

# Country Report: Cyprus



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Update

## Acknowledgements & Methodology

This report was written by Corina Drousiotou, Coordinator and Senior Legal Advisor and Manos Mathioudakis, Senior Social Advisor, of the Cyprus Refugee Council. The report was edited by ECRE.

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 bi-weekly visits to Menogia Detention Centre; information on the Kofinou Reception Centre from monitoring visits and information on the First Registration Reception Centre in Kokkinotrimithia from the vulnerability assessments carried out by CYRC.

The information in this report is up-to-date as of 31 December 2019, unless otherwise stated.

## 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 23 countries. This includes 19 EU Member States (AT, BE, BG, CY, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, SI) and 4 non-EU countries (Serbia, Switzerland, Turkey, and the UK) which is accessible to researchers, advocates, legal practitioners and the general public through the dedicated website [www.asylumineurope.org](http://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 by the Network of European Foundations, and the European Union's Asylum, Migration and Integration Fund (AMIF). The contents of this report are the sole responsibility of ECRE and can in no way be taken to reflect the views of EPIM or the European Commission.



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## Glossary & List of Abbreviations

<b>Recourse</b>	Judicial review of administrative acts before the Administrative Court and the International Protection Administrative Court
<b>ARC</b>	Alien's Registration Certificate
<b>CAP</b>	Community Assessment and Placement Model
<b>CAT</b>	United Nations Committee against Torture
<b>CoE</b>	Council of Europe
<b>COI</b>	Country of Origin Information
<b>CPT</b>	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
<b>CRMD</b>	Civil Registry and Migration Department   Τμήμα Αρχείου Πληθυσμού και Μετανάστευσης
<b>CyRC</b>	Cyprus Refugee Council
<b>EASO</b>	European Asylum Support Office
<b>ECHR</b>	European Convention on Human Rights
<b>ECtHR</b>	European Court of Human Rights
<b>EDAL</b>	European Database of Asylum Law
<b>EMN</b>	European Migration Network
<b>EPIM</b>	European Programme on Integration and Migration
<b>FGM</b>	Female Genital Mutilation
<b>FWC</b>	Future Worlds Center
<b>IDC</b>	International Detention Coalition
<b>IPAC</b>	International Protection Administrative Court   Διοικητικό Δικαστήριο Διεθνούς Προστασίας
<b>IRCT</b>	International Rehabilitation Council for Torture Victims
<b>KISA</b>	Action for Equality, Support and Antiracism
<b>RoC</b>	Republic of Cyprus
<b>RRA</b>	Refugee Reviewing Authority   Αναθεωρητική Αρχή Προσφύγων
<b>UNCAT</b>	United Nations Committee against Torture
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNVFVT</b>	United Nations Voluntary Fund for the Victims of Torture
<b>URVT</b>	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.

### Applications and granting of protection status at first instance: 2019

	First time applicants in 2019	Pending at end 2019	Refugee status	Subsidiary protection	Rejection	Refugee rate	Subs. Prot. rate	Rejection rate
<b>Total</b>	13,259	17,171	147	1,149	2,053	4.39%	34.31%	61.3%

Breakdown by countries of origin of the total numbers

Syria	2,602	:	38	1,074	3	3.41%	96.32%	0.27%
Georgia	1,594	:	0	0	319	0%	0%	100%
India	1,508	:	0	0	419	0%	0%	100%
Bangladesh	1,270	:	1	0	327	0.30%	0%	99.70%
Pakistan	1,187	:	0	0	241	0%	0%	100%
Cameroon	1,181	:	8	0	15	34.78%	0%	65.22%
Vietnam	529	:	0	0	170	0%	0%	100%
Egypt	500	:	5	0	169	2.87%	0%	97.13%
Nigeria	386	:	2	0	18	10%	0%	90%
Sri Lanka	385	:	0	0	84	0%	0%	100%

Source: Asylum Service

At the end of 2019, it is estimated that the cases pending before the Refugee Reviewing Authority (RRA) are just over 1,300. The RRA is expected to issue all pending decisions by the end of 2020 when it will cease operations.<sup>1</sup>

<sup>1</sup> Information provided by the Cyprus Refugee Council.

**Gender/age breakdown of the total number of applicants: 2019 (not available)**

	Number	Percentage
<b>Total number of applicants</b>	:	:
Men	:	:
Women	:	:
Children	:	:
Unaccompanied children	535	:

**Comparison between first instance and appeal decision rates: 2019**

Statistics provided by the Refugee Reviewing Authority (RRA) refer to 863 decisions taken in 2018 and just over 900 decisions in 2019. A breakdown per type of decision is unavailable.

Out of 2,929 decisions taken by the Supreme Court in 2004-2016 and before the Administrative Court in 2016-2018, 44 (1.5%) were positive and 2,885 (98.5%) were negative.<sup>2</sup>

No statistics have been released in respect of recourse before the International Protection Administrative Court (IPAC), which took over all asylum cases in June 2019, including pending cases before the Administrative Court.

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<sup>2</sup> The available data covers the entire period 2004-2018.



## Overview of the legal framework

### Main legislative acts relevant to asylum procedures, reception conditions, detention and content of protection

Title in English	Original Title (GR)	Abbreviation	Web Link
Refugee Law 2000 (6(I)/2000)	Ο περί Προσφύγων Νόμος του 2000 (6(I)/2000)	Refugee Law	<a href="http://bit.ly/1O3Odb4">http://bit.ly/1O3Odb4</a> (GR)
Aliens and Immigration Law (Cap.105)	Ο περί Αλλοδαπών και Μεταναστεύσεως Νόμος (ΚΕΦ.105)	Aliens and Immigration Law	<a href="http://bit.ly/1IXTPnM">http://bit.ly/1IXTPnM</a> (GR)
Rights of Persons who are Arrested and Detained Law 2005 (163(I)/2005)	Ο περί των Δικαιωμάτων Προσώπων που Συλλαμβάνονται και Τελούν υπό Κράτηση Νόμος του 2005 (163(I)/2005)		<a href="http://bit.ly/1IXTWQj">http://bit.ly/1IXTWQj</a> (GR)
Legal Aid Law 2002 (165(I)/2002)	Ο Περί Νομικής Αρωγής Νόμος του 2002 (165(I)/2002)	Legal Aid Law	<a href="http://bit.ly/1CEeWu6">http://bit.ly/1CEeWu6</a> (GR)
Advocates Law (Cap.2)	Ο περί Δικηγόρων Νόμος (ΚΕΦ.2)		<a href="http://bit.ly/1K4yryl">http://bit.ly/1K4yryl</a> (GR)
General Administrative Law Principles Law 1999 (158(I)/1999)	Ο περί των Γενικών Αρχών του Διοικητικού Δικαίου Νόμος του 1999 (158(I)/1999)		<a href="http://bit.ly/1Gjthap">http://bit.ly/1Gjthap</a> (GR)
Law on the establishment and operation of the Administrative Court 2015 (131(I)/2015)	Ο περί της Ίδρυσης και Λειτουργίας Διοικητικού Δικαστηρίου Νόμος του 2015 (131(I)/2015)	Administrative Court Law	<a href="http://bit.ly/1VsDv68">http://bit.ly/1VsDv68</a> (GR)
Law on the establishment and operation of the Administrative Court for International Protection 2018 (73(I)/2018)	Ο περί της Ίδρυσης και Λειτουργίας Διοικητικού Δικαστηρίου Διεθνούς Προστασίας Νόμος του 2018 (73(I)/2018)	IPAC Law	<a href="https://bit.ly/2ttWcwb">https://bit.ly/2ttWcwb</a> (GR)
Civil Registry Law 2002 (141(I)/2002)	Ο Περί Αρχείου Πληθυσμού Νόμος του 2002 (141(I)/2002)	Civil Registry Law	<a href="http://bit.ly/2IC2uDr">http://bit.ly/2IC2uDr</a> (GR)
The Minimum Guaranteed Income and the General Provisions on Social Benefits Law 2014 (109 (I) / 2014)	Ο Περί Ελάχιστου Εγγυημένου Εισοδήματος και Γενικότερα περί Κοινωνικών Παροχών Νόμος του 2014 (109(I)/2014)	GMI Law	<a href="http://bit.ly/2ETLIE1">http://bit.ly/2ETLIE1</a> (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	<a href="https://bit.ly/2BHUVQ4">https://bit.ly/2BHUVQ4</a> (EN)
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**Main implementing decrees relevant to asylum procedures, reception conditions, detention and content of protection**

