum seeker.¹⁵⁰ According to this if a person arrives in Cyprus and there is a possibility that another Member State is the responsible state, then he or she is considered an asylum seeker and enjoys all such rights including material reception conditions. Regarding asylum seekers returned to Cyprus under the Dublin Regulation, if their asylum case is still under examination, they will be entitled to material reception conditions and are usually transferred to Kofinou Reception Centre. If their asylum application has been determined, they are not entitled to reception conditions and may be detained.

Appeals: Appeals before the Administrative Court entail access to reception conditions until the issuance of the court's decision.

Subsequent application: When a rejected asylum seeker submits a subsequent application or new elements to his or her initial claim, the authorities will first examine the admissibility of such an application or new elements. During this stage people are not considered asylum seekers and are not entitled to reception conditions. If the application or new elements are considered admissible then the person resumes status as an asylum seeker for the substantial examination of the new application or new elements and is entitled to material reception conditions.

According to the recently amended Refugee Law,¹⁵¹ when an application is made, the Aliens and Immigration Unit refers the applicant to the district Social Welfare Office and by presenting a

¹⁵⁰ Article 11(B)(2) Refugee Law.

¹⁵¹ Article 9IA(3) Refugee Law.

Confirmation that the application has been made,¹⁵² the applicant has a right to submit an application for the provision of material reception conditions. However according to another provision of the law,¹⁵³ the Confirmation that the application has been made is provided 3 days after the application is actually lodged. Furthermore the law allows 6 days to elapse between making and lodging an application.¹⁵⁴ The transposition of the recast Reception Conditions and Asylum Procedures Directives into the Refugee Law is problematic as regards the distinction between “making” and “lodging” an application and as a result the point in time when access to reception conditions is actually provided.

The amendment has not changed the practice and there is no distinction between making and lodging an application. As before, when persons present themselves to the Aliens and Immigration Unit, stating the intention to apply for asylum they are either permitted to immediately lodge the application or requested to return on another day. If permitted to immediately lodge the application, they are also provided with a confirmation on the same day that they have done so and have access to reception conditions with this confirmation. If requested to return on another day they are not provided with any document and for the period during which the applicant does not possess the confirmation, he or she does not have access to material reception conditions. In cases of emergency, people have been referred to the reception centre without possessing this document but this does not apply when it comes to accessing reception conditions from Welfare Services.

In the previous version of the Refugee Law, the conditions for granting and the level of material conditions were not provided by the law, but instead were included in an application form for the provision of material reception conditions,¹⁵⁵ issued as a Notification by the Council of Ministers.¹⁵⁶ This Notification has always been considered problematic as it sets additional requirements not foreseen in the law. In addition, the Regulations did afford to the Council of Ministers the power to determine the conditions and the level of assistance provided.¹⁵⁷ Therefore the conditions as well as the level of assistance foreseen in the Notification also lack any legal basis. With the recent amendment to the Refugee Law,¹⁵⁸ the Notification and the relevant application form are no longer in effect, however the application and all elements included are still used in practice.

The amended Law provides that material reception conditions are provided to applicants to ensure an adequate standard of living capable of ensuring the subsistence and physical and mental health. No other provisions are included in the Law determining the conditions and level of assistance provided. According to the relevant authorities as before, a decision will be made at ministerial level determining both the conditions and level of assistance, which will once again be beyond the provisions of the Law.

1.1. Sufficient resources

Reception conditions are provided in kind and/or vouchers. If this is not possible they can be provided through financial allowance by the Social Welfare Services. In practice, if there is no vacancy in the reception centre, asylum seekers are allowed to file an application at the Social Welfare Services. Social Welfare Services’ decision on assisting a person or on deducting or refusing reception conditions

¹⁵² The confirmation provided is titled ‘Confirmation of Submission of an Application for International Protection’.

¹⁵³ Article 8(1)(b) Refugee Law.

¹⁵⁴ Article 11(4)(a) Refugee Law.

¹⁵⁵ KDP/2013 Published on 9/7/2013 in the Official Gazette of the Republic of Cyprus as a Notification by the Council of Ministers by virtue of Regulation 14(3) Refugee (Asylum Seekers’ Reception Conditions) Regulations 2005-2013.

¹⁵⁶ Ministry of Labour and Social Insurance, *Application for Material Reception Conditions of Applicants for International Protection* (Αίτηση για Κάλυψη Υλικών Συνθηκών Υποδοχής Σε Αιτητές Διεθνούς Προστασίας), available at: <http://bit.ly/1Sp11tQ>.

¹⁵⁷ Refugee (Asylum Seekers’ Reception Conditions) Regulations 2005-2013.

¹⁵⁸ Note 35(1)(δ) Refugee Law.

depends on the individualised evaluation of whether he or she possesses sufficient resources to ensure his or her subsistence and to secure an adequate standard of living in regards to his or her health.¹⁵⁹

As mentioned above the eligibility requirements, the level of assistance and reasons for the termination of material assistance are regulated in the Notification,¹⁶⁰ which albeit no longer in effect is still used in practice.

The Welfare Services also require the applicant to submit the alien registration number, which may be issued a few weeks after the issuance of the Confirmation of Submission of an application for International Protection, as well as other documents which may not be available at the time of the application for reception conditions. Although the requirement of submitting those documents is no longer in effect after the recent amendment of the Refugee Law, it still applies in practice.

There is no assessment of the risk of destitution either during the examination of the application for assistance or before a decision is issued to terminate assistance. In practice the sufficiency and adequacy of resources that can ensure a dignified standard of living are not taken into account. For example, if any of the applicants secure employment, the provision of material reception conditions are immediately terminated without taking into account the sufficiency of the remuneration to cover the basic and/or special needs of applicants and their family members. This situation often forces asylum seekers into destitution.

1.2. Practical obstacles to access to reception

A number of major obstacles encountered by asylum seekers in accessing material reception conditions that ultimately hinder access to reception conditions:

- ❖ **Submission of documentation in order to apply for material reception conditions:** If there is no vacancy in the reception centre, an application form for the provision of material reception conditions can be lodged at Social Welfare Services. Denial on behalf of the asylum seeker to accept the referral to the reception centre results in termination of any assistance.

The above mentioned application requires the mandatory submission of 8 types of documentation for the applicant and each member of their family, before the Social Welfare Services start the examination process.¹⁶¹ These include: an unemployment card from the District Labour office or medical certificate of inability to work from the Public Healthcare Unit; a rent/lease agreement although the claimant may be homeless; confirmation of school attendance of the dependents; and a confirmation from the Asylum Service that there is no availability at the reception centre to host the claimant. Also, in order for rent to be subsidised, the landlord is expected to submit tax details on the rented property, otherwise asylum seekers can be deprived from their right to secure housing. The obligation to secure the above documentation can impede the access of asylum seekers to material conditions.

It should be noted that currently, in practice, the unemployment card is not required for asylum seekers who have not completed 6 months from the date of submission of their application for asylum, although the amended Refugee Law has extended this to 9 months. Also the confirmation that there is no availability at the reception centre to host the claimant by the Asylum

¹⁵⁹ Article 9IA(4)(a) Refugee Law.

¹⁶⁰ Ministry of Labour and Social Insurance, *Application for Material Reception Conditions of Applicants for International Protection* (Αίτηση για Κάλυψη Υλικών Συνθηκών Υποδοχής Σε Αιτητές Διεθνούς Προστασίας), available at: <http://bit.ly/1Sp11tQ>.

¹⁶¹ Ministry of Labour and Social Insurance, *Application for Material Reception Conditions of Applicants for International Protection* (Αίτηση για Κάλυψη Υλικών Συνθηκών Υποδοχής Σε Αιτητές Διεθνούς Προστασίας), available at: <http://bit.ly/1Sp11tQ>.

Service is often confirmed by direct telephone communication between Welfare Services and the Asylum Service. Finally, it is necessary to note that the Notification regarding the abovementioned documentation is no longer in effect, following the recent amendment of the law. However, it is still used in practice until the issue is regulated.

- ❖ **Systematic delays in examining the application and granting the assistance:** Currently, the average processing time of the application for material reception conditions at Social Services is between 1 to 3 months, due to various administrative difficulties including staff shortage. In practice, most delays are regarding the issuance of rent subsidies and the issuance of an allowance to cover electricity, water and minor expenses. The issuance of vouchers is in most cases timely (see [Forms and Levels of Material Conditions](#)).
- ❖ **Mandatory information on place of residence:** In order to submit the application for material assistance a valid residential address must be provided, thus excluding homeless asylum seekers from accessing material assistance. In addition, the practical difficulties of obtaining certain requirements such as a rental agreement and the property's tax details, are not taken into consideration by Welfare Services during the application submission process.

Additionally, it is important to note that in practice, asylum seekers are permanently denied access to material assistance by Social Welfare Services, in instances where they refuse to take up accommodation and material reception conditions offered at the reception centre. Due to lack of adequate screening and assessment procedures, this may include vulnerable persons for whom the reception centre is not suitable and may not cover adequately their needs either due to the facilities itself or the fact that it is located in a remote area far from services.

Coverage of material conditions by Welfare Services is terminated when an asylum seeker and/or his or her spouse is deemed "wilfully unemployed", upon referral to a job by the Employment office. A person can be deemed wilfully unemployed in instances where he or she rejects a job offer, regardless of the reason. Such reasons may include not being able to immediately take up work because it is located in a remote place with no transportation available (bus, car etc.), not being able to move to a new property near work due to lack of funds, not being able to secure a written answer from an employer regarding the outcome of a referral, even when it is the employer's fault, not being able to immediately secure childcare due to lack of funds etc.

All the above apply in the cases of single parent families as well as other vulnerable persons who are unable to work. Usually, two "unjustified" denials of employment are needed to terminate the material assistance provided by the Welfare Services (outside a reception facility). In such cases, the only alternative for the person/family is either to move to the reception centre (if there is a vacancy) or wait for approximately 6 months before being able to apply again to Welfare Services. The exact time of waiting before a new application can be lodged varies between Welfare Officers and the district office where the application is submitted. This is a very common reason for file termination in Welfare Services and according to the Future Worlds Centre experience, the most frequent reason for exclusion from accessing reception conditions by asylum seekers. Although the above policy is no longer in effect due to the recent amendment of the Refugee Law, it is still implemented in practice until further notice.

2. Forms and levels of material reception conditions

Indicators: Forms and Levels of Material Reception Conditions

1. Amount of the monthly financial allowance/vouchers granted to asylum seekers as of 31 December 2016 (in original currency and in €):

❖ Single adult	€320
❖ Family of 4 or more	€735

Within the framework of the Refugee Law, material reception conditions refer to accommodation, food, clothing, and a daily allowance.¹⁶² Material assistance can be provided in kind and/or in vouchers and if this is not possible, through financial aid.¹⁶³ In practice, if there is no vacancy in the Reception Centre, asylum seekers are allowed to file an application to the Social Welfare Services.

In relation to residents in the community being entitled to reception conditions, food and clothing are provided through vouchers, rent allowance is payable directly to landlords and the financial allowance to cover the cost of electricity, water and minor expenses is provided by cheque to the applicants. Residents of the reception centre are granted 2 hot meals per day and supplies to prepare breakfast.

The Refugee Law does not set the amount of material assistance provided to asylum seekers. It refers to assistance that would ensure “an adequate standard of living capable of ensuring their subsistence and to protect their physical and psychological health.”¹⁶⁴ It also provides that the amount of the assistance provided should be in accordance to the amounts granted for securing an adequate living standard to nationals.¹⁶⁵ Asylum seekers may be subjected to less favourable treatment compared to Cypriot citizens, especially when the amounts granted to the latter aim to secure a living standard which is higher than the one determined in the Refugee Law for asylum seekers.¹⁶⁶

Due to the recent amendment of the Refugee Law, the Notification setting the exact amounts of the financial assistance is yet to be issued. Currently, in practice, the formerly applicable decision is implemented. Therefore, in the application form for the provision of material reception conditions and the accompanying general information, the level of assistance is determined on that basis.

The detailed breakdown of the amounts granted to asylum seekers are as follows:¹⁶⁷

Number of persons	Food, clothing and footwear (in voucher)	Rent allowance	Allowance for electricity, water and minor expenses	Total amount of assistance granted
1	€150.00	€100.00	€70.00	€320.00
2	€225.00	€100.00	€95.00	€420.00
3	€300.00	€150.00	€130.00	€580.00
4+	€375.00	€200.00	€160.00	€735.00

Although the amended Refugee Law has incorporated the recast Reception Conditions Directive's provisions regarding the timely identification assessment and address of special reception needs, there are no specific procedural guidelines/regulations or documentation governing the implementation of those provisions yet. Thus, currently, the needs assessment does not include any special needs such as disability, therefore these are not taken into account. The officially ceased, but still used in practice, “Application for Material Reception Conditions of Applicants for International Protection” and the general requirements do not seek for any information on specific needs and/or vulnerable circumstances the applicant and their family may have. According to the law, persons under an accelerated asylum procedure have the same access to material reception conditions, though in practice accelerated procedures are not used.

¹⁶² Article 2 Refugee Law.

¹⁶³ Article 9IB Refugee Law.

¹⁶⁴ Article 9IA(1) Refugee Law.

¹⁶⁵ Article 9IB(2)(a) Refugee Law.

¹⁶⁶ Article 9IB(2)(b) Refugee Law.

¹⁶⁷ Ministry of Labour and Social Insurance, *Application for Material Reception Conditions of Applicants for International Protection* (Αίτηση για Κάλυψη Υλικών Συνθηκών Υποδοχής Σε Αιτητές Διεθνούς Προστασίας), available at: <http://bit.ly/1Sp11tQ>.

Up until 2013 all recipients of social benefits including nationals and asylum seekers received the exact same financial support and this was regulated under the same law, the Public Allowance Law. After 2013, the coverage of asylum seekers' needs has been regulated by distinct legislation and the allowance provided to them is no longer commensurate with the minimum social support provided to EU citizens. Currently, the amount to cover basic needs for nationals / EU citizens is regulated by the Guaranteed Minimum Income (GMI) law and it is set at €480 (in cash) per month for one person, while the corresponding amount for asylum seekers is €220 (in vouchers and cash).

The foreseen monthly rent allowance for nationals / EU citizens when it comes to a single person or a couple varies between €96.25 and €154, depending on the area where the person resides and it is increased to €140-€224 for a family of 3. The exact amount may be further adjusted due to the presence of special needs and the exact composition of the household.

For asylum seekers, rent is set at €100 for single persons and couples. It is increased to €150 for a family of 3 and can reach up to a maximum of €200 in case of families of 4 and above, without any further adjustment.

The maximum amount of material assistance for asylum seekers is capped at €735 (out of which €200 is for rent), irrespective of the number of family members. The rent allowance is directly payable to the landlords upon the submission of necessary documentation (e.g. confirmation from Inland Revenue Department). Vouchers for food and clothing can be redeemed at specific local shops located in different cities. In the case of nationals, under the new Guaranteed Minimum Income legislation, rent allowance is also paid directly to landlords. However, they do not receive any part of the allowance in vouchers as asylum seekers do.

The material assistance enumerated in the Notification is far from sufficient to cover the standard cost of housing in Cyprus. Such inadequacy emerges clearly when looking at the difference between the rent allowance amounts for nationals and asylum seekers, and undermines the obligation to ensure dignified living condition for asylum seekers. Such difference is also evident in the case of the allowances for daily expenses, food and clothing. Indicatively, according to information by UNHCR, the average cost of rent for a one-bedroom apartment is €350-420, for two-bedroom apartments €480- 530 and for three-bedroom apartments €610-630.¹⁶⁸ The maximum amount of €200, irrespective of the number of the applicant's family members, is inadequate to secure appropriate housing.

Asylum seekers are not entitled to any other social benefits granted to nationals such as: grants/benefits under the Ministry of Finance, i.e. child benefits, which are proportional to the number of dependent children in the household, student grants, given to nationals who secure a position in university, the single parent benefit, in cases of single parent households, or the birth benefit given to single mothers if they are not eligible for a similar benefit from the Social Insurance office. Asylum seekers are also excluded from the grants/benefits of the Department for Social Inclusion of Persons with Disabilities, under the Ministry of Labour and Social Insurance, which include various benefits aimed to help disabled persons, notably, any special allowance for blind people, mobility allowance, financial assistance schemes for the provision of technical means, instruments and other aids, care allowance schemes for paraplegic/quadruplegic persons etc.

¹⁶⁸ UNHCR Cyprus, *UNHCR Observations on the Refugee (Reception Conditions) Regulations of the Republic of Cyprus of 2013*, July 2013, available at: <http://bit.ly/1DiHe8q>.