Title in English	Original Title (GR)	Abbreviation	Web Link
Ministerial Decision 140/ <b>2019</b> pursuant to Article 12Btris of the Refugee Law	Απόφαση δυνάμει του άρθρου 12Btris των περί Προσφύγων Νόμων του 2000 έως 2019, Κ.Δ.Π. <b>140/2019</b>	Safe Countries	<a href="http://bit.ly/37YKdbU">http://bit.ly/37YKdbU</a> (GR)
Ministerial Decision <b>228/2019</b> pursuant to Article 9Θ(2)(α) of the Refugee Law	Απόφαση δυνάμει του άρθρου 9Θ(2)(α) των περί Προσφύγων Νόμων του 2000 έως 2019, Κ.Δ.Π. <b>228/2019</b>	Labour Sectors Asylum Seekers are permitted to work	<a href="https://bit.ly/2UAFV5S">https://bit.ly/2UAFV5S</a> (GR)
Ministerial Decree 297/2019 pursuant to Article 13A(1A) of the Refugee Law	Διάταγμα δυνάμει του άρθρου 13A(1A) των περί Προσφύγων Νόμων του 2000 έως 2019, Κ.Δ.Π. 297/2019	EASO	<a href="http://bit.ly/3c9bpb7">http://bit.ly/3c9bpb7</a> (GR)
Ministerial Decree Κ.Δ.Π. 308/2018 pursuant to Article 9Θ(1)(b) of the Refugee Law	Απόφαση δυνάμει του άρθρου 9Θ(1)(β) των περί Προσφύγων Νόμων του 2000 έως 2018		<a href="https://bit.ly/2V7Wu7A">https://bit.ly/2V7Wu7A</a> (GR)
State Medical Institutions and Services General Regulations 2000-2013	Οι Περί Κυβερνητικών ιατρικών Ιδρυμάτων και Υπηρεσιών Γενικοί κανονισμοί του 2000-2013		<a href="http://bit.ly/1RwrE4U">http://bit.ly/1RwrE4U</a> (GR)
Medical Institutions and Services (Regulations and Fees) 1978-2013	Οι Περί ιατρικών Ιδρυμάτων και Υπηρεσιών (Ρυθμίσεις και Τέλη) Νόμοι του 1978 έως 2013		<a href="http://bit.ly/1M8fOWd">http://bit.ly/1M8fOWd</a> (GR)

## General Measures to address Migrant Flows

On 12 March 2020 the Council of Ministers announced General Measures, in the form of an Action Plan, which are to be taken to address migrant flows<sup>3</sup>. According to the Action Plan the measures decided are as follows:

Action Plan	Commentary
<i>We will shorten the time for reviewing asylum applications [this] will be shortened by doubling the number of asylum examiners to 69 starting from next month</i>	It is not clear how this measure will be implemented within a month and if examiners will be deployed from EASO staff and/or Member State experts or with recruitment procedures.
<i>We will speed up procedures and reduce deadlines for the right to appeal before the Court.</i>	The deadline to appeal all administrative decisions including decisions on asylum applications is enshrined in the Cyprus Constitution. Any changes would require legislative amendments. It is not clear how and when this measure would be achieved.
<i>We have compiled a list of safe countries to distinguish manifestly ill-founded asylum applications</i>	To date no new countries have been added to the list and only Georgia is considered as a safe country.
<i>An application concerning a country of origin included in the National List of Safe Countries will be declared to be manifestly ill-founded and will be examined in a speedy manner within a maximum of 10 days.</i>	To date this has not been implemented. Furthermore, this only concerns first instance examination.
<i>The simultaneous issuance of a deportation order is promoted for those manifestly ill-founded applications that are rejected, while recognising the right of the applicant to challenge the rejection before the Court.</i>	To date this has not been implemented.
<i>Regulation of the phenomenon of fake marriages with amending legislation prepared and forwarded to the House of Representatives.</i>	Such legislation has been in the works for a few months.
<i>From the next academic year of September 2020, strict criteria for the enrolment of third-country nationals in private colleges have been introduced in order to put an end to the phenomenon of fake students, while promoting the imposition of severe penalties on those who break the law. Policies regarding housing and/or benefits for asylum seekers will change</i>	No information available.
<i>The leasing of various premises, such as housing or hotel units by the State for the residence of asylum seekers is terminated and the asylum</i>	Steps were taken to initiate these measures and asylum seekers were informed they would be evicted from private housing/hotels. The measures were, however, suspended,

<sup>3</sup> Ministry of Interior, Λήψη μέτρων για την ολιστική αντιμετώπιση των μεταναστευτικών ροών, 12 March 2020, available in Greek at: <https://bit.ly/3as04kZ>.

<i>seekers will be offered accommodation in organised reception areas</i>	presumably on account of Covid-19 measures and the absence of availability in reception centres.
<i>Cooperation with the FRONTEX European Bureau responsible for returns is in place and a request is made for patrols of the Republic's external sea borders, especially in the northern part of the island between our occupied coastline and Turkey</i>  <i>Enhance controls on combating illegal labour and exploitation of migrants</i>	To date, this has not been implemented.
<i>In co-operation with the Local Authorities, an investigation is launched into the illegal residence of immigrants in inappropriate premises with the simultaneous prosecution of owners who exploit them by receiving state housing allowances that applicants receive.</i>	To date, this has not been implemented.
<i>We are already in the process of setting up a new Closed Type Hosting Centre, with a capacity of around 600 people to accommodate applicants until the process is completed.</i>	Such a Centre is expected to be set up next to the First Registration Reception Centre in Kokkinotrimithia. Without the appropriate infrastructure or preparation, the First Registration Reception Centre is being used as closed centre in the meantime.
<i>We [will] re-open all the wings of the Mennoya detention centre.</i>	To date this has not been implemented.
<i>It has been decided to create a single return agency</i>  <i>Immediately forward a request to the European Commission for financial support for the period 2020-2021, to enable the creation of appropriate infrastructure to receive and accommodate the increased number of migrants, to cover the required operating and administrative costs and equipment for surveillance of the coastline and the Green line.<sup>4</sup></i>	

<sup>4</sup> The Action Plan further stated: "The list of measures is not considered exhaustive. The Government welcomes the response of the parliamentary parties and the submission of suggestions taken into account in drawing up the above-mentioned list. We would like to reiterate that Cyprus is ready to support refugees, those whose lives are at risk, unprotected children and those who come from war zones. At the same time, however, we also want to send the clear message that the country's endurance limits have been exceeded and that we are now living in conditions of demographic change. The measures announced are aimed only at preserving the country's demographic image, security and prosperity."

## Overview of the main changes since the previous report update

The report was previously updated in **March 2019**.

### **Covid-19 related measures**

The general measures to address migrant flows that have been listed in the previous have been put forward in order to address the continuously high number of arrivals and applications in Cyprus. However, following the escalation of Covid-19 certain measures that have been planned may now be justified as measures to tackle the virus. These measures are highlighted in blue in this section. As this report was mainly written prior to the Covid-19 outbreak, they occur only briefly throughout the report.

#### *Arrivals / Pushbacks*

- ❖ **Push backs:** On Friday 20 March, the Cypriot authorities, for the first time, pushed back a boat carrying 115 Syrians, of whom 69 were children. They used Covid-19 as a justification for this measure. Reportedly, the authorities identified the boat prior to reaching the shores of the RoC. Officers in uniform, wielding guns, boarded the boat, seized the mobile devices of the people on board, threw the devices overboard and directed the boat to leave the territorial waters of the RoC and return to Syria. Later on, during the day, the boat reached the shore in the areas not under the effective control of the Republic and the refugees were transferred to a stadium for the weekend. All were tested for Covid -19 and all were found negative.

#### *Access to asylum*

- ❖ **Suspension of access to asylum:** During 2019, 13,259 first-time applicants applied for asylum in Cyprus. Whilst no official decision or announcement has been made to date, it is clear that the authorities are not receiving asylum applications, although there is a lack of clarity as to whether this is a measure in response to Covid-19 or the high numbers of applicants.

We have received information from new arrivals in the country that had been denied access to the procedure. The initial information (dated 16 March 2020) concerned partial access. The Immigration Unit informed persons requesting to apply for international protection that they would not be allowed access without a national passport. A query was addressed to the authorities in an attempt to confirm or repudiate the information. It was neither confirmed nor denied by the public authority. As of 17 March, the responsible authority has denied access to the asylum procedure altogether, regardless of whether the person of concern had any identification documents. A total of 23 people have contacted the Cyprus Refugee Council (CyRC) and / or the partner NGO to report that they were denied access to the procedure. Among them were four unaccompanied children.

#### *Asylum procedure*

- ❖ **Accelerated procedure:** Although an accelerated procedure was foreseen in national legislation for many years, in practice it had never been used. In 2018, in view of the significant rise in asylum applications, there were discussions on implementing the accelerated procedure and in 2019 for the first time a Ministerial Decision was issued determining Georgia as a safe country of origin. From then on, the accelerated procedure is being piloted for Georgian nationals and a wider adoption will most probably take place mid-2020.
- ❖ **Appeals:** In order to ensure that asylum seekers in Cyprus have a right to an effective remedy, the relevant authorities had taken steps to modify the asylum procedure as follows: abolish the Refugee Reviewing Authority, 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 Administrative Court. In 2018, due to the

heavy caseload before the Administrative Court, it was decided that a specialised court will take on the cases related to international protection and a new court was established, named the International Protection Administrative Court (IPAC). In June 2019, the IPAC initiated operations. Furthermore, in July 2019 the RRA ceased receiving new applications and will examine the backlog by the end of 2020 after which it will cease operations.

#### ***Covid-19 related measures***

- ❖ Interviews for the examination of asylum applications have been suspended until further notice. However, examination of cases where the interview has taken place is continuing.
- ❖ Regarding appeals, the procedures before all national courts have been suspended with the exception of urgent cases and/or cases with a deadline set by the Constitution. This means the Court Registrar of the IPAC will receive legal aid applications and appeals against asylum decisions and other related asylum cases (i.e. family reunification) but the proceedings are suspended. Only proceedings on detention orders are considered urgent and are examined.

#### ***Reception conditions***

- ❖ **First Registration Reception Centre:** The Emergency Reception Centre in **Kokkinotrimithia** (Pournara) is being converted into a First Registration Reception Centre, expected to be concluded in April 2020. Throughout 2019, the Centre underwent construction to upgrade the existing infrastructure with the replacement of tents with prefabricated constructions. During this time, the Centre continued to be used as the construction is carried out on one section at a time. The current capacity is 350-400 places. With the expansion, capacity will reach approximately 800 persons, with some 530 in prefabricated containers and the rest, where necessary, in tents. Regarding referrals to the Centre, throughout 2019 all asylum seekers that have presented themselves to the Aliens and Immigration Unit in Nicosia are transferred to the Centre. In 2020, and upon completion of the Centre, the aim is for all asylum seekers that have recently arrived in the country to be transferred to the Centre. Currently, the services provided in the Centre include identification, registration and lodging of asylum applications as well as medical screening and vulnerability assessments. In view of the measures taken to address migrant flows and Covid-19, the First Registration Reception Centre - which is lacking appropriate infrastructure or preparation - is being used as a closed centre.

#### ***Covid-19 related measures***

- ❖ **Access to reception conditions:** Regarding material reception conditions for international protection applicants, the following apply:
  - Material reception conditions continue to be provided for asylum seekers that were already receiving these. The instructions for recent arrivals are that they will submit the application along with the relevant documentation (unemployment certificate by the Labour Office, a contract of rent) at the entrance of the Social Welfare Services' (SWS) building. This will be problematic in practice, however. For first time registration, the applicant needs to be present in the Labour Office in order to receive the unemployment certificate. Currently, the Labour Office is not accepting persons which effectively means that new arrivals who wish to register as unemployed cannot do so and subsequently cannot access material reception conditions. For other persons renewing their unemployment certificate, this will be done automatically without presence in the office being a prerequisite. The process has been amended for nationals who wish to register and the interested applicant is required to send an e-mail to the staff of the Labour Office with their request and contact details and the registration will take place via telephone.
  - Regarding persons exiting the First Registry Reception Centre in Kokkinotrimithia, and despite the fact that the SWS is receiving applications for material reception conditions, these persons



are not directed to the SWS to request social assistance. Given that people cannot register as unemployed, which is a prerequisite, it effectively means that they do not have access to material reception conditions either.

- ❖ **Temporary accommodation/Homelessness:** Following a ministerial order for hotels to close down, information had circulated amongst asylum seekers hosted in hotels that they would have to evacuate the hotel or hostel. Asylum seekers were informed that they were required to evacuate the hotels by Saturday 21 March 2020. This has, however, been prolonged but no information has been provided until when this will remain the case. In respect of homeless asylum seekers and undocumented persons, which includes persons that have recently arrived and were not given access to asylum procedures, no measures have been taken to provide accommodation even in cases where persons are reporting Covid-19 symptoms.

- ❖ **Access to medical care:** As of 1 June 2019, a National Health System (GESY) is in effect for the first time in Cyprus, introducing major differences in the provision of health care services. The new system introduces the concept of a personal doctor (GP) in the community as a focal point for referrals to all specialised doctors. A network of private practitioners, pharmacies and diagnostic centres has been set-up in order for health services to be provided, and in June 2020 a number of private hospitals are also expected to join the new health system for purposes of in-hospital treatment. For the most part of the population (Cypriots and EU citizens) in Cyprus, health services are now provided almost exclusively under the new health system. Asylum seekers, along with other segments of the migrant population, are not included in the provisions of GESY. Their access to health services continues under the provisions of the previous system, which basically entails treatment by public, in-patient and out-patient departments of the public hospitals. The transition to the new system created vast confusion among medical and hospital staff in regard to asylum seekers' rights to health care. In various instances across Cyprus, persons were denied access to treatment in the hospital and were asked to register with GESY instead. Scheduled appointments with doctors who, in the meantime, had joined GESY were cancelled and access to particular medicine was restricted.

#### ***Covid-19 related measures***

- ❖ There are no measures to prohibit access to primary health care for asylum seekers, however, the instructions for persons exhibiting Covid-19 symptoms is to first contact their personal doctor of the National Health System (NHS). Asylum seekers are not included in the NHS and do not have a personal doctor. Furthermore, the helpline that has been set up to report symptoms does not provide interpretation services.

#### ***Detention of asylum seekers***

- ❖ **Alternatives to Detention:** In 2019, the International Protection Administrative Court (IPAC) issued two decisions, where the applicant challenged the detention based on article 9ΣΤ (2)(δ) of the Refugee Law, annulling the detention decisions on the basis that there had been a lack of examination of alternative measures to detention and an absence of a proportionality and necessity examination prior to ordering the detention. Furthermore, the Court ordered the release of the applicants with reporting conditions. This has led to an increase in detainees being released with reporting conditions, however, with no individual assessment taken on the suitability of such reporting conditions, including in respect of vulnerabilities.

### ***Covid-19 related measures***

- ❖ As mentioned above, in early 2020, due to the rise in numbers of asylum seekers, the Council of Ministers of Interior had announced stringent measures, including creating closed centres. At the time, measures were also being taken due to Covid-19. Before complete construction of the First Registry Reception Centre, all new arrivals in the country are now referred to the Centre and are not allowed to leave. This has led to a rise in the number of persons in the Centre to approximately 700 without the infrastructure in place to host such a number, especially for a long duration and where such persons are being *de facto* detained. However, it seems that Syrian asylum seekers were allowed to leave, the justification being that they have relatives or friends that can provide accommodation. After strong reactions from asylum seekers in the Centre, the Asylum Service started allowing 10 persons per day to leave, giving priority to vulnerable persons and women but only if they could present a valid address. In view of the obstacles in accessing reception conditions, identifying accommodation is extremely difficult unless they are in contact with persons in the community.  
Given the announcement concerning the development of closed centres and measures due to Covid-19, it is unknown how long persons will remain in the Centre.
- ❖ Although removal procedures have been suspended, no steps have been taken to release asylum seekers and other third-country nationals (TCN) in detention.

### ***Content of international protection***

- ❖ **Residence status of family members of beneficiaries of international protection:** In 2019, the Civil Registry and Migration Department (CRMD) ceased issuing residence permits for family members regardless if they qualify individually as refugees, leaving family members, including underage children, without status and full access to rights. The CRMD instructs all beneficiaries of international protection (recognised refugees and subsidiary protection holders) to proceed to the Asylum Service to receive a decision on whether they should receive the status of the beneficiary. The Asylum Service has taken steps to address the situation but it is still not clear if the CRMD will proceed with issuance of residence permits.

### ***Covid-19 related measures***

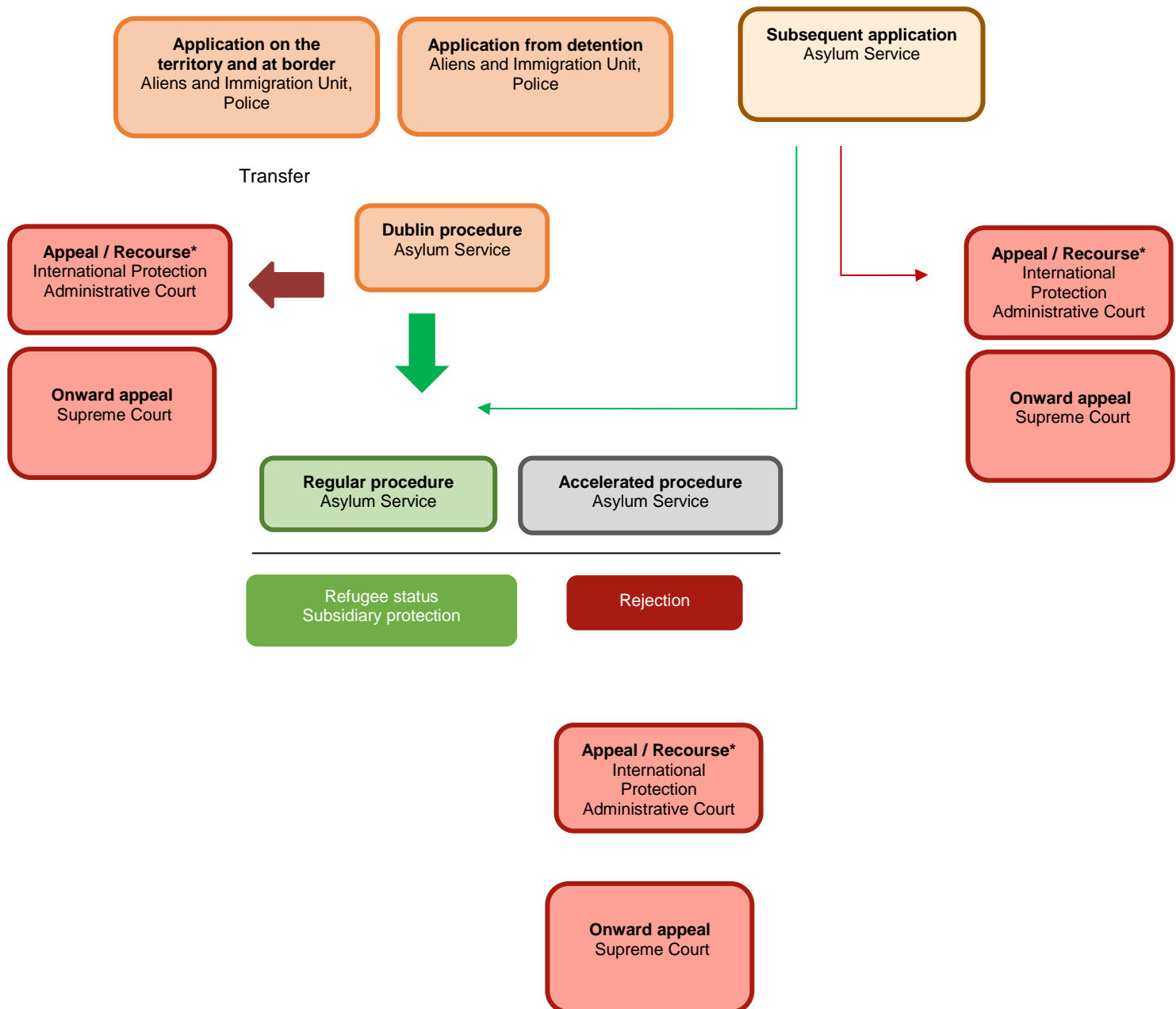
- ❖ **Residence Permits:** The CRMD operates with emergency staff and has suspended the receipt of applications for issuing or renewing residency and work permits, with the exception of urgent cases (although no specification has been given as to what urgent cases may be). According to a public announcement by the CRMD, no action will be taken against TCN's whose residence permits or tourist visas have expired within a reasonable time period and who cannot repatriate or renew their residence permit.
- ❖ **Family reunification:** In 2019 the procedure once again became extremely problematic with the CRMD requesting all applicants, including refugees who applied within three months of receiving refugee status and refugees who had already received a positive decision on the family reunification request, to provide evidence that they have stable and regular resources which are sufficient to maintain the refugee and family members without recourse to the social assistance system of the Republic. This led to complaints being submitted by the Cyprus Refugee Council before the Commissioner of Administration and Human Rights, the Commissioner for the Rights of the Child and the EU Commission. Both the national Commissioners reacted immediately finding the CRMD to be in violation of the Law whereas the EU Commission is, to date, still examining the complaints. Furthermore, the examination of cases has once again become very slow with cases pending up to three years.