3. Reduction or withdrawal of reception conditions

Indicators: Reduction or Withdrawal of Reception Conditions

1. Does the law provide for the possibility to reduce material reception conditions?
☒ Yes ☐ No
2. Does the legislation provide for the possibility to withdraw material reception conditions?
☒ Yes ☐ No

Reception conditions may be reduced or withdrawn by a decision of the Asylum Service following an individualised, objective and impartial decision, which is adequately justified and announced to the applicant.¹⁶⁹ Such a decision is subject to the provisions of the Convention on the Rights of the Child as the latter is ratified in national legislation¹⁷⁰ However, there are no guidelines regulating the implementation of that possibility and, in practice, the enjoyment of reception conditions by children is depended upon their parents' eligibility to access them.

Under the amended Refugee Law, reception conditions may be reduced or – in exceptional and duly justified cases – withdrawn by the Asylum Service, where:¹⁷¹

- (a) The applicant's place of residence has been determined by a decision issued by the Minister of Interior for reasons of public interest or public order when necessary for the swift processing and effective monitoring of the person's application and such a decision has been breached;
- (b) The applicant fails to comply with the obligation to timely inform the authorities in regards to changes of his or her place of residence;
- (c) For a period longer than two weeks, and without adequate justification, the applicant does not appear for a personal interview or does not comply with a request of the Asylum Service to provide information concerning the examination of the asylum application;
- (d) The applicant has submitted a subsequent application;
- (e) The applicant has concealed financial resources;
- (f) The applicant has not lodged an application "as soon as reasonably practicable". The amended Refugee Law only allows for reduction of reception conditions in such a case. However, monitoring is required in order to assess how the provision is applied.

In the case of people residing in the community, the Social Welfare Service can also reject, in full or in part, an application for reception conditions, or can cease in full or in part, the provision of reception conditions, if the applicant has sufficient resources to secure his or her subsistence and provide an adequate standard of living from a health perspective (see [Criteria and Restrictions to Access Reception Conditions](#)).

In practice, there is no assessment of the risk of destitution by Social Welfare Services, either during the examination of the application for assistance or before a decision is issued to terminate assistance. The sufficiency and adequacy of resources that can ensure a dignified standard of living are not taken into account. For example, if any of the applicants secure employment, the provision of material reception conditions are immediately terminated without taking into account the sufficiency of the remuneration to cover the basic and/or special needs of applicants and their family members. This situation often forces asylum seekers into destitution. For persons who are found to have concealed details about their financial situation, usually, there is no other action taken on behalf of the Welfare Services, apart from the closure of their welfare file.

Being considered wilfully unemployed is one of the most frequent reasons for exclusion from Welfare aid. A person can be deemed wilfully unemployed upon any refusal of an employment offer, even if

¹⁶⁹ Article 9KB(1)(a) Refugee Law.

¹⁷⁰ Article 9KB(1) Refugee Law.

¹⁷¹ Article 9KB(1)(a) Refugee Law.

there is total lack of transportation to/from the workplace, inability to pay for child care in order to attend work etc.

Although any decision regarding reduction or withdrawal of the reception conditions should be based on the particular situation of the vulnerable persons, taking into account the principle of proportionality,¹⁷² in practice this is not implemented yet. Therefore, currently, vulnerable persons residing in the community might as well find themselves without any coverage of reception conditions.

Refusal to move into the reception centre, upon referral by Asylum Service or Welfare Services, leads to permanent exclusion from any other type of material assistance (i.e. assistance offered by the Welfare Services, outside of the reception facility) regardless the reason of the denial. The applicant's only choice is to decide to enter the reception facility

Partial restriction of reception conditions, it only applies to persons not residing in a reception centre, and in particular persons receiving aid from Welfare Services. For those persons, rent allowance can be rejected if they are not able to submit all the required documents regarding the property they are renting. That means that they can receive vouchers and money for electricity, bills and daily expenses, but not rent.

Decisions revoking Welfare aid are often, but not always, communicated in writing, but do not include detailed information on the reasons. The assessment is performed by Welfare Officers. As the decision is administrative decision it can be challenged judicially before the Supreme Court and as of January 2016 before the Administrative Court, however no such cases were ever brought before the courts, as they were considered difficult to challenge in practice and such cases were not eligible for legal aid. The amendment to the Legal Aid Law in November 2016 now allows persons to apply for legal aid against such decisions,¹⁷³ however as in the asylum procedures (see [Regular Procedure: Legal Assistance](#)) a 'means and merits' has been included, according to which, an asylum seeker applying for legal aid must show that he or she does not have the means to pay for the services of a lawyer and that "the appeal has a real chance of success". A similar test is required for legal aid applications for asylum decisions as well as detention orders and the 'merit' requirement has proven extremely difficult to satisfy. To date there is no information of applications for legal aid or cases being submitted in relation to reception conditions.

People who have lost access to reception conditions because of their refusal to move to the reception centre cannot regain access, unless they decide to move into a centre. For people who have been rejected by Welfare Services and are not referred to a reception centre (not a frequent scenario), there is no uniform policy on when they will be able to have access again to reception conditions. Often, a 6-month ban is applied but this varies between welfare officers and cities. For any of the decisions described above, there is no assessment regarding the risk of destitution.

People who reside in reception centres can be evicted if they do not comply with the centre's operation rules, as described in the Refugee law. The amended Refugee Law provides that for all asylum seekers whose reception conditions have been reduced or withdrawn, including persons who were evicted by the Reception Centre for breaching its rules of operation, a dignified standard of living is secured as well as access to care and support.¹⁷⁴ Further monitoring is required in order to assess how this provision will be implemented.

There has not been any limitation to the provision of reception conditions in relation to large numbers of arrivals.

¹⁷² Article 9KB(2) Refugee Law.

¹⁷³ Article 6A(6) Legal Aid Law.

¹⁷⁴ Article 9Δ Refugee Law.

4. Freedom of movement

Indicators: Freedom of Movement

1. Is there a mechanism for the dispersal of applicants across the territory of the country?
☐ Yes ☒ No
2. Does the law provide for restrictions on freedom of movement? ☒ Yes ☐ No

The Refugee Law grants asylum seekers the right to free movement and choice of residence in the areas controlled by the Republic of Cyprus (RoC).¹⁷⁵ Therefore asylum seekers cannot cross the “green line” to the northern areas not under the control of the RoC, although other third-country nationals who are legally in Cyprus either as visitors or under some form of residence, employment or student permit do have the right to cross.

The Minister of Interior may restrict freedom of movement within some the controlled areas, and decide on the area of residence of an asylum seeker for reasons of public interest or order.¹⁷⁶

Asylum seekers currently reside where they choose, as to date there have been no decisions issued by the Minister of Interior appointing the area of residence of asylum seekers for reasons of public interest or order. They are obliged to report any changes of living address to the authorities either within 5 working days or the soonest possible after changing their address.¹⁷⁷ If they fail to do so, they may be considered to have withdrawn their asylum application. There is no legislative differentiation regarding the provision of material conditions based on the area of residence.

So far, the only dispersal scheme was performed in 2011 with regard to Palestinians from Iraq who were residing in **Larnaca**. It was conducted by the Asylum Service aiming at the geographical dispersal of both beneficiaries of international protection and asylum seekers residing in the city.¹⁷⁸ The community of Palestinians from Iraq included around 2,000 persons at that time, of which a small number of people was working. Following intense public debate concerning the allowances granted to asylum seekers/refugees and in the absence of a coherent and effective integration policy, the authorities asked Palestinians to move to other cities (mainly Nicosia and Limassol). The goal was to increase the chances of the refugee population to secure employment and to release the pressure felt by part of the local Cypriot community which was showing signs of intolerance towards that particular group. There is no clear information on whether this scheme actually led to increased employment opportunities for those refugees.

¹⁷⁵ Article 9KB(2) and (4) Refugee Law.

¹⁷⁶ Article 9E(1) Refugee Law.

¹⁷⁷ Article 8(2)(a) Refugee Law.

¹⁷⁸ European Migration Network (EMN), *The Organisation of Reception Facilities for Asylum Seekers in the different Member States: Cyprus*, 2013, available at: <http://bit.ly/1f71AM1>; UNHCR Cyprus, *The needs of refugees and the integration process in Cyprus*, May 2013, available at: <http://bit.ly/1HAdoOF>, 97.

B. Housing

1. Types of accommodation

Indicators: Types of Accommodation

1. Number of reception centres:¹⁷⁹ 1
2. Total number of places in the reception centres: cc. 400
3. Total number of places in private accommodation: Not available
4. Type of accommodation most frequently used in a regular procedure:
☒ Reception centre ☐ Hotel or hostel ☐ Emergency shelter ☒ Private housing ☐ Other
5. Type of accommodation most frequently used in an accelerated procedure: N/A

Currently there is 1 reception centre, at the area of Kofinou in Larnaca District, with a maximum capacity of approximately 400 people (depending on the composition of the residents). The reception centre is located in a remote area (around 25km from the nearest city, Larnaca), with absolutely nothing around it except dry fields and sparse trees. It is near a village with a population of approximately 1,300 people. There are bus routes connecting the reception centre with the cities either directly in the case of Larnaca or through regional bus stations from where another bus can be used to reach other destinations.

Most asylum seekers reside in private houses/flats, which they are expected to find on their own.

Welfare Services first exhaust the possibility of placing asylum seekers in the reception centre upon their application for assistance. If the referral is impossible, usually due to lack of available space, the Welfare Services bear the responsibility of processing applications and addressing asylum seekers' needs, including the allocation of an allowance to cover housing expenses. The asylum seeker is expected to find accommodation and provide all necessary documentation. Although this documentation is included in the Notification which is no longer in force due to the recent amendment of the Refugee Law, it is still used in practice.

Families, single women and traumatised people are placed in the reception centre under the same conditions applicable to all other residents. However, single men and single women are placed in different rooms in distinct sections, while families do not share their living space with others.

Regarding the referral criteria of asylum seekers to the reception centre, the Asylum Service recently announced that families with strong ties to the community will be excluded from the obligation to receive material support in the reception centre. This is yet to be monitored. Currently, if an asylum seeker refuses a referral to the reception centre, regardless the reason (even medical), Asylum Service and Welfare Services will exclude him or her from any future assistance.

2. Conditions in reception facilities

Indicators: Conditions in Reception Facilities

1. Are there instances of asylum seekers not having access to reception accommodation because of a shortage of places? ☒ Yes ☐ No
2. What is the average length of stay of asylum seekers in the reception centres? Not available
3. Are unaccompanied children ever accommodated with adults in practice? ☒ Yes ☐ No

¹⁷⁹ Both permanent and for first arrivals.

The main form of accommodation used by asylum seekers is private accommodation secured independently. There are no standards or conditions regulated for rented accommodation in Cyprus. Therefore, asylum seekers living in private accommodation may often be living in appalling conditions.¹⁸⁰

Overall living conditions in the Kofinou Reception Centre

The Asylum Service is responsible for the operation and financial management of the Kofinou reception centre. A local organisation, the Local Council of Volunteerism of Kofinou (Συμβούλιο Κοινοτικού Εθελοντισμού Κοφίνου), is also involved in the daily management of the Centre, while some services such as catering are provided by contractors. The responsibility for the provision of social support is currently held by a private security company, G4S. The company has been contracted by Asylum Service on a temporary basis, until the procedures of an open call for expressions of interest concerning the provision of both administrative and psycho-social services to the Centre are concluded by the competent governmental authority.

Following its expansion in September 2014, the centre can now host about 350-400 people and at the moment it is full or close to its maximum capacity.

Kofinou Reception Centre consists of containers (mobile / temporary structure), with rooms designated to accommodate 2-4 persons depending on their size. There have been reports of more than 4 members of a family having to reside in one room, but not on a regular basis. Families do not share their rooms, while single persons do. Single men and single women use separate toilets/bathrooms in three detached rooms. Families are placed in containers with two rooms (one for each family) where a common *en-suite* bathroom / toilet is shared. In the cases of a family with many members, both rooms (i.e. the whole container) can be allocated.

According to reports of residents to FWC, the toilets / bathrooms used by single men/women are cleaned once or twice a day, which is not considered adequate by them, in view of the number of users. Families must clean their own toilets. Residents often complain about shortages in personal hygiene supplies. Complaints of not having enough hot water throughout the day pertain but are rare. There are often reports of insects and snakes appearing in the premises, due to the location of the Centre.

Residents are allowed to use common kitchen areas and equipment. The overall condition of those areas is a source of complaints, as it is not deemed satisfactory. Three meals are provided per day, for which FWC sometimes receives complaints regarding quality, quantity and variety of the food offered. Pork is not served in the centre, although Muslim residents from time to time have expressed their mistrust on whether there is any trace of pork in the food they eat. In cases of sick residents who present a medical report, special dietary arrangements are made. However FWC has received complaints regarding the level of satisfaction from those arrangements.

The rapid increase of asylum seekers admitted in the centre, namely following a sea rescue in 2015, in combination with planning / coordination flaws on attending such increase, led to a shortage of material supplies, such as clothes, detergents, baby food and sanitation products. Individuals, NGOs and other institutions / organisations provide regularly supplies throughout the year, covering most of the demand, although the lack of consistency creates a sense of insecurity among the residents especially families with infants requiring nappies, formula etc., which in turn leads to complaints.

Residents are allowed to go out when they want, provided that they are not out of the centre for prolonged periods of time. There is no special arrangement regarding religious practices of the

¹⁸⁰ Based on reports from asylum seekers to FWC social advisors and home visits carried out by the advisors.

residents. People visit religious places in the nearby villages/cities. There is not any space allocated to practicing religion inside the Centre.

Over the last year, there have not been any protests by asylum seekers regarding reception conditions, though protests have been carried out in relation to residents' asylum decisions.

Staff and services

The staff of the centre includes 6 institutional officers, 2 cleaners, 1 person responsible for technical maintenance and a team of three social workers and one administrator, under a private security company (G4S). Permanent staff in the centre has not received special training over the last few years.

Currently, specialised services include: three full-time in-house social workers, one nurse offering services on a daily basis for 6 hours, visits of a mental health nurse three times per week, and a visit of a Health Visitor by the Ministry of health once a week for purposes of raising awareness to the residents regarding healthy lifestyle and personal hygiene. No medical services are offered in the premises and the same applies to psychological/psychiatric support.

Regarding translation services, Arabic interpretation is available on a daily basis. French and Somali translation is available once a week.

FWC occasionally receives complaints related to the number of staff as well as the quality and efficiency of their interaction and communication.

The frequency and variety of educational / leisure activities offered in the centre is low. Most activities are organised and implemented by non-governmental actors, such as NGOs, voluntary organisations and individual volunteers. The activities include English language courses, cultural and art related activities for children and local society orientation seminars. Greek classes for adults are offered twice a week by the Ministry of Education.

Duration of stay

There is no specific duration of stay for asylum seekers in the reception centre. As long as the claimant of material reception conditions retains the status of an asylum seeker, he or she may be referred or obliged to stay in the centre. Based on FWC's experience, the timeframe for the examination of asylum applications in the first and second instance can be from 6 months to 8 years. Upon the issuance of a negative decision at the administrative appeal, the person is usually notified to make necessary arrangements to depart from Cyprus at once. In that case people are allowed to remain in the reception centre until their removal.

In light of the centre reaching its maximum capacity and as a way to free up resources, the Asylum Service recently announced that residents who complete 6 months of residence in the centre will be given the possibility to apply for reception conditions in the community and move out upon being granted support from the Social Welfare Services. However, due to the unsatisfactory levels of support provided to welfare recipients, residents are reluctant to move into the community. Due to the fact that this practice was only recently introduced and in light of the lack of any decisions regarding the level and type of support and access to labour market granted to asylum seekers, further monitoring is required in order to assess this practice.

C. Employment and education

1. Access to the labour market

Indicators: Access to the Labour Market

1. Does the law allow for access to the labour market for asylum seekers?
❖ If yes, when do asylum seekers have access the labour market? ☒ Yes ☐ No 9 months
2. Does the law allow access to employment only following a labour market test? ☒ Yes ☐ No
3. Does the law only allow asylum seekers to work in specific sectors? ☒ Yes ☐ No
❖ If yes, specify which sectors: Agriculture, fishery, manufacture, waste management, trade repairs, cleaning industry, food delivery et al.
4. Does the law limit asylum seekers' employment to a maximum working time? ☐ Yes ☒ No
❖ If yes, specify the number of days per year
5. Are there restrictions to accessing employment in practice? ☒ Yes ☐ No

According to the amended Refugee Law,¹⁸¹ asylum seekers are permitted to access the labour market 9 months after the submission of an asylum application, unless otherwise determined by the Minister of Interior, in consultation with the Minister of Labour and Social Insurance. The Refugee Law affords the Minister of Labour, Welfare and Social Insurance, in consultation with the Minister of Interior, the power to place restrictions and conditions in the right to employment, without hindering asylum seekers' effective access to the labour market.¹⁸² Such decisions have yet to be issued.