# Asylum Procedure

## A. General

### 1. Flow chart



\* Up until July 2019 appeals could be submitted before the Refugee Reviewing Authority (RRA), an administrative body. From July onwards the RRA is only examining the remaining backlog of just over 1,300 cases and will cease operations at the end of 2020.

## 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: <sup>5</sup> | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| ▪ Fast-track processing: <sup>6</sup>   | <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: <sup>7</sup>   | <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 was foreseen in national legislation for many years, in practice it had never been used. In 2018, in view of the significant rise in asylum applications there were discussions on implementing the accelerated procedure and in 2019, for the first time, a Ministerial Decision was issued determining Georgia as a safe country of origin.<sup>8</sup> From then on the accelerated procedure is being piloted for Georgian nationals and a wider adoption is likely to take place in mid-2020.<sup>9</sup>

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	International Protection Administrative Court	Διοικητικό Δικαστήριο
Onward appeal	Supreme Court	Ανώτατο Δικαστήριο
Subsequent application (admissibility)	Asylum Service	Υπηρεσία Ασύλου

<sup>5</sup> For applications likely to be well-founded or made by vulnerable applicants. See Article 31(7) recast Asylum Procedures Directive.

<sup>6</sup> Accelerating the processing of specific caseloads as part of the regular procedure.

<sup>7</sup> Labelled as “accelerated procedure” in national law. See Article 31(8) recast Asylum Procedures Directive.

<sup>8</sup> Ministerial Decision on Safe Countries, accessible at: <http://bit.ly/37YKdbU>.

<sup>9</sup> EASO Operating Plan 2020, accessible at: <http://bit.ly/382C6el>.

#### 4. Determining 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 determining authority?
Asylum Service EASO	50 71	Ministry of Interior	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Note: As mentioned in the text, 47 staff members were deployed during the period 1 January to 30 June 2019. 14 of the 47 staff members deployed during this period were Member States experts and 33 interim experts. There were no EASO staff and individuals deployed during this time. However, according to EASO, at the end of the year 71 staff members, including EASO staff, Member State experts, locally contracted personnel and interpreters were deployed to Cyprus.<sup>10</sup>

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 management of the reception centres (Kofinou and First Registration at Kokkinotrimithia), as well as the overall coordination on issues related to asylum, asylum seekers and persons under international protection. It is also the authority which issues relative regulations for this purpose. However, in practice, the Asylum Service has never taken up in full this coordination role and regulations have never been issued.

Beyond support staff, the Asylum Service includes the Director, one senior coordinator, 11 administrative officers and 15 asylum officers recruited under a four-year contract. From the 26 officers, approximately half of them are caseworkers also dealing with other issues such as Dublin, unaccompanied children, trafficking, emergency arrivals etc. The other half are dealing with EU matters, statistics, tenders, reception etc.

In the course of 2018, the European Asylum Support Office (EASO) deployed a total of 49 different experts in Cyprus, of which 12 Member State experts and 37 locally recruited ("interim") experts.<sup>11</sup> At the end of 2018, 6 caseworkers supported the Asylum Service. Toward the end of the year, EASO initiated recruitment procedures to recruit interim officers locally for the examination of asylum applications in order to limit the number of caseworkers deployed from other EU Member States; the caseworkers took up duties in February 2019. According to statistics for the period 1 January 2019 to 30 June 2019, 14 Member State experts and 33 interim experts had been deployed in Cyprus.<sup>12</sup> According to EASO's 2020 Operating Plan, 25 caseworkers were employed in 2019 and this is expected to increase to 60 in 2020.<sup>13</sup>

In most cases, the Asylum Service 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). There have rarely been cases where the Minister of Interior has inquired about individual cases and requested them to be given priority or special attention.

<sup>10</sup> EASO "Over 900 EASO personnel deployed in operations in four EU Member States", 8 October 2019, available at: <https://bit.ly/38VKWe8>.

<sup>11</sup> Information provided by EASO, 13 February 2019.

<sup>12</sup> ECRE, *The role of EASO operations in national systems: An analysis of the current European Asylum Support Office (EASO) Operations involving deployment of experts in asylum procedures at Member State level*, 29 November 2019, available at: <https://bit.ly/3dcX6D0>.

<sup>13</sup> EASO Operating Plan 2020, accessible at: <http://bit.ly/382C6eI>.

## 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 is addressed to the Asylum Service (Department of the Ministry of Interior) and is made and lodged at the Aliens and Immigration Unit (Department of the Police) of the city in which the applicant is residing. One such office exists in each of the five districts in Cyprus (**Nicosia, Limassol, Larnaca, Paphos, Ammochostos**). In 2020, it is expected that all applications of new arrivals will be lodged at the First Registration Reception Centre in Kokkinotrimithia.<sup>14</sup> In cases where the applicant is in prison or detention, the application is made at the place of imprisonment or detention. For people in detention, asylum applications are received directly within the detention facilities, while 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.

A high percentage of asylum seekers enter Cyprus from the areas not controlled by the Republic of Cyprus (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. A certain number may enter at legal entry points and then apply for asylum, whereas about half of applicants are persons already in the country who have entered and stayed under other statuses such as domestic workers, students etc. and apply for asylum when their initial residence permit has expired.

When persons present themselves to the Aliens and Immigration Units, stating the intention to apply for asylum, they are often given appointments to return on another day to submit the application. The period before the appointment varies depending on the influx of refugees and the city. In some instances, it has been two weeks but at times has reached two months. During this time, persons have no proof that they intended to apply, however rarely are there reports of this leading to the arrest of the persons concerned. Towards the end of 2018 a new practice was implemented by which documents titled “Verification of intention to submit application for asylum” were issued to persons who expressed such intention but the Aliens and Immigration Unit did not have the time to proceed with the lodging of the application. However, the practice has not been applied holistically and only applies to persons residing temporarily at the First Registry Reception Centre in Kokkinotrimithia and some cases in Paphos.

The above practice has mostly ceased during 2019 with the exception of asylum seekers in Pafos. All new arrivals who have entered irregularly and present themselves to the Immigration in Nicosia are sent to the First Registry Reception Centre from where they will be taken to the Immigration in Nicosia to lodge applications. In 2020, and upon completion of the Centre, the aim is for all asylum seekers that have recently arrived in the country to be transferred to the Centre. However, in efforts to take protective measures against Covid-19 in early March 2020, and before completion of construction, all new arrivals in the country are being referred to the Centre and are not allowed to leave. This has led to a rise in the number of persons in the Centre to approximately 700 without the infrastructure in place to host such a number, especially for a long duration and where such persons are being de facto detained. However, it seems that Syrian asylum seekers were allowed to leave, the justification being that they have relatives or friends that can provide accommodation. After strong reactions from asylum seekers in the Centre, the Asylum Service started allowing 10 persons per day to leave, giving priority to vulnerable persons and women but only if they could present a valid address. In view of the obstacles in accessing reception conditions, identifying accommodation is extremely difficult unless they are in contact with persons in the community.

However, given the announcement concerning the development of closed centres and measures due to Covid-19, it is unknown how long persons will remain in the Centre.

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<sup>14</sup> Information provided by the Asylum Service.

Once an application is lodged by the Aliens and Immigration Unit, it is 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 lodged up to the issuance of the final decision and enjoys the rights associated with the asylum seeker status. Persons holding the “Verification of intention to submit application for asylum” are not considered to have lodged the application and do not have access to all rights attached to an asylum seeker status.

***Specifically, the following procedures exist:***

**Regular and accelerated procedure:** The Refugee Law provides for a regular procedure and an accelerated procedure. 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 the examination and granting of this status has been moved to the Civil Registry and Migration Department (CRMD).

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 for many years had never been used. In 2018, in view of the significant rise in asylum applications, there were discussions on implementing the accelerated procedure and in 2019 steps were taken to set it up. From late 2019, the accelerated procedure is being piloted for specific nationalities and the wider adoption will most probably take place in mid-2020.<sup>15</sup>

Asylum applications from countries considered safe or countries facing a humanitarian crisis are often prioritised through a fast-track procedure.

**Dublin / admissibility procedure:** According to the Refugee Law,<sup>16</sup> during the procedure to identify the Member State responsible under the Dublin Regulation, a person has a right to remain on the territory and has access to reception conditions. 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 following on from the end of 2014 indicates that Dublin returnees whose final decision is pending are not detained upon return. For Dublin returnees who have a final decision, there is a possibility that they could be detained upon return. However, there have been no such cases to indicate the practice.<sup>17</sup>

**Admissibility of a subsequent application / new elements:** When a rejected asylum seeker submits a subsequent application or new elements to the initial claim, the Asylum Service examines the admissibility of such an application or elements. During the admissibility procedure the person is considered an asylum seeker and has access to reception conditions.

**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 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 Administrative Court. In 2018, due to the heavy caseload before the Administrative Court it was decided that a specialised court will take on the cases related to international protection and a new court was established, named the International Protection Administrative Court (IPAC),<sup>18</sup> In June 2019, IPAC

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<sup>15</sup> EASO Operating Plan 2020, accessible at: <http://bit.ly/382C6eI>.

<sup>16</sup> Article 9(1)(B) Refugee Law.

<sup>17</sup> Information provided by the Cyprus Refugee Council, previously the Humanitarian Affairs Unit of 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.

<sup>18</sup> Law N. 73(I)/2018 on the establishment of the Administrative Court for International Protection.

initiated operations. Furthermore, in July 2019 the RRA ceased receiving new applications and will examine the backlog by the end of 2020 after which it will cease operations.

Following a negative decision on the asylum application by the Asylum Service, an asylum seeker has the right to submit a recourse before the IPAC within 75 calendar days.<sup>19</sup> All decisions issued by the IPAC can be appealed before the Supreme Court within 42 days.

The appeal before the RRA and the IPAC has suspensive effect,<sup>20</sup> and both examine 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.<sup>21</sup> 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. The procedure before the IPAC is judicial and applicants are encouraged to enlist the services of a registered lawyer to represent them before the Court. However, it is possible to appear without legal representation. In both appeals, the chances of succeeding without legal representation are extremely limited. In view of the problematic access to legal aid, it is questionable how many applicants have access to this remedy.

## 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? |     | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Is there a border monitoring system in place?   | n/a | <input type="checkbox"/> Yes <input type="checkbox"/> No            |

A high percentage 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.<sup>22</sup> A certain number may enter at legal entry points and then apply for asylum, whereas about half of applicants are persons already in the country who have entered and stayed under other statuses such as domestic workers, students etc. and apply for asylum when their initial residence permit has expired.

If a person has entered the areas in the north without permission from the authorities there, they may be arrested and returned to Turkey and, from there, possibly returned to their country of origin. As the *acquis* is suspended in the areas in the north,<sup>23</sup> there is no asylum system in force. In order to cross the “green

<sup>19</sup> 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.”

<sup>20</sup> Article 8 Refugee Law.

<sup>21</sup> Article 31F(5) Refugee Law.

<sup>22</sup> 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.

<sup>23</sup> EU Accession Treaty - Protocols on Cyprus, available at: <https://bit.ly/2vTilJ0>. The Protocol on Cyprus, attached to the Treaty of Accession signed on 16 April 2003 by the Republic of Cyprus, provides for the



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.

In 2018, it was noted that the number of persons irregularly crossing the line increased,<sup>24</sup> and that the situation needs to be monitored carefully.<sup>25</sup> In 2019, with the numbers of applicants for international protection doubling once again from the 2018 numbers (13,259 first-time applicants applied for asylum in 2019) the government stated that changes would be made to the Green Line Regulation<sup>26</sup>. In addition, in March 2020 the Council of Ministers declared General Measures in the form of an Action Plan which specifically stated that a request for financial support to the European Commission would be sent for the period 2020-2021 to cover the required operating and administrative costs and equipment for surveillance of the coastline and the Green line. However, to date it is not clear what changes will be made and how these will impact the entry of persons, the majority of whom cross at unofficial points.

If a person who has entered the north reaches the RoC police officers and expresses the intention to apply for asylum to them, 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, or in cases of persons remaining irregularly, they may be arrested and detained, but they will be given access to the asylum procedure in most cases, if requested.

Besides arrivals from the north, a smaller number of asylum seekers enter the RoC at official points of entry (ports and airports). Since 2016, there have also been small boat arrivals of about 15-45 persons reaching either the areas in the north – with persons then passing into the areas under the control of the RoC – or arriving directly in the areas under the control of the RoC. The majority of boats come from Turkey and a smaller number from Lebanon or Syria. In 2017, there were 9 such arrivals whereas in 2018 the number of such boat arrivals was over 30. In 2019, there were 11 boat arrivals with 427 persons. In 2020, the Cypriot authorities, for the first time, pushed back a boat carrying 115 Syrians, of whom 69 were children. They used Covid-19 as a justification for this measure. Reportedly, the authorities identified the boat prior to reaching the shores of the RoC, officers in uniform, wielding guns boarded the boat, seized the mobile devices of the people on board, threw the devices overboard and directed the boat to leave the territorial waters of the RoC and return to Syria. Later on during the day the boat reached the shore in the areas not effectively controlled by the Republic and the refugees were transferred to a stadium for the weekend. All were tested for Covid -19 and all were found negative.

A significant number of persons arriving by these boats are relatives of persons already residing in Cyprus, often including spouses and underage children of persons with subsidiary protection. This is partly due to the fact that the vast majority of Syrians are granted subsidiary protection and this status, since 2014, does not have access to [Family Reunification](#).

Additionally, the route of arrival through the north has become harder and/or more expensive to access. Therefore, for many people irregular boat arrivals are seen as the cheaper way or the only way to bring their immediate family.

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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.

<sup>24</sup> Associated Press, ‘Cyprus sees surge in migrants crossing from breakaway north’, 10 December 2018, available at: <https://bit.ly/2BKDiph>; The Guardian, “Cyprus is saturated” - burgeoning migrant crisis grips island’, 11 December 2018, available at: <https://bit.ly/2Qsx2Mu>.

<sup>25</sup> European Commission, *Fourteenth report on the implementation of Council Regulation (EC) No 866/2004 and the situation resulting from its application covering the period 1 January until 31 December 2017*, COM(2018) 488, 22 June 2018, available at: <https://bit.ly/2BHUvQ4>.

<sup>26</sup> Philenews, “Μέτρα ΥΠΕΣ και ΥΠΕΞ για αυξημένους ελέγχους στα οδοφράγματα”, available in Greek at: <https://bit.ly/2WfKSTP> Philenews, “Υπουργικό: Τα μέτρα για την παράνομη μετανάστευση”, available in Greek at: <https://bit.ly/2TPDzRc>.

People apprehended by the police within areas under the control of the RoC before applying for asylum may be 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 and were arrested upon arrival due to previously being in Cyprus and still listed as “prohibited immigrants”. In 2017, following advocacy on the issue, a shift has been noted in this practice and, although such persons may initially be arrested, they are not prosecuted or the prosecution does not proceed and they are soon released.

## 2. Registration of the asylum application

### Indicators: Registration

1. Are specific time limits laid down in law for making an application? ☐ Yes ☒ No  
❖ If so, what is the time limit for lodging an application?
2. Are specific time limits laid down in law for lodging an application? ☒ Yes ☐ No  
❖ If so, what is the time limit for lodging an application? 6 working days
3. Are registration and lodging distinct stages in the law or in practice? ☒ Yes ☐ No
4. Is the authority with which the application is lodged also the authority responsible for its examination? ☐ Yes ☒ No

### 2.1. Making and registering an application

According to the Refugee Law,<sup>27</sup> an asylum application is addressed to the Asylum Service, a department of the Ministry of Interior, and made at the Aliens and Immigration Unit (Department of the Police) of the city in which the applicant is residing. The Unit then has no later than three working days after the application is made to register it and must then 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.<sup>28</sup> The law also states that 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 six working days after the application is made.<sup>29</sup> 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.<sup>30</sup>

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.<sup>31</sup> According to the Refugee Law,<sup>32</sup> 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

<sup>27</sup> Article 11(1) Refugee Law.

<sup>28</sup> Article 11(2)(a) Refugee Law.

<sup>29</sup> Article 11(2)(b) Refugee Law.

<sup>30</sup> Article 11(2)(c) Refugee Law.

<sup>31</sup> Article 11(4)(a) Refugee Law.

<sup>32</sup> Article 7 Refugee Law.



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 (see [Access to the Territory](#)).<sup>33</sup>

According to the Refugee Law,<sup>34</sup> 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 at the soonest possible time by an asylum seeker who entered legally or irregularly 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 and/or intention to delay removal.

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, Larnaca, Paphos, Ammochostos**). In 2019 onwards, asylum seekers who present themselves to the Nicosia Aliens and Immigration Unit, and who have recently arrived in the areas under the effective control of the RoC, are transferred to the First Registration Reception Centre in Kokkinotrimithia (see [Types of Accommodation](#)).