Currently, in practice, asylum seekers have access to the labour market 9 months after the lodging of asylum application under the provisions of a previous ministerial decree issued in 2008.

According to the 2008 decree, the permitted fields of employments for asylum seekers are the following:¹⁸³

Permitted sectors and posts for asylum seekers	
Sectors of labour market	Permitted occupations
Agriculture; animal husbandry; fishery	Labourers
Manufacture	Forage productions labourers
Waste management	Drainage and waste processing labourers Garbage and trash collection and processing labourers Recycling labourers Animal Waste Processing labourers
Wholesale trade-repairs	Gas stations and carwash labourers Freight handlers of wholesale trades
Other fields	Building and outdoors cleaners Distributors of advertising and informative materials Food delivery

Job referrals are usually given on a form along with the details of potential employers. Applicants are required to contact them directly, and the employer is expected to provide a written report on the outcome of the meeting. The form does not provide space for the asylum seekers' statements on the

¹⁸¹ Article 90(1)(b) Refugee Law.

¹⁸² Article 90(2)(a)-(b) Refugee Law.

¹⁸³ Ministry of Labour and Social Insurance, *Employment of Asylum Seekers*, available at: <http://bit.ly/1CFH2p2>.

outcome of the meeting, including, for instance, the reasons why it was not possible for the asylum seeker to be offered the job. Candidates need to report to the Labour Office following their contact with employers. If employment is secured, a contract needs to be signed and stamped by the District Labour Office. All employers recruiting asylum seekers are required to be authorised by the Labour Department to employ third-country nationals.

The terms and conditions, including remuneration of the occupations in animal farming and agricultural sectors is regulated based on the Collective Agreement of Agriculture and Animal Farming. At present, the salary is €455 (gross) per month. Accommodation and food may be provided by the employer. The salary may increase up to €769 per month if the employee is considered to be skilled for the position, or if there is a specific agreement with a trade union. However, in practice, asylum seekers are employed as unskilled labourers and in businesses where there is no presence of unions. Therefore, their wages remain at minimum levels.

Additionally, all applicants and recipients of material reception conditions, who are physically and psychologically able to take up employment are required to be registered as unemployed, after the initial 6 months period and show that they are actively seeking employment. A labour card is issued to the asylum seekers and their unemployment status is confirmed either on a monthly or bi-monthly basis.

There is no formal limitation of working hours. The standard remuneration for farms and agricultural jobs is set for 80 working hours per fortnight, spread over 6 working days a week.

In practice, asylum seekers still face significant obstacles in accessing the labour market. According to a recent Ombudsman report regarding access of asylum seekers to employment, available data from July 2015 indicated that only 10, all men, out of 89 registered asylum seekers took up work.¹⁸⁴ The major obstacles are the following:

- ❖ **Low wages and lack of supplementary material assistance:** This is particularly problematic for asylum seekers with families. Remuneration from employment in agriculture and animal farming is highly insufficient to meet the basic needs of a family. Labour conditions such as taking up accommodation at the place of work often lead to splitting up the family. These jobs are often offered to single parents with young children without taking into consideration the care of children or possible supplementary assistance for childcare support.
- ❖ **Distance and lack of convenient transportation:** Given the nature of employment that asylum seekers are permitted to take up, workplaces are often situated in remote rural regions and working hours may start as early as 4 or 5am. Asylum seekers have reported difficulties in commuting to these workplaces using low-cost transportation (e.g. public buses). Remuneration does not cover travel expenses.
- ❖ **Language barriers:** Lack of communication skills in Greek and English often impede the efficient communication between officials of Labour Offices as well as potential employers. Many asylum seekers are unable to understand their prospective employers' opinion during meetings and/ or the employers' opinions on their job referral forms.
- ❖ **Lack of interest from employers** in the agricultural and farming sectors in employing asylum seekers. In fact, many employers in these sectors often prefer to employ third-country nationals who arrive in the country with an employment permit and are authorised to work for a period up to 4 years. In order to receive a license for the employment of third-country nationals, an employer is required to register at the Labour Office in addition to actively seeking for

¹⁸⁴ Ombudsman, *Report on access of female asylum seekers to employment and social welfare*, 1799/2016, 11 November 2016, available in Greek at: <http://bit.ly/2kmGMDG>.

employees locally, nationally or within the EU.¹⁸⁵ As asylum seekers are referred to them by the Labour Office, the employers may try to avoid recruiting them, hoping that if they do not hire an asylum seeker, they will be able to invite/hire other workers on a working visa. Thus, they often place the responsibility of refusing the employment on the asylum seekers.

- ❖ **Lack of gender and cultural sensitivity in the recruitment procedure:** Female asylum seekers often face difficulties accessing employment for reasons related to cultural barriers.¹⁸⁶ For example, many women have never worked before and especially when it comes to the conditions in the sectors of agriculture and animal farming (remoteness, staying overnight, male dominated work spaces) there is a need for gradual and facilitated transition to employment. Women from Muslim backgrounds wearing visible symbols of their religious identity e.g. *hijab* / *niqab* report to have faced difficulties accessing the labour market, as in some cases, they were considered as unable to maintain employment due to their attire, according to the experience of FWC.

According to Article 9I(1) and (2) of the Refugee Law, asylum seekers are permitted to take part in vocational trainings linked to employment contracts, relevant to the permitted sectors of employment for asylum seeker, unless otherwise authorised by the Minister of Labour, Welfare and Social Insurance. In practice, there are no professional training schemes available in these specific sectors.

2. Access to education

Indicators: Access to Education

- | | |
|--|---|
| 1. Does the law provide for access to education for asylum-seeking children? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Are children able to access education in practice? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

The Refugee Law provides that all asylum seeking children have access to primary and secondary education under the same conditions that apply to Cypriot citizens, immediately after applying for asylum and no later than 3 months from the date of submission.¹⁸⁷ In practice, the vast majority of children access public education. However as there is no systematic monitoring of children's registration at school, there have been cases of children remaining out of the education system for more than 3 months, mainly for reasons related to difficulty of families accessing certain schools, lack of information / timely arrangements, limited schools' capacity at a given period to accommodate additional students etc. There is also a lack of official data on dropout rates regarding asylum-seeking children.

Children residing in the reception centre were attending regular schools in the community, however this long-established practice changed for high school students as of the beginning of 2017. Article 9H(1) of the amended Refugee Law allows for education arrangements to be provided in the reception centre and such arrangements have already commenced following an incident of discourse between students in a local school where residents of Kofinou Centre attend. Therefore, at the moment, a small but growing number of children are attending 3 periods of Greek classes per day in the Kofinou Reception Centre without being enrolled in the nearby schools.

¹⁸⁵ Circular on the Strategy for the employment of third-country nationals (Στρατηγική για την Απασχόληση Αλλοδαπών), May 2008, available at: <http://bit.ly/1LbedON>.

¹⁸⁶ See also Ombudsman, *Report on access of female asylum seekers to employment and social welfare*, 1799/2016, 11 November 2016, available in Greek at: <http://bit.ly/2kmGMDG>.

¹⁸⁷ Article 9H(1) and (3)(a) Refugee Law.

The right of enrolled students to attend secondary education is not affected by reaching the age of 18.¹⁸⁸ However new students over 18 years old who wish to enrol for the first time in secondary education, are denied access to free public schools by the Ministry of Education.

The age of students and their previous academic level is taken into consideration when deciding the grade where they will be registered. Classes at public schools are taught in Greek. Should they wish to attend a private school (usually for reasons of attending courses in English) it is possible at their own cost. The provisions for children asylum seekers are the same as for every non-Greek speaking student. In order to deal with the language barrier, the Ministry of Education has developed transitional classes for non-Greek speakers in the first 3 years of secondary education (gymnasium) where 18 hours of Greek per week are provided. In the last 3 years of secondary education (lyceum) 4 extra hours of Greek per week will be provided. Classes take place in appointed public schools in each district. With the exception of the Greek classes which are tailored to the needs of non-Greek speakers, asylum-seeking students attend mainstream classes at all other times.

Students are expected to succeed in the final exams in order to proceed to the next grade. Students at the age of 15 and above may also attend evening Greek classes offered by the Ministry of Education in the community through life-learning schemes (Adult Education Centres and State Institutes of Further Education).

Linguistic and cultural barriers are still significant obstacles for young students, especially those entering secondary education. Transportation to school is still an issue of concern due to the introduction of fare charges for students. Considering the very limited resources allocated to asylum seekers' families this presents a challenge. Currently the most frequently reported obstacle in accessing education is the difficulty covering everyday expenses of the children, predominately transportation, clothes etc.

As currently, the provisions of the amended Refugee Law regarding the identification and address of special reception needs are not implemented yet, there is no preliminary monitoring or assessment of the vulnerability of the children. Special needs of students are usually evaluated and taken into consideration by the Ministry of Education upon registration into schools, and sometimes through the intervention of NGOs. Depending on the nature and the seriousness of the disability, different arrangements are offered. The available schemes by the Ministry of Education for students with special needs are: placement in a regular class and provision of additional aid; placement in a special unit which operates within the regular school; placement in a special school (for more severe cases); placement in alternatives to school settings.

Adequately assessing the needs of children is time-consuming, and in addition there is often the need to receive important treatments (physiotherapy, occupational therapy, speech therapy) outside of the school context (in public hospital or privately). There are often delays and/or financial constraints in accessing these services.

In the case of unaccompanied children who reside in the youth homes under the guardianship of Welfare Services, a special educational programme operates, focusing mainly on Greek and English language acquisition. This programme is implemented within appointed schools in the community. However, currently the majority of the children at all three cities where unaccompanied children reside, are not enrolled. This is due to lack of timely arrangements regarding available space, teaching staff and resources on behalf of the Ministry of Education.

¹⁸⁸ Article 9H(2) Refugee Law.

D. Health care

Indicators: Health Care

1. Is access to emergency healthcare for asylum seekers guaranteed in national legislation?
☒ Yes ☐ No
2. Do asylum seekers have adequate access to health care in practice?
☐ Yes ☒ Limited ☐ No
3. Is specialised treatment for victims of torture or traumatised asylum seekers available in practice?
☐ Yes ☒ Limited ☐ No
4. If material conditions are reduced or withdrawn, are asylum seekers still given access to health care?
☒ Yes ☐ Limited ☐ No

Asylum seekers without adequate resources are entitled to free medical care in public medical institutions covering at minimum, emergency health care and essential treatment of illnesses and serious mental disorders.¹⁸⁹ Welfare beneficiaries and residents in the reception centre are explicitly eligible for free medical care and in that respect they have access to free health care. The level of resources needed to receive free medical care in the case of asylum seekers not receiving welfare assistance is not specified.

Free access to health care is granted upon the presentation of a “Type A” Hospital Card, issued by the Ministry of Health. This document is provided to all residents of the Kofinou Reception Centre, while for persons residing in the community, a welfare dependency report indicating lack of resources is required by the Ministry of Health. This dependency report must be submitted by the individual applying for the hospital card. However, evidence suggests that lack of information and coordination between Welfare Services and Ministry of Health has deprived persons from securing free health care as they are not aware of such right.¹⁹⁰

As currently many asylum seekers do not receive welfare assistance, difficulties in securing a hospital card have been reported. However, in practice, the vast majority of asylum seekers do receive a hospital card, which grants them access to public health institutions with some charges also applying to nationals since 2013. More specifically, applicants are required to pay €3-6 in order to visit a doctor and an additional €0.50 for each medicine / test prescribed, with a maximum charge of €10. Emergency care remains free for holders of medical cards, otherwise it costs €10.

Asylum seekers who need to receive essential treatment which is not available in the RoC are not included in the relevant scheme introduced by the Ministry of Health transposing the Directive on patients’ rights in cross-border healthcare. In practice, however, the Ministry has covered the costs, upon approval of the Minister of Health, for several cases of children asylum seekers to receive medical treatment outside the country.

In a number of cases, asylum seekers reported to Future Worlds Center that they faced racist behaviour from medical staff, often in relation to their poor Greek language skills and the reluctance of the latter to communicate in English.

Specialised health care

Asylum seekers without adequate resources who have special reception needs are also entitled to free of charge necessary medical or other care, including appropriate psychiatric services.¹⁹¹ The amended Refugee Law incorporates the provision of the recast Reception Conditions Directive in relation to the

¹⁸⁹ Article 91Γ(1)(a) Refugee Law.

¹⁹⁰ Ombudsman, *Report on access of an asylum seeker to the social welfare system and medical services*, 1553/2013, December 2016, available in Greek at: <http://bit.ly/2k3pfzv>.

¹⁹¹ Article 91Γ(1)(b) Refugee Law.

identification and address of special reception needs, including victims of torture. However, in practice, due to the recent amendment as well as lack of specific guidelines or procedures, the provisions are not implemented yet. There are no specialised facilities or services, except for the ones available to the general population within the public health care system. Currently, there is only one NGO, the Future Worlds Center, offering specialised social and psychological support to victims of torture, operating through the funds of United Nations Voluntary Fund for the Victims of Torture (UNVFVT).¹⁹²

E. Special reception needs of vulnerable groups

Indicators: Special Reception Needs

1. Is there an assessment of special reception needs of vulnerable persons in practice?
☐ Yes ☒ No

As of October 2016, the amended Refugee Law extends the categories of persons considered as vulnerable to include those mentioned in Article 21 of the recast Reception Conditions Directive:¹⁹³

“[M]inors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.”

The law also introduces an identification mechanism, specifically it provides that an individual assessment shall be carried out to determine whether a specific person has special reception needs and/or requires special procedural guarantees, and the nature of those needs.¹⁹⁴ These individualised assessments should be performed within a reasonable time period during the early stages of applying for asylum, and the requirement to address special reception needs and/or special procedural guarantees applies at any time such needs are identified or ascertained.

The amended Refugee Law also provides that any special reception / procedural needs of applicants, identified by any competent governmental authority upon exercising its duties, need to be reported to the Asylum Service. It also provides a basic overview of the procedure to be followed: specifically, the competent officer at the place where the claim of asylum is made fills a special document indicating any special reception and/or procedural needs of the claimant as well as the nature of such needs. The type of that document is not specified in the law but according to the Asylum Service it has been provided.

The Refugee Law also provides that during the preliminary medical tests which are performed to all asylum seekers, a report will be prepared by the examining doctor, a psychologist or another expert, indicating any special reception / procedural needs of the applicant and their nature. Furthermore, within a reasonable time period from the admission of a claimant in a reception centre and following personal interviews, the social workers and psychologists working in the facility will prepare a relevant report to the Asylum Service indicating any special reception needs as well as their nature. Finally, the Social Welfare Services are required to identify any special reception needs and report them to Asylum Service, but that applies in case an asylum seeker presents him or herself to Social Services and “whenever this is possible”.

The above amendments acknowledge the need of timely identifying and addressing the special reception and procedural needs of vulnerable persons and introduce a basic framework of operation. However, further elaboration is required in order for an effective mechanism to be set up. In the absence of specific legislative or procedural guidelines, the identification and assessment of special

¹⁹² For more information see Future Worlds Center, UNVFVT, available at: <http://bit.ly/1HQVYfJ>.

¹⁹³ Article 9KΓ Refugee Law.

¹⁹⁴ Articles 9KΔ(a) and 10A Refugee Law.

reception and procedural needs take place fragmentally, while the assessment tools and approaches to be used are neither defined nor standardised. Relevant to that, there is no provision for training of the staff engaged in the identification and assessment procedure, and the role of Social Welfare and Health Services – being the most competent state authorities in relation to evaluating the needs of vulnerable persons – is rather confined. No monitoring mechanism of the overall procedure is foreseen which could contribute to the efficient and timely coordination among the involved agencies.

Furthermore, although persons, whose special reception needs and/or procedural needs are identified and assessed, should receive appropriate support within a reasonable time frame,¹⁹⁵ the exact level, type or kind of support is not specified in the law.

Currently the Asylum Service has provided a relevant form and trained the authorities where asylum applications are made as well as other authorities (Labour Office, Social Welfare Services, and others) to identify vulnerable persons or indications that a person may be vulnerable. However, this is limited to visible signs and there is no other assessment tool used. Due to this, vulnerable persons and their special reception and/or procedural needs are still identified in a non-standardised manner. This might happen during people's contact with the Welfare Services, during the interview for the examination of the asylum application and by local NGOs offering community services and support. There are no available statistics or official information on the effectiveness of this procedure. From information provided by vulnerable asylum seekers, it is not effective.¹⁹⁶

The lack of an effective identification procedure prevents or delays (depending on the specific vulnerability and support consequently required) access to any available support, which in itself is limited. In cases of victims of torture or violence, the lack of access to support will often impair the efficient examination of asylum applications, since they do not receive prior counselling psychological or legal that may assist them to present their asylum claim adequately. The lack of effective measures for the timely identification specifically of victims of torture was recently noted by the UN Committee against Torture,¹⁹⁷ and more recently by the Council of Europe Commissioner for Human Rights, Nils Muižnieks,¹⁹⁸ who also raised his concerns on issues related to the lack of identification procedure of vulnerable persons, including unaccompanied children.