In exceptional cases, asylum seekers presenting themselves in other cities, usually where they are homeless, are transferred to the First Registration Reception Centre. In 2020, the aim is for all asylum seekers that have recently arrived in the country to be transferred to the Centre and lodge their application from there, provided the construction to upgrade the existing infrastructure has been completed. However, in efforts to take protective measures against the Covid-19 in early March 2020, and before completion of construction has taken place, all new arrivals in the country are being referred to the Centre and are not allowed to leave. This led to a rise in the number of persons in the Centre to approximately 700 without the infrastructure in place to host such a number, especially for a long duration and where such persons were *de facto* detained. However, it seemed that Syrian asylum seekers were being allowed to leave, the justification being that they have relatives or friends that can provide accommodation. After strong reactions from asylum seekers in the Centre, the Asylum Service allowed 10 persons per day to leave, giving priority to vulnerable persons and women but only if they could present a valid address. In view of the obstacles in accessing reception conditions, identifying accommodation is extremely difficult unless they are in contact with persons in the community.

However, given the announcement concerning the development of closed centres and measures due to Covid-19, it is unknown how long persons will remain in the Centre.

Services provided in the Centre will include identification, registration and lodging of asylum applications as well as medical screening and vulnerability assessment.

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. This led to delays but in the past year there has been sufficient improvement.<sup>35</sup>

There is no distinction between making and lodging an application in practice, with few exceptions. In most cases 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, at times given an appointment. Persons requested to return on another day, to lodge the application, are not necessarily provided with evidence that they have stated an intention to apply for asylum nor are they registered by the Unit in any way. The waiting period for an appointment varies depending on the influx of asylum seekers and the city and can range from a few days to a few weeks.

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<sup>33</sup> Information provided by the Cyprus Refugee Council based on monitoring visits to the detention centre.

<sup>34</sup> Article 12Δ(4)(i) Refugee Law.

<sup>35</sup> Information provided to the Cyprus Refugee Council on persons who applied for asylum while in prison.

During this time asylum seekers 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.

In 2018, a new practice was implemented whereby the registration and lodging of asylum applications are discrete procedural stages. Upon registration of the application by EASO or the Aliens and Immigration Unit, the asylum seeker receives an A4 paper form entitled “Verification of intention to apply for International Protection”, which indicates personal details such as name, date of birth and date of request. The asylum seeker is given an appointment date to reappear before the police in order to lodge their asylum claim and provide fingerprints. However, the practice was not uniform throughout the country, according to the monitoring carried out by the Cyprus Refugee Council. In 2019 and continuing on into 2020, this practice has been abandoned in most cities except for arrivals at the Pafos airport. Therefore, the practice of either lodging on the same day as the registration or being given an appointment later on continues. For persons arriving at the Pafos airport and stating their intention to apply for asylum, they are provided with the “Verification of intention to apply for International Protection”.

As of the summer 2018, EASO deploys registration assistants to support the Aliens and Immigration Units in **Nicosia**, **Limassol** and **Paphos**. A total of five assistants have been made available throughout the year.<sup>36</sup> In 2019, EASO supported **registration** in four district offices of the Aliens and Immigration Service of the police with six registration assistants. By the end of September, they had completed 6,443 registrations (68 % of the total number of registrations). According to the Support Plan in 2020, EASO will support registration in four district offices of the Aliens and Immigration Service of the police as well as registration in First Registration Reception Centre in Kokkinotrimithia (Pournara) with nine registration assistants and five interpreters (Pournara, Nicosia, Pafos).

With an average of around 1,000 new applications per month throughout 2019, the district offices of the Aliens and Immigration Unit in all locations have been under continuous pressure. However, most affected is the Nicosia district office, which registers applications from new arrivals who come through the First Registration Reception Centre in Kokkinotrimithia (Pournara).<sup>37</sup>

In early 2020 and following on from the global escalation of Covid-19, the Aliens and Immigration Unit stopped receiving asylum applications. No official decision or announcement has been made to date and there is a lack of clarity as to whether this is a measure in response to Covid-19 or the high numbers of applicants.

Information received from applicants who have been denied access to the asylum procedure notes that on 16 March 2020 partial access was allowed. The Aliens and Immigration Unit informed persons requesting to apply for international protection that they would not be allowed access without a national passport. A query was addressed to the authorities in an attempt to confirm or repudiate the information. It was neither confirmed nor denied by the public authority. As of 17 March 2020 the responsible authority has denied access to the asylum procedure altogether, regardless of whether the person of concern had any identification documents. A total of 23 people have contacted the Cyprus Refugee Council (CyRC) and/or the partner NGO to report that they were denied access to the procedure. Among them were four unaccompanied children.

## 2.2. Lodging an application

According to the law, the applicant must lodge the application within six 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.<sup>38</sup> If an application is not lodged within this period, then the applicant is considered to have implicitly

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<sup>36</sup> Information provided by EASO, 13 February 2019.

<sup>37</sup> EASO Operating Plan 2020, available at: <http://bit.ly/382C6el>.

<sup>38</sup> Article 11(4)(a) Refugee Law.

withdrawn or abandoned his or her application.<sup>39</sup> Finally, within three days from lodging the application, a confirmation that an application has been made must be provided.<sup>40</sup>

Fingerprints, according to the law, should be taken when an application is made.<sup>41</sup> However, in practice fingerprints are usually taken by the Aliens and Immigration Unit when an application is lodged. Fingerprints are taken of the applicant and all dependants aged 14 and over.

When lodging the application, the applicant is provided with an A4 paper form entitled “Confirmation of Submission of an Application for International Protection”. This document includes a photograph in addition to personal details. The Aliens and Immigration Unit of the Police will also immediately register the application in the common asylum database which is managed by the Asylum Service.

At this stage the applicant is expected to proceed with medical examinations at a state hospital. Upon receiving results or at a given appointment they are expected to return to the Aliens and Immigration Unit and submit medical results. The Unit will register the applicant in the aliens’ register and upon submitting medical results they will receive an “Alien’s Registration Certificate” (ARC) in booklet form, which contains a registration number. This is also referred to as “Alien’s Book”. Full access to reception conditions are provided subject to the issuance of an ARC number.

The issuance of the ARC is often severely delayed reaching two-three months, especially in Nicosia.<sup>42</sup> These delays prevent timely access to reception conditions, specifically an asylum seeker can only apply for welfare benefits with the “Confirmation of Submission of an Application for International Protection” and will receive an emergency benefit while the application for welfare benefits is being examined (see [Criteria and Restrictions to Access Reception Conditions](#)). Except in emergency cases and until they have an ARC number they do not have access to a medical card and they cannot register at the Labour Office as unemployed. Registration at the Labour Office was not an issue in the recent past as [Access to the Labour Market](#) was provided after six months, until which time asylum seekers would have their ARC. As of the end of 2018, access to the labour market is provided within one month, at which time an ARC has not yet been provided.

## 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? ☐ Yes ☒ No<sup>43</sup>
3. Backlog of pending cases at first instance as of 31 December 2019: Asylum service: 15,137  
Refugee Reviewing Authority: approximately 1,300

<sup>39</sup> Article 11(4)(c) Refugee Law.

<sup>40</sup> Article 8(1)(b) Refugee Law.

<sup>41</sup> Article 11A Refugee Law.

<sup>42</sup> Information provided by Cyprus Refugee Council.

<sup>43</sup> 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, they can only take notes.

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.<sup>44</sup> Furthermore, the Asylum Service shall ensure that the examination procedure is concluded within 6 months of the lodging of the application.<sup>45</sup> In instances where the Asylum Service is not able to issue a decision within six 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.<sup>46</sup>

The six month time-frame can be extended for a period not exceeding a further nine 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 six-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.<sup>47</sup> By way of exception, the Asylum Service may, in duly justified circumstances, exceed the time limits laid down by a maximum of three months where necessary in order to ensure an adequate and complete examination of the application.<sup>48</sup>

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 six 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.<sup>49</sup>

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.<sup>50</sup>

In practice, the time required for the majority of decisions on asylum applications exceeds the six-month period, and in cases of well-founded applications, the average time taken for the issuance of a decision takes approximately two-three years. It is not uncommon for well-founded cases to take up to three-four years before asylum seekers receive an answer.<sup>51</sup> While there had been improvement in processing times for fast-tracked nationalities (see section on [Regular Procedure: Fast-Track Processing](#)), due to the high numbers of applications in 2018 and 2019 there are still long delays.

Delays in issuing decisions do not lead to any consequences and the Asylum Service does not inform the asylum seeker of the delay as provided for in the law, unless the applicant specifically requests information on the delay. Even when such a request is submitted to the Asylum Service, the written response briefly mentions that the decision will be issued within a reasonable time, yet no specific time frame or reasons for the delay are provided to the applicant.

From 2017 until present, efforts have been made to address the backlog and the time in which cases are examined. Under its Support Plan to Cyprus,<sup>52</sup> EASO has continued to deploy caseworkers to support the Asylum Service, and provided 21 caseworkers in the course of 2018, of which three are Member State

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<sup>44</sup> Article 13(5) Refugee Law.

<sup>45</sup> Article 13(6)(a) Refugee Law.

<sup>46</sup> Article 13(6)(b) Refugee Law.

<sup>47</sup> Article 13(7) and Article 16 Refugee Law.

<sup>48</sup> Article 13(8) Refugee Law.