Unaccompanied children who have applied for asylum are not placed in the reception centre and are referred to shelters for children run by the State. There have been a few cases of unaccompanied children being placed in foster families or with other adults on a temporary basis, though this is very rare.¹⁹⁹ There are no reported instances of potential children placed into common accommodation with adults while undergoing age assessment procedures.

In relation to preventing gender-based violence in the reception centre, the amended Refugee Law provides that the competent authorities shall take into consideration gender and age-specific concerns and the situation of vulnerable persons and that appropriate measures shall be taken in order to prevent assault and gender-based violence, including sexual assault and harassment.²⁰⁰ Up until today, there are no specific guidelines or procedures in effect to guarantee the efficient implementation of those provisions and further monitoring is required.

¹⁹⁵ Article 9KΔ Refugee Law.

¹⁹⁶ Based on information provided by the FWC.

¹⁹⁷ UNCAT, *Concluding Observations on the Fourth Report of Cyprus*, 21 May 2014.

¹⁹⁸ Council of Europe Commissioner for Human Rights, *Report following the visit to Cyprus from 7 to 11 December 2015*, CommDH(2016)16, 31 March 2016, available at: <http://bit.ly/2mcxpec>.

¹⁹⁹ Commissioner for the Protection of Children's Rights, *Report of the Commissioner for Children's Rights in Cyprus to the UN Committee on the Rights of the Child – Supplementary Report to the 3rd and 4th Periodic Report of Cyprus*, September 2011, available at: <http://bit.ly/1HwkyWf>, 33.

²⁰⁰ Article 9IΔ(7) Refugee Law.

Regarding family unity, overall efforts are made to keep families together. When it comes to welfare services and reception centres, families are treated as an entity.

For the purpose of receiving proper education, the needs of children with disabilities are identified and assessed by the Ministry of Education in the context of their obligation towards children with special needs.

F. Information for asylum seekers and access to reception centres

1. Provision of information on reception

In accordance with the Refugee Law, the Asylum Service is obliged to ensure that all asylum seekers are given access to information regarding the asylum procedure, their rights to access material reception conditions, organisations/services offering legal and social assistance to asylum seekers as well as their legal obligations so as they can maintain their legal status. This information should be provided in the form of a booklet/leaflet in a language the applicant can understand.

In practice, the only information available and provided to asylum seekers is that described in the section [Information for Asylum Seekers and Access to NGOs and UNHCR](#). Residents of the reception centre are currently provided with a leaflet by the Asylum Service regarding the Dublin Regulation.

There is no leaflet/information booklet available at the District Welfare offices and District Labour Offices concerning the access of asylum seekers to material assistance and employment. Information concerning employment can be found only on the site of the Labour Department of the Ministry of Labour and Social Insurance.²⁰¹

2. Access to reception centres by third parties

Indicators: Access to Reception Centres

1. Do family members, legal advisers, UNHCR and/or NGOs have access to reception centres?

☒ Yes

☐ With limitations

☐ No

The Refugee Law allows relatives, advocates or legal advisers, representatives of UNHCR and formally operating NGOs to communicate with the residents of the reception centre.²⁰² The visits of any of the official bodies must be notified to the Asylum Service. Visitors are required to register at the entrance of the reception centre. There is no limitation in the number of visits each asylum seeker can have.

Asylum seekers residing in the reception centre communicate with the aforementioned actors either via phone or through physical visits to their offices. However, given the remote location of the reception centre, transportation to the major cities including Nicosia is often inconvenient and the public transportation vouchers offered by the administration of the reception centre is subjected to justifications (e.g. limitations may apply if the visit concerns non-governmental sectors/personal visits). Asylum seekers residing in reception centre usually rely on their personal mobiles for communication.

G. Differential treatment of specific nationalities in reception

No differences in treatment, based on asylum seekers' nationality are observed. However, due to a much higher number of Arabic speakers in the reception centre, the Asylum Service provides interpreters for Arabic on a daily basis, whereas for other languages there may be no interpreters at all

²⁰¹ Ministry of Labour and Social Insurance, *Employment of Asylum Seekers*, available at: <http://bit.ly/1CFH2p2>.
²⁰² Article 9IΔ(6) Refugee Law.

or very sparsely. This has led to complaints by residents who feel that Arabic speakers are given more attention.

Detention of Asylum Seekers

A. General

Indicators: General Information on Detention

1. Total number of asylum seekers detained in 2016: ²⁰³	187
2. Number of asylum seekers in detention as of the end of 2016:	28
3. Number of detention centres:	1
4. Total capacity of detention centres:	186

In Cyprus, the majority of asylum seekers are not systematically detained. In September 2014, a new policy regarding the detention of asylum seekers was initiated and is still in place, which reduced the instances that asylum seekers can be detained. Currently the majority of asylum seekers that are detained are those who have submitted an application for asylum after they have been arrested and detained, under the presumption that all such applications are submitted in order to frustrate the removal process although no individual assessment is carried out (see [Grounds for Detention](#)). In many such cases, persons have been arrested for irregular stay or are detained as a consequence of a criminal law sanction and apply for asylum once they are in prison or detention. However, there are still cases of persons being arrested soon after they have arrived in the country even though they presented themselves to the authorities to apply for asylum.

Until recently, the 2014 policy did not apply to asylum seekers who had appealed the decision on their asylum application before the Court. However, as of October 2016 with the amendment of the Refugee Law, asylum seekers whose case is before the Court are not detained and, in cases where they were already detained, are released.²⁰⁴

There are no official numbers available for the total number of asylum seekers who are detained, although based on monitoring visits carried out during 2016, the number of detained asylum seekers has been steadily at any time around 30.²⁰⁵ The only official number available from authorities is the number of asylum seekers who have applied for asylum in detention:

Applications submitted from detention: 2013-2016				
	2013	2014	2015	2016
Applications submitted	118	134	114	187

Source: Ministry of Interior, March 2017. Applications submitted in from Menogia Detention Centre include 50 in 2015 and 120 in 2016.

However, with the implementation of the 2014 policy, combined with observations from weekly monitoring of the detention centre,²⁰⁶ it is clear that the number of asylum seekers detained in 2016 is close to the number of applications submitted from detention.

²⁰³ Estimation based on the 2014 policy to only detain persons lodging an application from detention.

²⁰⁴ Information based on weekly monitoring of Menogia Detention Centre in 2016 by FWC.

²⁰⁵ *Ibid.*

²⁰⁶ *Ibid.*

B. Legal framework of detention

1. Grounds for detention

Indicators: Grounds for Detention

- | | |
|---|---|
| 1. In practice, are most asylum seekers detained | |
| ❖ on the territory: | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| ❖ at the border: | N/A |
| 2. Are asylum seekers detained in practice during the Dublin procedure? | <input type="checkbox"/> Frequently |
| | <input checked="" type="checkbox"/> Rarely |
| | <input type="checkbox"/> Never |
| 3. Are asylum seekers detained during a regular procedure in practice? | <input type="checkbox"/> Frequently |
| | <input checked="" type="checkbox"/> Rarely |
| | <input type="checkbox"/> Never |

Under the previous Refugee Law, detention of asylum seekers was only permitted by judicial order, for specific reasons (identification purposes, subsequent applications) for a maximum time of 32 days, with automatic judicial review. In practice, that provision was never used and instead asylum seekers were detained based on administrative orders issued under the Aliens and Immigration Law,²⁰⁷ within the scope of the articles that transpose the Returns Directive,²⁰⁸ or as “prohibited immigrants” as a consequence of a criminal law sanction.²⁰⁹ The amended Refugee Law now allows detention of asylum seekers under an administrative order and not a judicial order,²¹⁰ for specific instances that reflect those in the recast Reception Conditions Directive.

1.1. Detention under the Refugee Law

The recently amended Refugee Law, prohibits detention of an asylum applicant for the sole reason that “he” is an applicant,²¹¹ and also prohibits detention of children asylum applicants.²¹²

According to the Law, unless it is possible to effectively apply other less coercive alternative measures, based on an individual assessment of each case, the Minister of Interior may issue a written order to detain the applicant for any of the following reasons:

- (a) to establish his identity or nationality;
- (b) to identify those elements on which the application is based, which could not be obtained otherwise in particular when there is a risk of absconding of the applicant;
- (c) to decide, in the context of a procedure, on the applicant’s right to enter the territory;
- (d) when held within the scope of the return procedure under Articles 18ΟΓ up 18ΠΘ of the Aliens and Immigration Law, in order to prepare the return and / or carry out the removal process, and the Minister substantiates on the basis of objective criteria, including the fact that the person has already had the opportunity of access to the asylum procedure, that there are reasonable grounds to believe that the person is submitting the application for international protection merely in order to delay or frustrate the enforcement of the return decision;
- (e) where necessary to protect national security or public order;
- (f) in accordance with Article 28 of the Dublin III Regulation.

²⁰⁷ Article 6 Aliens and Immigration Law.

²⁰⁸ Article 18ΠΣΤ Aliens and Immigration Law.

²⁰⁹ Article 14 Aliens and Immigration Law.

²¹⁰ Article 9ΣΤ Refugee Law.

²¹¹ The female gender has not been included in the Refugee Law, although this was requested by UNHCR and NGOs during consultations carried out prior to the amendment of the Law.

²¹² Article 9ΣΤ Refugee Law.

However, the reform of the Refugee Law has not defined objective criteria for determining the existence of a “risk of absconding” specifically in relation to asylum seekers.

No such orders have been observed in practice to date.

1.2. Detention as “prohibited immigrant”

The Aliens and Immigration Law provides that a person can be detained if declared a “prohibited immigrant” and provides 13 instances under which a person may be declared a “prohibited immigrant”. Out of these 13 instances, the ones that are most commonly applied to asylum seekers are the following:

- (h) When a person is deported from the RoC;²¹³
- (i) When a person enters or remains in the RoC in breach of any prohibition, terms, restrictions or reservations included in the Aliens and Immigration Law, or any Regulations issued based on that Law, or any permit issued based on that Law or Regulations;²¹⁴
- (j) Where a person is considered a prohibited immigrant based on the provisions of the Aliens and Immigration Law.²¹⁵

According to the Aliens and Immigration Law, a “prohibited immigrant” found in the RoC is guilty of a criminal offence and is subject to imprisonment for period that does not exceed 3 years or to a fine which does not exceed 5,000 Cypriot pounds (approx. €8,500), or to both imprisonment and a fine.²¹⁶ The Law also foresees the offences of entering the RoC on a temporary permit and remaining beyond the expiration of that permit;²¹⁷ remaining in the RoC on a permit and violating any conditions of that permit or taking on any form of work without the necessary permit;²¹⁸ and violating a condition or restriction imposed by the Aliens and Immigration Law or the Refugee Law.²¹⁹

With the 2014 policy, persons convicted of an offence before they have applied for asylum are declared a “prohibited immigrant” and a detention and deportation administrative order is issued. Once the person applies for asylum, the deportation order is suspended but the detention order is not, however the asylum seeker continues to be detained as a “prohibited immigrant” and the Aliens and Immigration Law and not under the Refugee Law. In such cases, a fast-track examination applies (see [Prioritised Examination and Fast-Track Processing](#)).

1.3. Detention for the purpose of removal

Asylum seekers can also be detained under separate provisions of the Aliens and Immigration Law that transpose the Returns Directive,²²⁰ for the purpose of return, although the return order is suspended until the asylum application has been decided on. These provisions do not apply to persons subject to a return decision as a criminal law sanction or as a consequence of a criminal sanction; in such cases they will be detained as a “prohibited immigrant”, as described above.

In practice, many cases of asylum seekers are detained based on the “prohibited immigrant” provisions and not the provisions transposing the Returns Directive and therefore many provisions upon which detention could be challenged do not apply, such as the lack of reasonable prospect of return or the 18

²¹³ Article 6(1)(θ) Aliens and Immigration Law.

²¹⁴ Article 6(1)(κ) Aliens and Immigration Law.

²¹⁵ Articles 6(1) and 14(1)(μ) Aliens and Immigration Law.

²¹⁶ Article 19(2) Aliens and Immigration Law.

²¹⁷ Article 19(λ) Aliens and Immigration Law.

²¹⁸ Article 19(κ) Aliens and Immigration Law.

²¹⁹ Article 19(v) Aliens and Immigration Law.

²²⁰ Article 18ΠΣΤ Aliens and Immigration Law.

month maximum detention limit under the Returns Directive. However since the implementation of the 2014 policy, asylum seekers are usually released within 30 days.

The administrative orders for the detention of asylum seekers are issued by the Civil Registry and Migration Department (CRMD), which is under the Ministry of Interior and is responsible for the removal of persons with irregular status. The Asylum Service does not issue such orders and can only recommend an asylum seeker is released.

Asylum seekers are mainly detained on the territory. As Cyprus is an island there are no external borders and asylum seekers are rarely detained at entry points (ports, airports). People apprehended by the police within RoC territory before applying for asylum are often arrested for irregular entry and/or stay, regardless of whether they were intending to apply for asylum, even if they were on their way to apply for asylum and have only been in the country for a few days. Since 2014, this does not apply to Syrian nationals who will not be arrested even if they have not regularised their stay, with the exception of a number of Syrians who entered the RoC by boat arrivals and were arrested, convicted and sentenced to prison for irregular entry due to previously being in Cyprus and still listed as “prohibited immigrants.”²²¹

Around the same time, in another case, an Iranian applicant who had spent many years in Cyprus throughout his childhood and had then been returned to Iran with his family, was arrested for violating a re-entry ban when he returned to Cyprus and presented himself to the authorities to submit an application for international protection. The Court accepted that the reason of entry was to submit an application for international protection and therefore acquitted him on the charges of illegal entry.²²²

Following the two aforementioned cases, in another boat arrival 4 Syrian nationals were arrested and charged with illegal stay due to prior entry bans, however the case was withdrawn upon intervention from UNHCR Cyprus and FWC. Conversely, in another boat arrival again 4 Syrians were arrested and charged with illegal stay due to prior entry bans and were convicted and given 4-month prison sentences.

The vast majority of asylum seekers enter Cyprus through the territories in the north (see section on [Access to the Territory](#)). But as the “green line” between them is not considered a border, there are no official “entry points”. There are no detention facilities near the green line.

During the determination procedure to identify the Member State responsible under the Dublin Regulation, the applicant has the right to remain and enjoys the rights afforded to applicants for international protection.²²³ In practice, if a person arrives in Cyprus and there is a possibility that another Member State is the responsible state then they are considered an asylum seeker and enjoys all such rights and will not be detained for this reason alone. Prior to the 2014 policy regarding detention, Dublin returnees were detained regardless of personal circumstances or the examination stage of their asylum claim. Although the 2014 detention policy has no reference or information on this, in practice Dublin returnees whose final decision has not been issued yet are not detained but instead are transferred to Kofinou Reception Centre. For Dublin returnees who have a final decision it is expected that they will be detained upon return however currently there is no such case to indicate the policy.²²⁴

In the case of the admissibility procedure for subsequent applications / new elements, persons can be detained under the Aliens and Immigration Law as a “prohibited immigrant”. In practice during this

²²¹ See KISA, ‘The imprisonment of refugees is a crime’, 15 November 2016, available at: <http://bit.ly/2kABSTr>.

²²² District Court of Ammochostos, *Seyed Ramtin Salehi*, Case No 2073/2016, 14 November 2016, available in Greek at: <http://bit.ly/2kATouV>. See also KISA, ‘The imprisonment of refugees is a crime’, 15 November 2016.

²²³ Article 9(1)(b) Refugee Law.

²²⁴ Based on monitoring visits carried out by FWC to the Kofinou Reception Centre.

admissibility procedure, persons will not necessarily be detained but if they are already in detention they will remain in detention or if apprehended by the police for any reason, as they are irregular at this stage, they will most likely be arrested and detained.

2. Alternatives to detention

Indicators: Alternatives to Detention

1. Which alternatives to detention have been laid down in the law?
☒ Reporting duties
☐ Surrendering documents
☒ Financial guarantee
☒ Residence restrictions
2. Are alternatives to detention used in practice?
☐ Yes ☒ No

The Aliens and Immigration Law, since the transposition of the Returns Directive in 2011, refers to alternatives to detention and states that detention is used as a last resort, yet alternatives to detention are not listed and the relevant article has never been implemented in practice.²²⁵ As of October 2016, the recently amended Refugee Law includes a non-exhaustive list of recommended alternatives to detention:²²⁶

- ❖ Regular reporting to the authorities;
- ❖ Deposit of a financial guarantee;
- ❖ Obligation to stay at an assigned place, including a reception centre; and
- ❖ Probation.

However there are no guidelines or procedures in law or policy or practice to examine the necessity and proportionality of detention in order to determine if detention is indeed the last resort. Due to this it is not clear how alternatives will be implemented and to date of publishing there are no cases to give such indication.

The decision to detain is not based on an assessment of the asylum seeker's individual circumstances or the risk of absconding, and the CRMD issues and renews detention and deportation orders simultaneously, without considering less restrictive alternatives to immigration detention.²²⁷ This applies for all detainees, including asylum seekers whose case is still pending. The Council of Europe (CoE) Commissioner for Human Rights, Nils Muižnieks, after a visit to Cyprus in December 2015, urged Cyprus to:

"[S]trictly limit the practice of migrant detention and to enhance its law and practice concerning the application of alternatives to detention in order to avoid excessively lengthy deprivations of liberty and the suffering of migrants."²²⁸

At the end of 2015, the project "Promoting and Establishing Alternatives to Immigration Detention in Cyprus" was initiated by FWC under European Programme on Integration and Migration (EPIM) funding, with the aim of identifying and promoting alternatives to detention that can be implemented in the Cypriot context. The findings of FWC's research show *inter alia* that the existing framework needs to be reformed so as to create an effective and functioning mechanism which will primarily safeguard the rights of irregular migrants, as well as asylum seekers, protect them from the risk of arbitrary detention

²²⁵ Article 18ΠΣΤ Aliens and Immigration Law.

²²⁶ Article 9ΣΤ(3) Refugee Law.

²²⁷ See FWC, *Promoting and Establishing Alternatives to Immigration Detention in Cyprus*, November 2016, available in Greek at: <http://bit.ly/2kAN5aG>, 44-45 See also summary in English at: <http://bit.ly/2jEHGLz>.

²²⁸ Council of Europe Commissioner for Human Rights, *Report by Nils Muižnieks following his visit to Cyprus (7 to 11 December 2015)* (hereafter "Cyprus report"), CommDH(2016)16, 31 March 2016, available at: <http://bit.ly/2jm0zIC>, para. 1.3.

and provide less strict and effective alternative measures through a clearly established procedure and specific criteria. The report also emphasises the need for an individualised evaluation for each case, based on pre-determined procedures and criteria, and identifies a range of alternative measures that may be imposed instead of detention. Finally, the project recommends the adoption of the revised Community Assessment and Placement (CAP) Model,²²⁹ and provides an example of how it can be adjusted and implemented in the Cypriot context, emphasising the need for a holistic approach that will lead to case resolution.

In an effort to continue the conversation on alternatives to detention in the Cypriot context a pilot-project is implemented starting March 2016 by FWC under EPIM funding. The pilot-project will build on the work carried out under the previous project by promoting the adoption of the Revised Community Assessment and Placement (CAP) model within the procedures followed in Cyprus, with the aim to promote alternatives to detention, as well as the overall resolution of cases. This will be carried out by offering working examples of case management and trainings on the model.

3. Detention of vulnerable applicants

Indicators: Detention of Vulnerable Applicants

1. Are unaccompanied asylum-seeking children detained in practice? ☐ Frequently
☒ Rarely
☐ Never
 - ❖ If frequently or rarely, are they only detained in border/transit zones? ☐ Yes ☒ No
2. Are asylum seeking children in families detained in practice? ☐ Frequently
☐ Rarely
☒ Never

The Refugee Law prohibits the detention of all asylum-seeking children.²³⁰

Under the Aliens and Immigration Law, there are no provisions relating to the detention of children, except for those that transpose the Returns Directive, according to which children can be detained as a last resort and for the least possible time.²³¹ In practice, overall unaccompanied children are not detained, except for cases where unaccompanied children are arrested with false / forged documents that show them to be over 18, usually in an attempt to leave the country on these documents. In such instances they are detained as adult “prohibited immigrants”. However, in the last two years, even in such cases they are often released when they state that are in fact under 18, especially if an NGO intervenes.²³²

Detention of vulnerable persons is not prohibited and victims of torture, trafficked persons and pregnant women are detained with no special safeguards in place.

4. Duration of detention

Indicators: Duration of Detention

1. What is the maximum detention period set in the law (incl. extensions): 18 months
2. In practice, how long in average are asylum seekers detained? 30 days

²²⁹ See International Detention Coalition, *The Revised Community Assessment and Placement (CAP) Framework*, available at: <http://idcoalition.org/cap/>.

²³⁰ Article 9ΣΤ(1) Refugee Law.

²³¹ Article 18ΠΓ(1) Aliens and Immigration Law.

²³² Information based on monitoring visits carried out by FWC to the Youth Hostels where unaccompanied children are accommodated and weekly visits to Menogia Detention Centre.

Following its amendment in October 2016, the Refugee Law allows the detention of asylum seekers subject to no time limit. No detention orders on that basis have been issued to date.

Until recently, asylum seekers detained under the Aliens and Immigration Law would usually be held for the entire duration of the examination of the asylum procedure. With the implementation of the 2014 policy, applications of detained asylum seekers undergo a fast-track examination; when detainees apply for asylum while in detention they will not be immediately released. Any deportation orders will be suspended and the Asylum Service will interview and reach a decision on the application within 30 days. If protection is granted the detainee will be released. If the application is rejected and the applicant submits an appeal to the RRA, then the RRA will issue a decision within 15 days.²³³

In the event that due to the complexity of a case, a decision cannot be reached within 30 days by Asylum Service or 15 days by the RRA, then the detainee will be released.²³⁴ Until recently, the 2014 policy did not apply to asylum seekers who had appealed the rejection of their asylum application before the Supreme Court. However, as of the reform of the Refugee Law in October 2016, asylum seekers whose case is pending before the Court are not detained and, in cases where they were already detained, they were released.²³⁵

Based on monitoring throughout 2016, and especially towards the end of the year, the aforementioned deadlines are quite strictly followed. It has been noticed that the limited time-frame in which decisions must be issued by the relevant decision-making bodies has sometimes led to hasty decisions on behalf of the Asylum Service and/or RRA.

C. Detention conditions

1. Place of detention

Indicators: Place of Detention

1. Does the law allow for asylum seekers to be detained in prisons for the purpose of the asylum procedure (i.e. not as a result of criminal charges)? ☐ Yes ☒ No
2. If so, are asylum seekers ever detained in practice in prisons for the purpose of the asylum procedure? ☐ Yes ☒ No

Most asylum seekers are detained in **Menogia**. The Detention Centre of Menogia, located in the district of Larnaca, started operating in January 2013 with the purpose of detaining irregular migrants. However, it is also used for the detention of asylum seekers. The official capacity of Menogia was initially 256 but has been lowered to 186, following recommendations made by monitoring institutions such as the Ombudsman's Office and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).²³⁶ Since its operation, there have been no issues of overcrowding. In the detention centre, asylum seekers are always detained with other third-country nationals as well as EU nationals pending removal.

In addition to Menogia, third-country nationals can also be held temporarily in police stations around the country, which in the past were used for lengthy stays. However, in the last two years and due to recommendations from monitoring institutions, the majority of detainees are usually transferred within 2-

²³³ Article 33 Refugee Law, as amended by Law 105(I)/2016, provides for the end of operations of the Refugee Reviewing Authority, effective with the issuance of a decision of the Council of Ministers. At the date of writing, the RRA was still receiving and examining asylum applications.

²³⁴ Information provided by the Ministry of Interior.

²³⁵ Information based on monitoring visits carried out by FWC in 2016 to Menogia Detention Centre.

²³⁶ CPT, *Report on the visit to Cyprus from 23 September to 1 October 2013*, CPT/Inf (2014) 31, 9 December 2014, available at: <http://bit.ly/2jIWcXx>.

3 days to Menogia. In police stations, they may also be held with persons detained upon committing an offence and pending trial. However, such persons are usually transferred to a unit in the Central Prison for persons pending trial, and cases of serious offences will usually be transferred to this unit once the Court has officially ordered their detention.

2. Conditions in detention facilities

Indicators: Conditions in Detention Facilities

- | | | |
|---|---|--|
| 1. Do detainees have access to health care in practice? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ If yes, is it limited to emergency health care? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

The following section summarises findings of regular monitoring visits by FWC in Menogia throughout 2016, as well as reports from other monitoring bodies as cited.

Overall living conditions and activities

Menogia Detention Centre as well as the holding cells are under the management of the Police, therefore the guards are police officers. In the last two years, including at the end of 2016, there have been improvements to the conditions in **Menogia**,²³⁷ following recommendations made by the CPT, the Committee against Torture (CAT),²³⁸ and the national Commissioner for Administration and Human Rights (Ombudsman)'s Office, which have led to less complaints about custodial staff behaviour, food or outdoor access. However, as reported by the Council of Europe Commissioner for Human Rights, detainees in Menogia complain about the lack of activities, as well as the length of their detention, some of them experiencing re-detention.²³⁹ The Commissioner also noted that detainees deprived of their liberty for months without any prospect of either deportation or release do not understand the purpose of their continuous detention and feel treated as criminals.²⁴⁰ This leads to high levels of stress, leading to a number of hunger strikes in Menogia in the past 2 years,²⁴¹ mostly by irregular migrants and rejected asylum seekers, along with a few asylum seekers. Furthermore, although asylum seekers in most cases are not detained for lengthy periods in view of the 2014 policy, in many cases especially of vulnerable persons, they do not understand the purpose of their detention and equally feel treated as criminals.

In Menogia, there have been no incidents or complaints regarding serious deficiencies in the sanitary facilities provided. Indeed, most detainees are satisfied with the general state of the facilities and mentioned that there is hot water and they can shower at ease without time restrictions.²⁴² Overall the cleanliness of the detention centre seems to be of a high standard. Since Menogia began operating there have not been any reports regarding overcrowding however the overall capacity was deemed to be too high and conditions in the cells/rooms that accommodate detainees cramped, as there were 8 persons / 4 bunk beds in an 18m² room. The capacity has since been reduced from 256 to 186 places and the cells / rooms now accommodate 4 persons with 2 bunk beds per room.

²³⁷ CoE Commissioner for Human Rights, *Cyprus report*, 31 March 2016, para 1.3.2. See also KISA, 'Improvements regarding detention conditions – significant problems regarding detention and deportation practices', 29 January 2017, available at: <http://bit.ly/2jJhL82>.

²³⁸ UNCAT, *Concluding Observations on the Fourth Report of Cyprus*, 21 May 2014, available at: <http://bit.ly/2jEBJOC>.

²³⁹ CoE Commissioner for Human Rights, *Cyprus report*, 31 March 2016, para 1.3.2.

²⁴⁰ *Ibid.*

²⁴¹ See KISA, 'Abuse of power is leading detained migrants to desperate acts', 5 April 2016, available at: <http://bit.ly/2jmsIOB>.

²⁴² Information based on weekly monitoring visits carried out in Menogia Detention Centre by FWC in 2016.

The provision of clothing in Menogia has improved in the last 2 years, with the Red Cross Cyprus as well as other volunteer organisations providing clothes.²⁴³ In some instances, mainly in relation to women, there are complaints from time to time on the lack of undergarments.

However, conditions in the **holding cells** of the various police stations vary.

Detained asylum seekers in Menogia have access to open-air spaces twice a day for about an hour or one hour and 15 minutes at a time, once in the morning and once in the afternoon. Some detainees have complained regarding the size of the outdoor space, which is the size of a basketball court.²⁴⁴ During this time they can engage in recreational activities such as basketball, football card playing, chess, and backgammon. A trainer is available daily on weekdays, and chess and music classes are offered once a week and drawing classes twice a week. Regarding the **holding cells** at the various police stations, many lack sufficient open-air spaces and there are reports of detainees having extremely limited time outside. The holding cells do not have any recreational facilities.

Detainees in **Menogia** have access to a television located in the communal area, and there are also some magazines and books provided by the Red Cross Cyprus. However these are very limited in number and are mostly available in English. Detainees have access to computers in the communal areas.²⁴⁵ As of the end of 2016, detainees have access to internet via free WiFi through their mobile phones.²⁴⁶ In **holding cells** there are no reading materials or internet access.

Food

In Menogia, detainees confirmed that there is a choice of pork but they can choose alternatives to it.²⁴⁷ It was also mentioned that during Ramadan the religious dietary requirements are accommodated. Other dietary needs for medical reasons are also accommodated, although it is not clear if this applies to cases of pregnant women and women breastfeeding, as in the last 2 years such cases are rarely detained. The quality of the food is reported as satisfactory, whereas regarding quantity, the level of satisfaction varied among detainees. There are also vending machines available in every wing of the detention centre. The situation in **holding cells** is similar to that in the Menogia detention centre regarding the accommodation of dietary requirements for religious or medical reasons, but quality and quantity varies from one cell to another.

Health care

According to the Law on Rights of Persons who are Arrested and Detained, a detainee has a right to medical examination, treatment and monitoring at any time during detention.²⁴⁸ The relevant law does not limit this right to emergency situations and, from the testimonies of detainees, it can be concluded that they indeed have access to medical examinations, treatment and monitoring in situations which cannot be classified as emergencies. However, the law provides for the criminal prosecution of a detainee who, if proven, abuses the right to medical examination, treatment and monitoring, requesting it without suffering from a health complication which requires medical examination, treatment or monitoring.²⁴⁹ If a detainee is found guilty of this offence, he or she is liable to 3 years in prison, or a fine of up to €5,125.80. In practice it does not seem to be used and the CPT has recommended that it be removed from the Law.

²⁴³ *Ibid.*

²⁴⁴ *Ibid.*

²⁴⁵ KISA, 'Improvements regarding detention conditions – significant problems regarding detention and deportation practices', 29 January 2017, available at: <http://bit.ly/2jJhL82>.

²⁴⁶ *Ibid.*

²⁴⁷ *Ibid.*

²⁴⁸ Article 23 Rights of Persons who are Arrested and Detained Law.

²⁴⁹ Article 30 Rights of Persons who are Arrested and Detained Law.

Upon entry in **Menogia**, detainees are given medical examinations for specific contagious diseases e.g. Mantoux test for tuberculosis, HIV and hepatitis tests, but not a full medical examination or assessment on physical and mental health issues.

The Medical Centre of Menogia is staffed with a General Practitioner on a full time basis, from Monday to Friday from 07:30 to 15:00, and a nurse is assigned to the Centre, three days per week for 5 hours per day. A clinical psychologist appointed by the Department of Mental Health Services visits the Centre once a week. In cases of emergency or where it is deemed necessary, detainees are transferred to **Kofinou** Hospital or **Larnaca** General Hospital. During transportation, detainees are handcuffed, usually for the entire duration of transportation, and there is no indication that an individual security assessment is carried out. Depending on the examining doctor, they may be handcuffed during the medical examination as well, and usually a policeman or policewoman – depending on the gender of the detainee – is present or close by throughout the medical examination.

Based on the testimonies of some detainees, it is evident that interpreters are not present during the medical examination, even in cases where the detainee is illiterate and does not speak Greek or English.²⁵⁰ This lack of communication and basic provision of information for detainees is in clear violation of the law, which states that any communication between the detainee and members of staff or police for purposes of medical examinations is deemed an “important” interaction and therefore authorities are obliged to ensure communication in a language which the detainee understands.²⁵¹ There is an obligation to make the appropriate arrangements for this communication to be understood by the detainee, which is unfortunately not adhered to, as evidenced by the lack of interpreters during the medical examination.

For a detainee to receive medical care and be examined by a doctor during detention, a written request must be lodged on behalf of the detainee. These requests, if submitted in English or Greek, are attended to in a timely manner and with a prompt response, and there were no complaints regarding the time it took for a request to be processed and for the detainee to see a doctor. There is no available information of anyone attempting to submit such a request in another language so as to know if it would be accepted and if there are procedures in place to have it translated. Most detainees who do not write Greek or English, or who are illiterate have to ask a fellow detainee or an officer to fill this request for them.²⁵²

Regarding access to medical care for detainees including asylum seekers being held in **holding cell** at police stations, they are taken to state hospitals in a manner similar to that described above. However the way in which such requests are handled may vary from one holding cell to another.

Vulnerable groups in detention

Families are not detained, and the plan to create a wing in **Menogia** for the purpose of detaining families with children has not been taken forward. In the last 2 years, unaccompanied children are not detained, nor are mothers of young children. Women are always detained separately from men but there are no special provisions for vulnerable persons in detention.