<sup>49</sup> Article 13(9) Refugee Law.

<sup>50</sup> Article 13(10) Refugee Law.

<sup>51</sup> Information provided by the Cyprus Refugee Council.

<sup>52</sup> EASO, *Special support plan to Cyprus – Amendment No 4*, December 2017, available at: <http://bit.ly/2DWShm9>, Measure CY 8.1.

experts and 18 locally recruited interim experts.<sup>53</sup> Under the signed Operating Plan for 2019, EASO provided six interim caseworkers for a 12-month period and another eight for a seven month period to support the Asylum Service.<sup>54</sup> Toward the end of 2018 EASO initiated recruitment procedures to locally recruit officers for the examination of asylum applications; the caseworkers took up duties in February 2019. In early 2019, the Asylum Service also initiated procedures to recruit staff on a four-year contract. There will be 13 administrative officers out of which eight are expected to be caseworkers.

The Asylum Service issued 4,372 decisions in 2019 compared to 2,669 decisions in 2018, based on a recommendation issued either by Asylum Service caseworkers or EASO caseworkers. EASO drafted 188 recommendations on asylum applications in the period 1 January to 30 June 2019<sup>55</sup> and 724 recommendations on asylum applications in 2018.<sup>56</sup>

Nonetheless, the backlog of pending cases remains high and increased sharply in 2019 to 17,171 compared to 8,545 applicants at the end of 2018 and 3,843 at the end of 2017.

## 1.2. Prioritised examination and fast-track processing

The Refugee Law includes a specific provision for the prioritised examination of applications, within the regular procedure, applicable where:<sup>57</sup>

- (a) the application is likely to be well-founded;
- (b) the applicant is vulnerable,<sup>58</sup> 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. There are examiners that are better trained or sensitised to carry out the interview in an appropriate manner, yet 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 (see section on [Special Procedural Guarantees](#)). In addition, these cases may start out prioritised but there are often delays due to the heavy work-load of examiners handling vulnerable cases, 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.

In 2017, within the EASO Special Support Plan, applications were screened to identify vulnerable cases so that they could be prioritised as well as allocated to an EASO expert specialised in vulnerable groups.<sup>59</sup> By the end of 2018 it was not clear how effective this measure was, as there are no statistics on the number of cases that were considered vulnerable and were prioritised and examined by an EASO expert. Moreover, EASO experts on vulnerability, provided by other Member States, were not consistently present in the country as they were deployed for periods of six weeks. In 2019, efforts were made by EASO and the Asylum Service to increase the number of examiners trained to examine vulnerable cases, and by the

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<sup>53</sup> Information provided by EASO, 13 February 2019.

<sup>54</sup> EASO, *Operational & Technical Assistance Plan to Cyprus 2019*, December 2018, Measure CY 3.0.

<sup>55</sup> ECRE, *The role of EASO operations in national systems: An analysis of the current European Asylum Support Office (EASO) Operations involving deployment of experts in asylum procedures at Member State level*, 29 November 2019, available at: <https://bit.ly/3dcX6D0>.

<sup>56</sup> Information provided by EASO, 13 February 2019. EASO does not take the actual decision on the application, as this remains within the remit of the Asylum Service.

<sup>57</sup> Article 12E Refugee Law.

<sup>58</sup> Within the meaning of Article 9KΔ Refugee Law.

<sup>59</sup> EASO, *Special support plan to Cyprus – Amendment No 4*, December 2017, Measure CY 8.1.

time of publication there were indications that such measures were beginning to take effect. However, the sharp increase in asylum applications, including vulnerable cases, has affected the impact of such measures.

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 two circumstances:

- (1) When the country of origin is deemed generally safe;<sup>60</sup>
- (2) If a conflict is taking place in the country of origin, such as Iraqi cases in the past and Syrian cases currently.

In 2018 and 2019, the time required for the examination of cases of Syrians and Palestinians ex Syria increased in comparison to previous years, from an average of 12 months to 18 – 24 months.

### 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? ☒ Yes ☐ No  
❖ If so, are interpreters available in practice, for interviews? ☒ 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.<sup>61</sup> The personal interview on the substance of the application may be omitted where:<sup>62</sup>

- (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.

In practice, all asylum seekers are interviewed, and in the majority of cases, the interview takes place 18-24 months after the application has been lodged, including cases that are being prioritised under fast-track processing (see section on [Regular Procedure: Fast-Track Processing](#)). In 2017, the Asylum Service noted that they had omitted the interview in cases where the applicant was unfit or unable to be interviewed owing to enduring circumstances beyond his or her control.<sup>63</sup> No information is available for 2018. In 2019, the interview was omitted in one case of a deaf applicant from Syria, due to extreme difficulties in communication – illiteracy and no knowledge of sign language.<sup>64</sup>

The Refugee Law also permits, 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

<sup>60</sup> Note that this is also a ground for using the accelerated procedure.

<sup>61</sup> Article 13A(1) Refugee Law.

<sup>62</sup> Article 13A(2) Refugee Law.

<sup>63</sup> Information provided by the Cyprus Refugee Council.

<sup>64</sup> Information provided by the Cyprus Refugee Council.



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 State, who have been appointed by EASO or other related organisations, to be temporarily involved in conducting such interviews.<sup>65</sup> In such cases, the personnel other than the Asylum Service, shall, in advance, receive 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.

This provision was triggered in 2017 through Ministerial Decree 187/2017, enabling EASO experts to conduct in-merit interviews between May 2017 and January 2018, due to the number of simultaneous asylum applications made in Cyprus and the inability of the Asylum Service to conduct those in time.<sup>66</sup> EASO presence continued throughout 2018, 2019 and 2020.<sup>67</sup> The presence of the EASO examiners initially sped up the examination of applications but has not impacted the backlog (see [Regular Procedure: General](#)).

All interviews are carried out at the Asylum Service, which is the authority responsible for taking decisions on asylum applications, by local staff or EASO experts; EASO caseworkers conducted 730 interviews in 2018, mainly covering asylum seekers from Syria, Egypt, Iraq, Nepal, Cameroon, Iran, Turkey, Democratic Republic of Congo and the Gambia.<sup>68</sup> Between 1 January to 30 June 2019 EASO caseworkers conducted 337 interviews principally covering asylum seekers from Syria, Nepal, Egypt and Iran.<sup>69</sup>

### 1.3.1. Quality of interview

According to the law,<sup>70</sup> 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 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.

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<sup>65</sup> Article 13A(1A) Refugee Law.

<sup>66</sup> Ministerial Decree 187/2017 of 9 June 2017 pursuant to Article 13A(1A) of the Refugee Law, available at: <http://bit.ly/2G5dSDs>.

<sup>67</sup> Ministerial Decree 297/2019 pursuant to Article 13A(1A) of the Refugee Law available at <http://bit.ly/3c9bpb7>.

<sup>68</sup> Information provided by EASO, 13 February 2019.

<sup>69</sup> ECRE, *The role of EASO operations in national systems: An analysis of the current European Asylum Support Office (EASO) Operations involving deployment of experts in asylum procedures at Member State level*, 29 November 2019, available at: <https://bit.ly/3dcX6D0>.

<sup>70</sup> Article 13A(9) Refugee Law.

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 law as completely as possible.<sup>71</sup> 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.<sup>72</sup>

In practice the quality of the interview, including the structure and the collection of data, differs substantially depending on the individual examiner.<sup>73</sup> The absence of Standard Operating Procedures and mechanisms for internal quality control to date contribute to the diverse approaches.

As regards the EASO experts, cases are allocated according to expertise and a standardised interview structure is followed. However, based on cases represented by the Cyprus Refugee Council in 2018, there have been issues such as lack of expertise for complex cases.<sup>74</sup>

Regarding the gender of the examiner and the interpreter, if applicants make such a request it is usually granted in practice. However, due to the absence of information and legal advice or representation (see [Regular Procedure: Legal Assistance](#)) most applicants do not have knowledge of this right in order to make such a request.

### 1.3.2. Interpretation

Asylum Service caseworkers often conduct interviews in English, using interpretation where needed; this is often due to the fact that it is easier to identify interpreters that can speak the applicant's language and English rather than Greek. This, however, often affects the quality of interviews where the caseworker would arguably be more comfortable using Greek instead of English and the language barrier is often visible in the interview transcript and the recommendation, which often have several grammar, spelling and syntax mistakes, statements may be misunderstood or passages are poorly drafted or unclear.<sup>75</sup>

In cases examined by EASO, caseworkers conduct interviews in English, using interpretation where needed. This is also the case for Greek-speaking interim experts who could also be more comfortable using Greek instead of English. The language barrier is at times visible in some of the recommendations, where some passages are poorly drafted or unclear and have several grammar, spelling and syntax mistakes.

Although interpreters are always present in interviews, they are not professional interpreters nor adequately trained, and there is no code of conduct for interpreters.<sup>76</sup> 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.<sup>77</sup> 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

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<sup>71</sup> Article 16(2)(a) and Article 18(3)-(5) Refugee Law.

<sup>72</sup> Article 13A(10) Refugee Law.

<sup>73</sup> Based on review of cases between 2006-2018 by the Cyprus Refugee Council and previously the Humanitarian Affairs Unit of the Future Worlds Center.

<sup>74</sup> See ECRE, *The role of EASO operations in national systems: An analysis of the current European Asylum Support Office (EASO) Operations involving deployment of experts in asylum procedures at Member State level*, 29 November 2019, available at: <https://bit.ly/3dcX6D0>.