Persons categorised as vulnerable before detention or during their detention are detained. Support and/or special treatment in detention depends on the needs and vulnerability of the individual, but it is safe to say that this is rarely adequate. There is no mechanism in detention centres (or out of detention centres) to identify persons with special reception needs.

²⁵⁰ Information based on weekly monitoring visits carried out by FWC in Menogia Detention Centre in 2016.

²⁵¹ Articles 18 and 25 Rights of Persons who are Arrested and Detained Law.

²⁵² Information based on weekly monitoring visits carried out by FWC in Menogia Detention Centre in 2016.

3. Access to detention facilities

Indicators: Access to Detention Facilities

1. Is access to detention centres allowed to

- | | | | |
|-------------------|---|---|-----------------------------|
| ❖ Lawyers: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Limited | <input type="checkbox"/> No |
| ❖ NGOs: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> Limited | <input type="checkbox"/> No |
| ❖ UNHCR: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> Limited | <input type="checkbox"/> No |
| ❖ Family members: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> Limited | <input type="checkbox"/> No |

Under the law, every detainee is allowed to have personal private interviews with a lawyer in a private space without the presence of any member of the police.²⁵³ This right can be exercised any day or time and the Head of the Detention Centre has an obligation to not prevent, obstruct, or limit access. In practice this is mostly adhered to, however there would probably be an issue if a lawyer attempted to visit past the hour detainees are restricted to their rooms. In the case of UNHCR or NGO visits, there are restrictions as they must give prior notice and will be given access during regular hours. Police officers are present during interviews with detainees although lawyers maintain client/lawyer privilege and can meet in private.

The media are restricted from accessing detention centres and must request permission which would most probably not be granted. As mainstream media show little interest in such issues, Future Worlds Centre does not have knowledge of any media attempts to enter detention facilities. Less mainstream media would definitely not be given access and any video footage that has surfaced was shot without permission. Politicians have access to detention centres but are also required to give prior notice.

Under the law every detainee has the right to daily visits with any person of their choice for the duration of one hour.²⁵⁴ These are held in the presence of police. When asked, no detainee reported a problem with the visiting procedure, apart from the fact that police presence during these meetings with relatives, friends, etc., is very evident. The same would apply to religious representatives although to date there have been no such visits.

NGOs and UNHCR monitor detention centres, specifically who is being detained, but in order to carry out monitoring visits and to be given access to areas besides those for visitors, approval is needed from the Head of Police or the Ministry of Justice and Public Order. In 2016, the Police carried out consultations with NGOs and have signed a Memorandum of Understanding in March 2017 in order to facilitate better collaboration and communication between all parties including access to places of detention and exchange of information.

In Menogia, detainees are permitted to have mobile phones and use them at any time. Detainees report that they must pay for credit for their mobile phone with their own money that is held for them in the centre. Money sources include what was in their possession at the time of arrest or from friends or family. This money is used for all their necessities. This creates a communication barrier for detainees who did not carry any money at the moment of their arrest or who have used all of their funds. Detainees report that in such cases they borrow money from other detainees or use another detainee's mobile. According to the management of the centre detainees can request to use the centre's landline however such a request must be submitted in writing and approved by the Director which usually takes 24 hours, and this includes calls to lawyers. Detainees did not seem to know about this option or report that it was easier to borrow another detainee's mobile. As the centre is in a remote area, it is not easy for lawyers to access it, therefore detainees use faxes to send documents or written communication to lawyers, NGOs or other organisations; this is facilitated by the management of the Centre and usually happens within 24 hours. There have also been reports by detainees that the documents are checked

²⁵³ Article 12 Rights of Persons who are Arrested and Detained Law.

²⁵⁴ Article 16 Rights of Persons who are Arrested and Detained Law.

by the detention staff before they are allowed to send them,²⁵⁵ however in most cases the documents are sent out.²⁵⁶

The situation in holding cells varies, in some there are stricter rules regarding the use of a mobile phone, however in others it is easier to access the landline and send faxes.

D. Procedural safeguards

1. Judicial review of the detention order

Indicators: Judicial Review of Detention

1. Is there an automatic review of the lawfulness of detention? ☐ Yes ☒ No
2. If yes, at what interval is the detention order reviewed?

The majority of asylum seekers in detention are provided with the administrative detention order, which mentions a summary of the articles of the law upon which the detention is based but does not include the facts and/or reasons for detention.²⁵⁷ It also includes a brief description of the right to challenge the order by recourse before the Administrative Court but not the right to submit a Habeas Corpus application to challenge the duration of detention. The administrative order is usually issued in English and rarely in Greek, and it is never provided in a language the applicant is known to understand.

In **Menogia**, detainees are given a list of lawyers and a general leaflet which is available in many languages informing them of their rights and obligations in detention but this does not include information on the right to legal challenges and the right to legal aid. Furthermore, from discussions with detainees it is evident that they do not have knowledge of the reasons for their detention or the legal challenges and legal options available.²⁵⁸ In spite of claims by the Civil Registry and Migration Department (CRMD) that detainees are always provided written information regarding the grounds of their detention and their rights to challenge the detention orders, and that every reasonable effort is made to ensure that detainees receive the information in a language they understand,²⁵⁹ little improvement has been made and the situation remains as reflected in older reports.²⁶⁰

According to national legislation, there are two legal remedies available to challenge detention for immigration purposes, and these can be used by asylum seekers in detention as they are usually detained for immigration purposes. The same legal remedies are also available if an asylum seeker is detained under the recently amended Refugee Law.²⁶¹

1.1. Recourse

Firstly, if the administrative order is issued based on the asylum seeker being declared a “prohibited immigrant” (see section on [Grounds for Detention](#)),²⁶² the order can be challenged by recourse under

²⁵⁵ KISA, *Detention conditions and juridical overview on detention and deportation mechanisms in Cyprus*, January 2014.

²⁵⁶ Information based on weekly monitoring visits carried out by FWC in Menogia Detention Centre in 2016.

²⁵⁷ Information based on weekly monitoring visits carried out in Menogia Detention Centre by FWC in 2016.

²⁵⁸ *Ibid.*

²⁵⁹ *Ibid.*

²⁶⁰ Ombudsman, *Report on the visits to Menogia on 14 February, 3 April, and 19 April 2013, 16 May 2013*; KISA, *Comments and Observations for the forthcoming 52nd session of the UN Committee against Torture*, April 2014, 10.

²⁶¹ Article 9ΣΤ(6)(a) Refugee Law.

²⁶² Article 14 Aliens and Immigration Law.

Article 146 of the Constitution before the Administrative Court. Although this is not provided for in the Aliens and Immigration Law, it is derived from the wording of Article 146 of the Constitution, as it is the case with all executive decisions issued by the administration. If the administrative order is issued based on the articles of the Aliens and Immigration Law that transpose the Returns Directive,²⁶³ or based on the Refugee Law,²⁶⁴ then again the order can be challenged under Article 146 of the Constitution before the Administrative Court and this instance is provided for specifically in the Law.²⁶⁵

The deadline to submit a recourse, regardless of the legal basis, is 75 days upon receiving notification of the decision.

There are no time limits within which the Administrative Court is obliged to examine a recourse, except when detention is ordered under the Refugee Law, in which case the Court is obliged to issue a decision within 4 weeks and in order to do so may instruct legal representatives to submit oral arguments instead of written arguments as the procedure usually requires.²⁶⁶ There have been no cases to date so as to review implementation.

For the cases where the law does not prescribe a time limit, priority is supposed to be given to cases of detention. However, in practice the time it takes to examine such cases is still lengthy and lasts average 8 months.²⁶⁷ The submission of recourse does not have suspensive effect, meaning the detainee can be returned to the country of origin within this time period. In the cases of asylum seekers, however, the deportation order is suspended for the duration of the examination of the asylum application and as of October 2016 this also includes the judicial examination of the asylum application. If the recourse is successful, the detention order will be annulled.

1.2. Habeas Corpus application

The second remedy, which is available before the Supreme Court, is a Habeas Corpus application provided for under Article 155(4) of the Constitution, which challenges the lawfulness of detention, but only on grounds relating to length of detention. This remedy is not mentioned in the Aliens and Immigration Law when detention is ordered as a “prohibited immigrant”, but is derived from the Constitution, whereas there are specific provisions in the provisions transposing the Returns Directive and the recently amended Refugee Law that refer to this remedy.²⁶⁸

While the maximum **Duration of Detention** of 18 months does not apply if detention is ordered based on the asylum seeker being declared a “prohibited immigrant”, a Habeas Corpus application can be submitted if it is possible to establish that the length of detention is excessive. Although, this is more difficult to substantiate, the Supreme Court delivered a ruling on 22 August 2016 in a recent Habeas Corpus application.²⁶⁹ The applicant, a failed asylum seeker, had been detained for a total of 4 years in this case. The Supreme Court held that non-collaboration on behalf of the applicant could not be used as a basis for his indefinite detention and that the Ministry of Interior erroneously considered that detention orders that do not fall within the scope of Article 18 ΠΣΤ of the Aliens and Immigration Law, transposing the Returns Directive, can entail indefinite detention without complying with the non-arbitrariness requirement of Article 5(1)(f) ECHR. Given that there was no reasonable prospect of removal of the applicant, as conceded by the Police to the Ministry of Interior, the applicant's prolonged detention was arbitrary and in violation of the ECHR and the Cypriot Constitution.

²⁶³ Article 180Γ Aliens and Immigration Law.

²⁶⁴ Article 9ΣΤ(2) Refugee Law.

²⁶⁵ Article 18ΠΣΤ(3) Aliens and Immigration Law and Article 9ΣΤ(6)(a) Refugee Law.

²⁶⁶ Article 9ΣΤ(6)(b)(i) Refugee Law.

²⁶⁷ ECtHR, *M.A. v. Cyprus*, Application No 41872/10, 23 July 2013, para 167.

²⁶⁸ Article 18ΠΣΤ(5) Aliens and Immigration Law; Article 9ΣΤ(7)(a)(i) Refugee Law.

²⁶⁹ Supreme Court, *Azar v Republic of Cyprus*, Case No 54/2016, 22 August 2016, EDAL summary available at: <http://bit.ly/2jmoP73>.

A Habeas Corpus application can be submitted at any time. When detention is ordered under the Refugee Law, a detained asylum seeker is entitled to submit more than one Habeas Corpus application if the detention is prolonged or when relevant circumstances arise or when new elements arise which may affect the legality of the duration of detention.²⁷⁰

There are no time limits within which the Supreme Court is obliged to examine the Habeas Corpus application, and the examination may take 1-3 months. By way of exception, for cases which fall under the Refugee Law, the Supreme Court is obliged to issue a decision within 3 weeks and may give necessary instructions to do speed up the process.²⁷¹ To date there have been no such cases to monitor if the 3-week time limit is adhered to.

The submission of a Habeas Corpus application does not have suspensive effect, meaning the detainee can be returned to the country of origin within this time period. However, for asylum seekers, the deportation order is suspended for the duration of the examination of the asylum application, which as of October 2016 includes the judicial examination of the asylum application. If a Habeas Corpus application is successful, the detainee should be immediately released.

There is a substantial number of cases where the Supreme Court has ordered the release of a detainee either on the lawfulness of the grounds of detention or length and the administration immediately issued new detention orders and re-arrested the person as they exited the Court. In July 2014, it was reported by KISA that an asylum seeker whose appeal at the Supreme Court had been pending since 2011, was detained for 8 months and eventually deported. UNHCR expressed concern regarding the potential violation of the principle of non-*refoulement* and called on the Government to thoroughly investigate this case and to ensure the protection and welfare of the family members of the deported person.²⁷²

Detention based on the Refugee Law or the Aliens and Immigration Law as a “prohibited immigrant” has no time limit or automatic review and can only be challenged judicially. Detention based on the Aliens and Immigration Law, under the articles that transpose the Returns Directive Law, has a maximum limit of 18 months and provides for periodic reviews of the lawfulness of detention or review of this upon request of the detainees but in practice, this does not take place. Even when the applicant or his or her legal representative requests a review, in most cases the administration does not even respond to the request. In the rare case a review is carried out, a proper review is not conducted and the initial justification is repeated, usually stating a lack of cooperation by the detainee for the issuance of travel documents, regardless if the detainee is an asylum seeker and without stating any reasoning or facts to support the claim of lack of cooperation.

In a ruling of 24 August 2016 concerning detention for the purpose of removal, the Supreme Court recalled that an order prolonging detention must be issued in writing and provide reasons for such prolongation, even if the maximum time limit of 18 months permitted by Article 18ΠΣΤ of the Aliens and Immigration Law has not yet been reached.²⁷³

The judicial review of detention is not considered effective due the lack of suspensive effect as well as the length of time to issue a decision. This was confirmed by the ECtHR in *M.A. v. Cyprus* where the

²⁷⁰ Article 9ΣΤ(7)(a)(ii) Refugee Law.

²⁷¹ Article 9ΣΤ(7)(b)(i) Refugee Law.

²⁷² UNHCR Cyprus, ‘UNHCR expresses concern over potential violation of the principle of *non-refoulement*’, Press Release, 18 July 2014, available in Greek at: <http://bit.ly/1HU2ltg>.

²⁷³ Supreme Court, *Nessim v. Republic of Cyprus*, Case No 66/2016, 24 August 2016, EDAL summary available at: <http://bit.ly/2ka8UwE>.

Court held that the applicant did not have an effective remedy with automatic suspensive effect to challenge his deportation.²⁷⁴ The applicant was not deported to Syria only because of an interim measure issued by the Court under Rule 39 of its Rules of Court to the Cypriot Government indicating that he should not be removed until further notice. The Court concluded that there was a lack of effective remedy to challenge lawfulness of detention, as the only recourse in domestic law that would have allowed the applicant to have had the lawfulness of his detention examined would have been one brought under Article 146 of the Constitution. The Court held that the average length of such proceedings, standing at 8 months, was undoubtedly too long for the purposes of Article 5(4) ECHR, and rejected the argument of the Government that it was possible for individuals to speed up their actions by reaching an agreement with the Government. The Court ruled Cyprus had violated Article 5(4) ECHR (relating to lawfulness of detention) and that domestic remedies must be “certain”, and speediness, as an indispensable aspect of Article 5(4) ECHR, should not depend on the parties reaching an agreement.

The above position was confirmed in July 2015 in the recent ECtHR cases concerning the detention and deportation of 17 Syrian Kurdish asylum seekers from Cyprus to Syria, *HS and Others v Cyprus* and *KF v Cyprus*,²⁷⁵ where the Court held Cyprus responsible for the inadequate mechanisms and ineffective remedies that are in place to challenge the lawfulness of detention, and which violate Article 5(1) ECHR. In the context of the duration of detention, the Court concluded that the lack of a ‘speedy’ procedure of judicial review of the lawfulness of the applicants’ detention, amounted to a violation of Article 5(4) of the Convention.

The UN Committee against Torture (CAT) has also expressed its concern concerning the lack of protection against *refoulement* during the judicial review process, and stated that Cyprus should abide by its commitment to provide for an effective judicial remedy before a court with automatic suspensive effect over deportation of asylum seekers and other undocumented migrants.²⁷⁶ The Council of Europe Commissioner for Human Rights, Nils Muižnieks, after a visit to Cyprus in December 2015, also raised concerns on the lack of an effective judicial remedy due to the lengthy procedures and the lack of automatic suspensive effect against deportations including of asylum seekers. In his report, he urged Cyprus to introduce in law and practice effective remedies concerning the detention of migrants, including asylum seekers, and their deportation.²⁷⁷

With the amendment of the Refugee Law in October 2016, an asylum seeker has the right to remain on the territory throughout the first instance judicial examination of the asylum application. Therefore detained asylum seekers are protected from deportation, and it has already been noted in practice that such cases are being released from detention. However, the remedies offered to challenge detention, [Recourse](#), remain lengthy and, combined with the ineffective access to legal aid, continue to render access to an effective remedy against detention problematic.

²⁷⁴ ECtHR, *M.A. v. Cyprus*, paras 169-170.

²⁷⁵ ECtHR, *H.S. and Others v. Cyprus*, Application No 41753/10, Judgment of 21 July 2015; *K.F. v. Cyprus*, Application No 41858/10, Judgment of 21 July 2015. For an analysis, see Mary Zalokosta, ‘Analysis of the Strasbourg case-law on Kurdish asylum seekers in Cyprus and the controversial practice of detention’, 28 August 2015, EDAL, available at: <http://bit.ly/1lxXR0Y>.

²⁷⁶ CAT, *Concluding Observations on the Fourth Report of Cyprus*, 21 May 2014.

²⁷⁷ CoE Commissioner for Human Rights, *Cyprus report*, 31 March 2016, para 1.1.3.

2. Legal assistance for review of detention

Indicators: Legal Assistance for Review of Detention

1. Does the law provide for access to free legal assistance for the review of detention?

❖ Detention under the Refugee Law	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ Detention for the purpose of removal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ Detention as “prohibited immigrant”	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

2. Do asylum seekers have effective access to free legal assistance in practice?

	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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According to the law, an application for legal aid can be submitted for the judicial review of detention (see [Recourse](#)) before the Administrative Court when detention is ordered under the provisions of the Aliens and Immigration Law transposing the Returns Directive,²⁷⁸ or under the Refugee Law.²⁷⁹ If detention is ordered based on the asylum seeker being declared a “prohibited immigrant”, then he or she is not eligible for legal aid. For [Habeas Corpus](#) applications before the Supreme Court, legal aid can be applied for only if detention has been ordered under the Refugee Law,²⁸⁰ but not when detention is ordered under the articles of the Aliens and Immigration Law transposing the Returns Directive²⁸¹ or when detained as a “prohibited immigrant”.²⁸² Legal aid is also not provided to challenge or request a review of detention before the authorities through administrative procedures e.g. request for review, challenge of purpose, length, and lawfulness.

All applications for legal aid are subject to a “means and merits” test, with the exception of applications for legal aid for Habeas Corpus applications when detention has been ordered under the Refugee Law, where only the ‘means’ are examined:

- ❖ **Means:** According to this, the detainee applying for legal aid must show that they do not have the means to pay for the services of a lawyer and this will be examined by a Welfare officer who will submit a report to the Court and in most cases for detainees, this leg of the test will be considered to be met.

- ❖ **Merits:** A detainee must submit reasons in the application that there is a possibility for the Court to issue a positive decision on the lawfulness of detention. Regarding the “merits” part of the test, which is extremely difficult to satisfy,²⁸³ in November 2016 the wording was changed from “the appeal is likely to be successful” to “the appeal has a real chance of success.”

Up until, January 2016, legal aid applications were examined by the Supreme Court which only examines points of law, this meant asylum seekers had to raise legal / procedural points without the assistance of a lawyer and convince the judge that there is a possibility the Court may rule in favour of the detainee if it later examines the lawfulness of detention. Additionally in this process the state lawyer representing the Republic acts as opponent and submits reasons why legal aid should not be provided, which leads to an extremely unequal process. Although the newly established Administrative Courts examine both points of law and fact, the applicant still has to raise points to establish that there is a real chance of success again with the state lawyer arguing the opposite. As a result there has been no sufficient change in the success rate of legal aid applications granted.

²⁷⁸ Article 6 Γ Legal Aid Law.

²⁷⁹ Article 9ΣΤ(2) Refugee Law.

²⁸⁰ Article 6B(7)(b) Legal Aid Law.

²⁸¹ Article 6 Γ Legal Aid Law.

²⁸² Article 6B and 6Γ Legal Aid Law.

²⁸³ According to a search carried out on the [Cylaw database](#), throughout 2016 only 2 applications for legal aid to challenge detention were submitted and none were accepted.

The main obstacle to accessing legal assistance in detention is the lack of resources on behalf of the detainee to contract the services of a lawyer and the aforementioned problematic procedure for accessing legal aid. Contacting a lawyer is not much of an issue and detainees do receive a list of lawyers and their telephone numbers as compiled by the Cyprus Bar Association and as required by law.²⁸⁴ However, they rarely use this. Meetings with lawyers in detention are confidential and held in a specialised room which has been designated as the lawyer's room. The clients are contacted mainly through their mobile phones.

Asylum seekers in detention reach NGOs providing legal assistance primarily through word of mouth, especially since the information available to asylum seekers is often not available or outdated (see section on [Information for Asylum Seekers and Access to UNHCR and NGOs](#)), or by NGOs carrying out monitoring visits to the detention centre.²⁸⁵ If an NGO visiting the detention centre cannot offer legal assistance, it often refers asylum seekers to NGOs that do offer such services. It has been noted that there is a general lack of use of interpreters during all procedures in the detention centre, which is problematic especially in relation to illiterate detainees. This makes communication for illiterate detainees nearly impossible and they are unable to make use of their rights relating to access to legal remedies, food, clothing and medical examinations. If an asylum seeker was represented prior to his or her detention, there may be a slightly better chance of challenging the detention. However, similar issues will arise, as an asylum seeker who was represented by a private lawyer prior to detention may not have funds to continue contracting the lawyer's services.

Besides the judicial review of detention, a legal representative can challenge the detention of an asylum seeker or request his or her release through administrative procedures that do not carry expenses. Such representation is offered for free to detained asylum seekers through the project "Strengthening Asylum" funded by UNHCR, implemented by FWC. Both projects are limited in their capacity to offer representation to all asylum seekers that may request it.

A FWC-run project entitled "Provision of Free Legal Advice to Asylum Seekers" and funded by the ERF,²⁸⁶ has not continued given that no legal assistance services are funded by AMIF.

Free legal assistance is available to asylum seekers in detention, as to all asylum seekers, by NGOs. However the capacity is limited or the services not consistent as they depend on project funding. Furthermore, judicial review requires court expenses of approximately €150, which often the NGO or the detainee are in a position to provide.

E. Differential treatment of specific nationalities in detention

There is no information that indicates specific nationalities being more susceptible to detention, systematically detained or staying longer in detention.²⁸⁷

²⁸⁴ Article 8(3)(b) Rights of Persons who are Arrested and Detained Law.

²⁸⁵ Information based on weekly monitoring visits carried out in Menogia Detention Centre by FWC in 2016.

²⁸⁶ The ERF funded a project implemented by FWC, providing free legal advice to asylum seekers. It started in February 2014 and ended in June 2014. It was granted again to FWC from January 2015 – June 2015.

²⁸⁷ Information based on weekly monitoring visits carried out in Menogia Detention Centre by FWC in 2016.

Content of International Protection

A. Status and residence

1. Residence permit

Indicators: Residence Permit

1. What is the duration of residence permits granted to beneficiaries of protection?
 - ❖ Refugee status 3 years
 - ❖ Subsidiary protection 1 year, renewable for 2 years

According to the Refugee Law,²⁸⁸ recognised **refugees** are granted, the soonest possible, a residence permit valid for 3 years. The permit is renewable for 3-year periods only, and there is no possibility for this permit to be issued for longer periods. The law also allows for the residence permit to family members of beneficiaries of refugee status that do not qualify individually as refugees, to be valid for less than 3 years also renewable, however in practice this limitation is rarely applied.

In the case of beneficiaries of **subsidiary protection status** and their family members, the law states that a renewable residence permit valid for 1 year is issued the soonest possible,²⁸⁹ after international protection has been granted. This permit is renewable for 2-year periods for the duration of the status. Again there is no possibility for such permits to be renewed for longer periods.

According to the Refugee Law residence permits for both refugees and subsidiary protection beneficiaries provide the right to remain only in the areas under the control of the Republic of Cyprus (RoC), therefore excluding beneficiaries from the right to remain or even visit areas in the north of the island that are not under the control of the RoC.²⁹⁰

In practice, delays are systematically encountered in the issuance and renewal of residence permits for both refugees and beneficiaries of subsidiary protection that lead to obstacles in accessing rights. Specifically, a person, once granted international protection or in the case of renewal, will approach the responsible authority in order to apply for a residence permit and will be given an appointment to submit the application. The appointment is given within 2 weeks up to 2 months and during this time beneficiaries of international protection do not have access to all rights afforded by the law, such as access to state benefits and access to the labour office. Nevertheless, other rights are accessible during this time, including basic [Education](#) for children, [Health Care](#), as well as [Access to the Labour Market](#), as the decision granting the status will suffice as proof that the person has a right to work under the same conditions as nationals.

From the submission of the application for the residence permit, another 2-3 months will often elapse until the permit is issued. However, during this period, and as a result of advocacy interventions from NGOs and UNHCR, the receipt that is given when the application for the permit is submitted is accepted to access all rights. The only remaining issue during this period is the refusal of commercial banks to open bank accounts until the actual permit is issued, which in turn may affect access to state benefits as a bank account is required in order to submit the application for benefits.

²⁸⁸ Article 18A Refugee Law.

²⁸⁹ Article 19(4) Refugee Law.

²⁹⁰ Articles 18A and 19(4) Refugee Law.

2. Long-term residence

Indicators: Long-Term Residence

1. Number of long-term residence permits issued to beneficiaries in 2016: Not available

The criteria for applying for long-term resident status for all eligible persons, including persons under refugee status and subsidiary protection, are the following:²⁹¹

1. Five years residence in the government-controlled areas.
2. Stable and regular resources sufficient to live without recourse to the social assistance system of Cyprus. In assessing the resources the following factors shall be taken into account:
 - a. the remuneration resulting by a wage-earning full time employment;
 - b. the remuneration resulting by other stable and lawful sources;
 - c. the cost of living, including the rent that applies in the current market;
 - d. the contact of employment of at least 18 month duration or of an indefinite duration;
 - e. the availability of shelter for themselves and their dependent family members, which is considered adequate for a corresponding family residing in the same area and meets the general standards of safety and health and generally ensures a dignified living;
 - f. in case of intention to become self-employed, the financial sustainability of the business or activity, including skills and experience in the related field.
3. Adequate knowledge of the Greek language (at level A2, as prescribed in the Common European Framework of Reference for the Languages of the Council of Europe), and of basic data and information about the contemporary political and social reality of Cyprus. In exceptional cases these requirements may be waived.²⁹²
4. Adequate health insurance covering the risks that are usually covered in insurance contracts involving Cypriot citizens.²⁹³
5. The person must not to constitute a threat to the public security or public order.
6. Residence in the areas controlled by the Republic has been secured not as a result of fraud or misrepresentations

Procedure

The application must be supported by the following official documents which prove that the preconditions for the acquisition of the long-term residency status are met. In particular:

1. A valid passport or other travel document which is in force for at least two years and certified copies of the aforementioned that include the pages of arrivals to and departures from the Government controlled areas of the Republic;
2. A valid resident permit with an address in the areas controlled by the Republic;
3. An employment contract;
4. Certificates of academic and professional qualifications, including professional licenses;
5. Tax statements of the previous five years and a certificate of settlement of any pending tax obligation;

²⁹¹ Article 18Θ Aliens and Immigration Law.

²⁹² Article 18Θ(2) Aliens and Immigration Law.

²⁹³ A valid medical card issued by the Health Ministry can be considered as adequate health insurance.

6. A statement of social insurance contributions made at the Social Insurance Fund for the last five years where the payment of the social insurance is mandatory;
7. VAT statements of the last five years and a certificate of settlement of pending tax obligations, where the applicant in accordance with the provisions of the Value Added Tax Law, is subject to this tax;
8. Statement of bank deposits;
9. Proof of income derived from sources other than employment;
10. Property Titles or a lease with a description of the shelter and utility bills;
11. Health insurance contract;
12. Certificate of a criminal record;
13. Language certificate issued by the Education Ministry further to an oral examination meeting the level of language requirement or an equivalent certificate recognized by the Education Ministry. Participation in the test is permitted by application to the Service Examinations of the Ministry of Education and Culture and a fee of €25.

The application is submitted to the Civil Registry and Migration Department (CRMD) that transfers it to the Migration Control Committee, which is the authority that examines and issues decisions on the applications.

Due to the low number of applications submitted for the status, it is not clear how long the examination takes or on what basis applications are accepted or rejected. From the limited information available, it seems that the criteria have proven extremely difficult to satisfy by any third-country national, including beneficiaries of international protection, with the exception of third-country nationals that are financially well off. Specifically, the most common obstacles reported are the requirements related to proving stable and regular resources, including the contact of employment of at least 18 month duration or of an indefinite duration; the mandatory requirement to show contributions to the Social Insurance Fund for the last five years; tax statements of the previous five years; the language certificate, as in practice no other certificate seems to be accepted and, although the required level A2 is supposed to be basic, two persons who took the examination failed it even though they have passed higher level of language examination from other acknowledged language institutions.

Due to these obstacles the status has not attracted many applications and overall beneficiaries of international protection do not consider it an option and do not bother to apply. Furthermore, the recent positive progress in granting nationality (see [Naturalisation](#)) has deterred even more beneficiaries of international protection of applying for long-term resident status.

There is no official information available on the number of beneficiaries of international protection receiving the Long-Term Residence status. However, since it was introduced in 2007 there is indication that only one refugee has received it.

3. Naturalisation

Indicators: Naturalisation

- | | |
|---|-----------|
| 1. What is the waiting period for obtaining citizenship? | 5 years |
| 2. Number of citizenship grants to beneficiaries in 2016: | cc. 20-30 |

The requirements for applying for naturalisation under the Civil Registry Law are as follows:²⁹⁴

²⁹⁴ Table III (Article 111) Civil Registry Law, available at: <http://bit.ly/2IN0nAD>.

1. Five or seven consecutive years of residence, and uninterrupted stay in Cyprus during the last twelve months (e.g. holiday). The required residence period depends on the status of residency and beneficiaries of international protection fall under the category that requires five years.
2. Three guarantors who are of all Cypriot nationality;
3. Clear criminal record.

In practice, the application is submitted to the Civil Registry and Migration Department (CRMD) with a submission fee of €500. Until 2016, applications took on average 6-7 years to be examined and nearly no beneficiaries of international protection were granted citizenship. However, in 2015 and 2016 a sufficient improvement was noted and measures were taken to examine the backlog,²⁹⁵ with the intention of speeding up the process. Furthermore, there has been a sufficient rise in the number of beneficiaries of international protection receiving citizenship with an estimated 50 persons receiving in 2015 and 20-30 persons in 2016.

4. Cessation and review of protection status

Indicators: Cessation

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the cessation procedure? ☒ Yes ☐ No
2. Does the law provide for an appeal against the first instance decision in the cessation procedure? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☐ Yes ☒ With difficulty ☐ No

According to the Refugee Law,²⁹⁶ **refugee status** ceases to exist if the refugee:

- Has voluntarily re-availed himself or herself of the protection of the country of nationality;
- Having lost his or her nationality, has voluntarily re-acquired it;
- Has acquired a new nationality, and enjoys the protection of the country that provided him or her with the new nationality;
- Has voluntarily re-established himself or herself in the country which he or she left or outside which he or she remained owing to fear of persecution; or
- Can no longer continue to refuse the protection of the country of nationality or habitual residence because, the circumstances that led to recognition as a refugee have ceased to exist.

The Asylum Service shall examine whether the change of circumstances is of such a significant and non-temporary nature that the refugee's fear of persecution can no longer be regarded as well-founded. However, cessation shall not apply to a refugee who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself or herself of the protection of the country of nationality or former habitual residence.²⁹⁷

In the case of beneficiaries of **subsidiary protection**, the Refugee Law provides that they shall cease to be eligible for subsidiary protection when the circumstances which led to the granting of subsidiary protection status have ceased to exist or have changed to such a degree that protection is no longer required.²⁹⁸ As with refugee status, the Head of Asylum Service shall examine whether the change in circumstances is of such a significant and non-temporary nature that the person eligible for subsidiary

²⁹⁵ The backlog is estimated to be between 5,000 and 6,000 applications.

²⁹⁶ Article 6 Refugee Law.

²⁹⁷ Article 6(1A-bis) Refugee Law.

²⁹⁸ Article 19(3) Refugee Law.

protection no longer faces a real risk of serious harm. However, cessation shall not apply to a beneficiary of subsidiary protection status who is able to invoke compelling reasons arising out of previous serious harm for refusing to avail himself or herself of the protection of the country of nationality or former habitual residence.

The same procedure is followed to examine cessation of refugee status and subsidiary protection. Firstly, the examination for cessation of either status may commence provided that new elements or findings arise indicating that there are reasons to review the status.²⁹⁹ When the Head of the Asylum Service examines the possibility of ceasing the status he or she must ensure that the person concerned is informed in writing that the Asylum Service is reconsidering whether the person in question satisfies the conditions required for the status. The person concerned must be given the opportunity to submit, in a personal interview in accordance with the [Regular Procedure](#),³⁰⁰ or in a written statement, reasons as to why international protection should not be withdrawn.³⁰¹

Within the cessation procedure, according to the law, the Head of the Asylum Service shall obtain precise and up-to-date information from various sources, such as, where appropriate, EASO and UNHCR, as to the general situation prevailing in the countries of origin of the person concerned.³⁰² Furthermore, where information on an individual case is collected for the purposes of reconsidering international protection, it is not obtained from the actor(s) of persecution or serious harm in a manner that would result in such actor(s) being directly informed of the fact that the person concerned is a beneficiary of international protection whose status is under reconsideration, or jeopardise the physical integrity of the person or his or her dependants, or the liberty and security of his or her family members still living in the country of origin.

If the Head of the Asylum Service after examining the case in accordance with the [Regular Procedure](#),³⁰³ considers that one of the cessation grounds is substantiated, a decision is issued in writing and the person concerned notified.³⁰⁴ The decision must include the facts and legal grounds on which it is based and information on the right to appeal the decision before the Administrative Court as well as the nature and form of the remedy and the deadline to submit the appeal.³⁰⁵

With cessation, any residence permit granted to the person as a refugee or beneficiary of subsidiary protection is cancelled and that person must surrender the identity card and travel documents.³⁰⁶

The procedure for appeals within the procedure for cessation is identical to that in the regular procedure (see [Regular Procedure: Appeal](#)). As in the regular procedure, the person concerned may submit an appeal before the Refugee Reviewing Authority (RRA) within 20 days upon receiving knowledge of the decision or may bypass this and submit a request for judicial review before the Administrative Court,³⁰⁷ within 75 days upon receiving knowledge of the decision. If the person opts for the RRA and is rejected, he or she may then request judicial review before the Administrative Court within 75 days upon receiving knowledge of the decision issued by the RRA. During all forms of appeals the person concerned has a right to remain.

As in the regular procedure, there is no access to free legal assistance from the state before the Asylum Service and Refugee Reviewing Authority during the cessation procedure. However, such cases can be assisted by the free legal assistance provided for by NGOs under project funding, but the capacity of

²⁹⁹ Article 6(1B) Refugee Law.

³⁰⁰ Articles 13A and 18(1), (2), (2A), (2B) Refugee Law.

³⁰¹ Article 6(1Γ)(a)-(b) Refugee Law.

³⁰² Article 6(1Δ) Refugee Law.

³⁰³ Article 13 Refugee Law.

³⁰⁴ Article 6(2) Refugee Law.

³⁰⁵ Article 6(2) Refugee Law.

³⁰⁶ Article 6(3) Refugee Law.

³⁰⁷ Article 31Γ Refugee Law.

these projects is extremely limited (see [Regular Procedure: Legal Assistance](#)). Legal aid is offered by the state only at the judicial examination of the cessation decision before the Administrative Court.³⁰⁸ The application for legal aid is subject to a “means and merits” test and is extremely difficult to be awarded (see [Regular Procedure: Legal Assistance](#)). As there are very few cessation decisions, there are no statistics or information available on the success rate of appeals or legal aid applications.

There is no systematic review of protection status in Cyprus and currently cessation is not applied to specific groups of beneficiaries of international protection. In 2011-2012 cessations were applied to Iraqis, including stateless Palestinians formerly residing in Iraq and Palestinians from the West Bank although many beneficiaries had been in the country for periods reaching up to 9 years. Many of the cessation decisions were challenged successfully upon appeal.

5. Withdrawal of protection status

Indicators: Withdrawal

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the withdrawal procedure? ☒ Yes ☐ No
2. Does the law provide for an appeal against the withdrawal decision? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice?
☐ Yes ☒ With difficulty ☐ No

According to the Refugee Law, the Head of the Asylum Service withdraws **refugee status** if it is found that:³⁰⁹

- The misrepresentation or omission of facts, including the use of false documents, on behalf of the person, was decisive for the granting of refugee status;
- The person should have been or is excluded from being a refugee in accordance with the exclusion clause under Article 5 of the Refugee Law;
- There are reasonable grounds for regarding the person as a danger to the security of the Republic; or
- The person concerned constitutes a danger to the Cypriot community, having been convicted by a final judgment of a particularly serious crime.

Regarding beneficiaries of **subsidiary protection**, the status is withdrawn if the Head of the Asylum Service finds in retrospect, based on events that are revealed, after the status has been granted, that the misrepresentation or omission of facts, including the use of false documents, on behalf of the person, was decisive for the granting of subsidiary protection status.³¹⁰

The same procedure as that for [Cessation](#) is followed.

No available data on the number of withdrawals of international protection in 2016. There are no statistics or information available on the success rate of appeals or legal aid applications against withdrawal decisions.

³⁰⁸ Article 6B(3) Legal Aid Law.

³⁰⁹ Article 6A Refugee Law.

³¹⁰ Article 19(3A) Refugee Law.

B. Family reunification

1. Criteria and conditions

Indicators: Family Reunification

1. Is there a waiting period before a beneficiary can apply for family reunification?
☐ Yes ☒ No
❖ If yes, what is the waiting period?
2. Does the law set a maximum time limit for submitting a family reunification application?
☐ Yes ☒ No
❖ If yes, what is the time limit?
3. Does the law set a minimum income requirement?
☐ Yes ☒ No

The Refugee Law provides the right to family reunification only to **refugees**.³¹¹ As of 2014, the right to family reunification for beneficiaries of **subsidiary protection** was removed from the law and only in extremely rare and exceptional cases has such a request been granted on humanitarian grounds.³¹²

There is no waiting period for refugees to apply for family reunification and, according to the law, an application must be submitted to the Civil Registry and Migration Department (CRMD), in a form with and submission of fee as decided by the Director of the CRMD.³¹³ If the request is submitted within 3 months from the grant of refugee status, there are no requirements besides proving the family relations. In practice, there is no set form or fee and the CRMD requests that the refugee submit the request in a letter prepared by the refugee or representative.

The law provides that the request is accompanied by documentary evidence of the family relationship and accurate copies of the travel documents of the members of the family and if necessary, to prove the existence of the family relationship, the CRMD may conduct personal interviews with the refugee and/or family members and conduct any other investigation deemed necessary. Where a refugee cannot provide official documentary evidence of the family relationship, the CRMD examines other evidence of the existence of such relationship, which it assesses under Cypriot law. A decision refusing a request cannot be based solely on the absence of such documents.

The request for family reunification is submitted and examined only when the family members of a refugee are living outside the territory of the Republic. As soon as possible and in any event no later than 9 months from the date of the request, the Director of the CRMD shall decide on the request and notifies in writing the refugee who made the request as well as the Asylum Service. In exceptional circumstances linked to the complexity of the examination of the request, this period may be extended by written decision of the Director. The decision to reject the request must include the reasons for this. In the aforementioned procedure the best interests of the child must be taken into consideration.³¹⁴

In practice, and up to mid-2016, the evidence required to prove family relations was in fact the information provided during the examination of the asylum application (e.g. asylum application, interview, supporting documents) and it was sufficient to provide copies of documents of family/civil record, marriage certificates, birth certificates and travel documents (where they exist) of the family members. In late 2016, the CRMD started requesting original documents instead of copies and also requested that the submitted documents be officially translated in Greek or English by the Public

³¹¹ Article 25(5)-(19) Refugee Law.

³¹² IOM, 'IOM Helps Syrian Girl Reunite with Family in Cyprus', 23 February 2016, available at: <http://bit.ly/2IHbEQ8>.

³¹³ Article 25(6) Refugee Law.

³¹⁴ Article 25(7)-(11) Refugee Law.

Information Office of Cyprus, and duly certified (apostilled or verified by the relevant foreign authorities and the consular authorities of the Republic of Cyprus).

Where family reunification is possible in a third country with which the refugee and family member(s) have a special connection or when the request for family reunification is submitted later than 3 months after the refugee was granted refugee status, the Director of the CRMD may also require the following evidence to be submitted:

- (1) accommodation that is regarded as normal for a comparable family in the same region and which meets the general health and safety standards in force in Cypriot law;
- (2) health insurance for the refugee and members of his family which covers all risks normally covered for nationals; and
- (3) stable and regular resources which are sufficient to maintain the refugee and family members without recourse to the social assistance system of the Republic. The Director evaluates the listed resources as to their nature and regularity, and may take into account the level of minimum wages and pensions in the Republic, as well as the number of family members.³¹⁵ The Director may reject a family reunification request concerning a member of a refugee's family, for reasons of public policy, public security or public health.³¹⁶

Once the Director approves a family reunification request, he or she immediately authorises entry for members of the refugee family into the areas under the control of the Republic and notifies the relevant consular authorities of the Republic so they may facilitate any necessary visas.³¹⁷

There is no official information on the number of family reunification requests submitted or approved but it is estimated that the number is substantially low due to the low numbers of persons granted refugee status, as the vast majority of refugees from Syria (96% receive subsidiary protection and therefore do not have access to this right). Due to this, there are not many cases to monitor how the procedures are implemented especially for applications that have been submitted 3 months after refugee status is granted where the requirements for accommodations, health insurance and regular resources would apply.

2. Status and rights of family members

Although the Law does allow family members to be granted lesser rights than the sponsor,³¹⁸ in practice this is rarely if ever applied, which may be due to the extremely low number of family reunification requests. In practice family members are issued the same residence permit as the sponsor, which states them to be refugees and they enjoy the same rights.

C. Movement and mobility

1. Freedom of movement

According to the Refugee Law, residence permits for both refugees and subsidiary protection beneficiaries provide the right to remain only in the areas under the control of the Republic of Cyprus, therefore excluding beneficiaries from the right to remain or even visit areas in the north of the island that are not under the control of the RoC,³¹⁹ even though other third-country nationals who are legally in

³¹⁵ Article 25(12) Refugee Law.

³¹⁶ Article 25(13) Refugee Law.

³¹⁷ Article 25(14)(a) Refugee Law.

³¹⁸ Article 25(14) Refugee Law.

³¹⁹ Article 18A and 19(4) Refugee Law.

Cyprus either as visitors or under some form of residence, employment or student permit do have the right to visit the areas in the north.

The law also permits dispersal schemes,³²⁰ but these have never been implemented.

2. Travel documents

Convention Travel Documents are issued to persons granted **refugee status** with a 3-year validity.³²¹ The only limitation to the areas of travel is the country of origin of the refugee. In the current form, the Convention Travel Documents issued do not meet the requirements of the International Civil Aviation Organisation and, although to date this has not been an obstacle for refugees to travel to the Schengen Area, which is the most common destination, there are often complaints of being stopped by various airport immigration authorities at times for hours due to the travel document.

Beneficiaries of **subsidiary protection** are issued with one-page travel documents valid for a one-journey trip (*laissez passer*), which are very problematic as the vast majority of countries do not accept these, including the Schengen Area.

The authorities have stated since early 2016 that they are carrying out procurement procedures in order to issue Convention Travel Documents as well as Alien travel documents for beneficiaries of **subsidiary protection** in line with the requirements of the International Civil Aviation Organisation. The latest update is that efforts are still underway to issue these.

D. Housing

Indicators: Housing

- | | |
|--|---------------|
| 1. For how long are beneficiaries entitled to stay in reception centres? | Not regulated |
| 2. Number of beneficiaries staying in reception centres as of 31 December 2016 | Not available |

There is no set time frame regarding beneficiaries' right to stay in the Reception Centre, however persons are informed and urged by the Asylum Service in order to expedite their transition to the community. As the vast majority of people will not be able to secure employment immediately after receiving international protection, and in the absence of any special provisions facilitating their transition into the community e.g. one-off stipend for securing housing, covering family expenses etc., almost all persons will need to apply for financial aid through the national Guaranteed Minimum Income (GMI) scheme.

Following a roundtable consultation between the Ministry of Interior, the Ministry of Labour, UNHCR and FWC, under the auspices of the Ombudsman's office in 2015, it was decided that applications for GMI by beneficiaries who are still residing in the Reception Centre will be prioritised.

Although efforts have been made, in practice, several months elapse before people are able to move out of the Reception Centre. This is partly due to the fact that the GMI scheme does not provide amounts for housing, unless a specific property has already been rented. Therefore beneficiaries will need to use the monthly allowances granted for the coverage of their personal needs in order to accumulate the amounts required for paying a deposit and rent from home owners. It should also be noted that deposits are not covered through the GMI scheme.

³²⁰ Article 21(1Γ) Refugee Law.

³²¹ Article 22 Refugee Law.

There have been no cases of people being evicted out of the Reception Centre before being able to secure housing.

There are no schemes in effect providing housing to beneficiaries of international protection. Persons will need to secure private accommodation on their own. This is often a difficult task, due to language barriers and financial constraints related to high levels of unemployment, high rent prices and height of assorted allowances.

E. Employment and education

1. Access to the labour market

Beneficiaries of international protection are granted full access to the labour market under the same conditions that apply for nationals, immediately upon receiving international protection.³²² Recognised refugees and subsidiary protection holders have access to the labour market under the same conditions.

Beneficiaries have the right to register at the Public Employment Service offices for purposes of seeking employment. They also have the right to participate in vocational trainings offered by the competent state institutions. In practice, access to such vocational training is very limited due to insufficient language use, since courses are taught predominately in Greek, and lack of information and guidance.

There is no official data available regarding the exact levels of unemployment rate among international protection beneficiaries. However, they are estimated to be high.

In addition, employers are not adequately familiarised with beneficiaries' rights of full access to labour market, which places an additional obstacle to finding a job.

According to the Refugee Law, full access of beneficiaries who are unable to present documentary evidence of their titles, to appropriate programmes concerning the evaluation, ratification and certification of their previous education, needs to be facilitated by the State authorities.³²³ In practice, accreditation of academic qualifications is possible through the same procedures available to nationals, therefore limitations apply, as persons who are not in a position to submit all required documentation cannot participate. The recast Qualification Directive provision foreseeing special measures concerning beneficiaries' inability to meet the costs related to the recognition procedures has not been included in national legislation.

Access to professional experience certification and recognition procedures is also available for beneficiaries,³²⁴ however under the same conditions applying to nationals. Therefore, due to lack of information and the fact that the vast majority of those procedures are held in Greek, participation of beneficiaries is extremely limited.

³²² Article 21A Refugee Law.

³²³ Article 21(1A) Refugee Law.

³²⁴ Article 21(1)(b)(iF) Refugee Law.

2. Access to education

International protection beneficiaries access the general education system and further training or re-training under the same conditions applying to nationals.³²⁵ Minor beneficiaries are granted full access to all levels of the education system.

Beneficiaries completing secondary education have the right to participate to nationwide entry exams in order to secure placement at state universities, under the same conditions applying to nationals.

An important limitation is that beneficiaries are not eligible for the student sponsorship scheme provided by the State to nationals and EU citizens who secure placement in an accredited tertiary education institution. This is particularly relevant to beneficiaries who due to language barriers or inability to secure a position through the state exams, are studying in private universities and are being subjected to the (higher) fees applying to non-EU students.

F. Health care

Beneficiaries of international protection are granted access to the health system under the same provisions applying to nationals.³²⁶ Under those provisions, 3 years of social insurance contributions are required in order to secure a hospital card and be able to access public health institutions with the lowest possible fees. Exceptions apply for some population categories, such as unemployed persons, patients of chronic illnesses and pregnant women who are granted the hospital card even without three years of contributions.

The beneficiaries who do not fall in the above categories and have not completed 3 years of social insurance contributions can access public health facilities with significantly higher fees, a fact which hinders effective access to public health care.

The foreseen fees require visitors of state health facilities who hold a hospital card to pay €3-6 in order to visit a doctor and an additional €0.50 for each medicine/test prescribed, with a maximum charge of €10. Emergency care remains free for holders of medical cards, otherwise it costs €10.

³²⁵ Article 21(1)(b)(i) and (iB) Refugee Law.

³²⁶ Article 21(1)(b)(vii) Refugee Law.

ANNEX – Transposition of the CEAS in national legislation

Directives and other CEAS measures transposed into national legislation

Directive	Deadline for transposition	Date of transposition	Official title of corresponding act	Web Link
Directive 2011/95/EU Recast Qualification Directive	21 December 2013	15 April 2014	The Refugees (Amendment) Law of 2014 N. 58(I)/2014 The Refugees (Amendment) (No 2) Law of 2014 N. 59(I)/2014	http://bit.ly/1HwnhwB (GR) http://bit.ly/1LhRNPC (GR)
Directive 2013/32/EU Recast Asylum Procedures Directive	20 July 2015 Article 31(3)-(5) to be transposed by 20 July 2018	14 October 2016	The Refugees (Amendment) Law of 2016 N. 105(I)/2016 The Refugees (Amendment) (No 2) Law of 2016 N. 106(I)/2016	http://bit.ly/2kbxgGD (GR) http://bit.ly/2jmEGCt (GR)
Directive 2013/33/EU Recast Reception Conditions Directive	20 July 2015	14 October 2016	The Refugees (Amendment) Law of 2016 N. 105(I)/2016	http://bit.ly/2kbxgGD (GR)
Regulation (EU) No 604/2013 Dublin III Regulation	Directly applicable 20 July 2013	14 October 2016	The Refugees (Amendment) Law of 2016 N. 105(I)/2016	http://bit.ly/2kbxgGD (GR)