<sup>75</sup> Based on review of cases between 2006-2018 by the Cyprus Refugee Council and previously the Humanitarian Affairs Unit of the Future Worlds Center.

<sup>76</sup> KISA, *Comments and observations for the forthcoming 52<sup>nd</sup> session of the UN Committee against Torture*, April 2014, available at: <http://bit.ly/1l2c0K3>, 39-40.

<sup>77</sup> Information provided by the Cyprus Refugee Council.



unwilling to wait for a longer period of time (sometimes months) for another interview to be scheduled.<sup>78</sup> 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 a lack of cooperation on behalf of the applicant.

In the case of interviews carried out by EASO caseworkers, the interpreters are often provided under the EASO Support Plan and may have been brought to Cyprus for this purpose. These interpreters seem to have received training and follow Standard Operating Procedures. However, in 2019 complaints were received regarding an EASO interpreter that led to a complaint and the subsequent termination of services by the interpreter.<sup>79</sup>

### 1.3.3. Recording and transcript

The Refugee Law permits audio / video recordings.<sup>80</sup> 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 a decision is taken by the Head of the Asylum Service on the asylum application.<sup>81</sup> Furthermore, the legal representative / lawyer can intervene once the interview is concluded,<sup>82</sup> and this is the only stage at which corrections are permitted. However, in practice the situation varies between the examining officers, as some officers will allow such 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 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.<sup>83</sup> 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 IPAC,<sup>84</sup> 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, to the knowledge of the Cyprus Refugee Council. Access entails reviewing the report which is in Greek or sometimes in English,

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<sup>78</sup> Information from legal advisors of the Cyprus Refugee Council present at the interviews.

<sup>79</sup> Information from legal advisors of the Cyprus Refugee Council on cases represented.

<sup>80</sup> Article 18(2A)(a)(i) Refugee Law.

<sup>81</sup> Article 18(2A)(a)(iii) Refugee Law.

<sup>82</sup> Article 18(1A) Refugee Law.

<sup>83</sup> Article 18(2B)(a) Refugee Law.

<sup>84</sup> Article 18(2B)(b) Refugee Law.

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. However, in the rare cases where access is requested, it has been granted, as seen from cases represented by the Cyprus Refugee Council.

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, including possible victims of torture, trafficking or violence. 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.

It should be noted that on account of the global escalation of Covid-19, interviews for the examination of asylum applications have been suspended since March 2020 and until further notice. However, examination of cases where the interview has taken place is continuing.

All the decisions taken by caseworkers on asylum claims need to be confirmed by the Head of the Asylum Service.<sup>85</sup> In practice this is done on his behalf.

#### 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"><li>❖ If yes, is it</li><li>❖ If yes, is it suspensive</li></ul>	<table border="0"><tr><td><input checked="" type="checkbox"/> Yes</td><td><input type="checkbox"/> No</td></tr><tr><td><input checked="" type="checkbox"/> Judicial</td><td><input checked="" type="checkbox"/> Administrative</td></tr><tr><td><input checked="" type="checkbox"/> Yes</td><td><input type="checkbox"/> Some grounds <input type="checkbox"/> No</td></tr></table>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Judicial	<input checked="" type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Some grounds <input type="checkbox"/> No
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No						
<input checked="" type="checkbox"/> Judicial	<input checked="" type="checkbox"/> Administrative						
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Some grounds <input type="checkbox"/> No						
2. Average processing time for the appeal body to make a decision: Not available

##### 1.4.1. Appeal bodies

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 Administrative Court between January 2016 – June 2019 and from June 2019 before the newly established International Protection Administrative Court (IPAC).

Regarding the RRA, which has been the second instance administrative authority, and in view of the changes referred to above, the 2016 amendment to the Refugee Law removed all articles that concern the operations of the RRA. Regardless of this, the RRA continued operations including receiving new

<sup>85</sup> ECRE, Asylum authorities: an overview of internal structures and available resources, October 2019, available at: <https://bit.ly/2xwLqdP>.

appeals until July 2019. Currently it operates only to examine the backlog, which at the end of 2019 was just over 1,300 cases.

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 the backlog.

Regarding the Administrative Court, it was established in 2015 and started operating on 1 January 2016, taking over from the Supreme Court as the first-instance judicial review authority for asylum cases.<sup>86</sup> The backlog of asylum cases from the Supreme Court was transferred on to the Administrative Court with the exception of cases that were at the final stage of examination pending a decision.

The Administrative Court only examines applications 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 concerns about the capacity of the Court to deal with such a workload. In 2018, it was acknowledged that the Administrative Court could not fulfil its mandate toward asylum cases. This led to the establishment of a new specialised court to take on international protection cases, named the International Protection Administrative Court (IPAC).<sup>87</sup>

Regarding the IPAC it initiated operations in June 2019 and has taken on the backlog from the Administrative Court, as provided in the law which at the time of transfer of jurisdiction was estimated to be approximately 800 cases but this has not been confirmed officially<sup>88</sup>. Due to the short time it has been operating as well as the lack of statistics, the timeframe in which cases are examined is not yet clear, however there are indications that the IPAC is examining faster than Administrative Court. The Court will be receiving support under the EASO Support Plan 2020 in the form of two Member State experts, five seconded research officers and one interim statistician as well as the possibility of additional training where needed.<sup>89</sup>

The main challenges identified when setting up the Court were the lack of comprehensive rules of procedures, infrastructure challenges, a lack of administrative and logistical support and the expected size of the backlog (consisting of new cases, the backlog from the Administrative Court and appeals against decisions by the Reviewing Authority).

#### 1.4.2. Rules and time limits

In view of the above developments and as of July 2019, an appeal is submitted before the IPAC, within 75 calendar days; this information is included in the first instance decision issued by the Asylum Service. Decisions issued by the RRA can also be appealed within 75 days before the IPAC, which is again communicated in the negative decision issued by the RRA. The appeal before the IPAC has suspensive effect and examines both facts and points of law.<sup>90</sup> 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.

All decisions issued by the IPAC can be appealed before the Supreme Court within 42 days. The onward appeal before the Supreme Court examines only points of law and does not have suspensive effect. However, this remedy is not communicated in the decision that rejects the appeal before the IPAC.

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<sup>86</sup> Law N. 131(I)/2015 on the establishment and operation of the Administrative Courts, 21 July 2015.

<sup>87</sup> Law N. 73(I)/2018 on the establishment of the Administrative Court for International Protection. (IPAC Law)

<sup>88</sup> Information provided by Cyprus Refugee Council

<sup>89</sup> EASO Operating Plan 2020, available at: <http://bit.ly/382C6el>.

<sup>90</sup> Article 8 Refugee Law.

During 2017, a policy change was noted whereby beneficiaries of subsidiary protection who submit an “upgrade appeal before” the RRA against the decision that rejected their application for refugee status remain asylum seekers until a decision on the appeal was issued as the decision granting them subsidiary protection is suspended. This did not apply to beneficiaries of subsidiary protection who submit an appeal before the Administrative Court or IPAC. Furthermore, cases were identified where beneficiaries of subsidiary protection who submit an appeal before the RRA were informed that they were asylum seekers and are not entitled to assistance provided to beneficiaries of international protection but the CRMD continued to issue them with a [Residence Permit](#) that stated them to be subsidiary protection holders. However, it has been noted that the overall interest in appealing decisions granting subsidiary protection is low, including among Syrians, the majority of whom receive subsidiary protection. It is not clear whether this is due to fear of reverting to the status of asylum seeker, the low success rate in appeals, or the lack of access to legal representation. In any case, with the RRA ceasing to receive appeals in July 2019 this issue has become obsolete except for the cases that are still pending before the RRA.

The Refugee Law allows access, before a decision is issued on the asylum application, to the interview transcript, assessment / recommendation, supporting documents, medical reports and country of origin information (COI) that have been used in support of the decision <sup>91</sup>. However, the vast majority of asylum seekers as well as legal advisors / representatives are not aware of this right and do not exercise it. Access to the aforementioned documents is also provided after rejection of the asylum application. Again, the vast majority of asylum seekers and legal advisors / representatives are not aware of this right or do not exercise it. Access consists of reviewing the file and taking notes of the documents before an administration officer of the Asylum Service; copying or scanning the documents is strictly prohibited. As documents are mostly in Greek and some in English, such as COI reports, it is in fact impossible for an asylum seeker to effectively access their file as they will not be able to understand the content or take copies for someone to translate.

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 are extremely limited. Due to the fact that legal aid was never 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 2016 amendment to the Refugee Law, 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 depending on the case. As in the first instance examination for well-founded cases, it is not unusual for the RRA to take over three years to issue a decision. In 2017, due to the rising backlog, the processing time before the RRA has increased even more, with no improvements in 2018 or 2019. However, the RRA is expected to issue decisions on all cases by the end of 2020 when it will cease operations. If rejected by the RRA, an asylum seeker has the right to submit a recourse before the IPAC within 75 calendar days.

The procedure before the IPAC is judicial. Applicants can submit an application without legal representation. However, this is not widely known in general and it is discouraged by the Court itself as the procedures are very complicated. Moreover, 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 this remedy. Regarding the procedural rules followed by the Court, these are not considered

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<sup>91</sup> Article 18(2B) and (7A) Refugee Law.

sufficient<sup>92</sup> and there are important gaps concerning issues related to asylum claims such as the examination of expert witnesses.

Following on from the global escalation of Covid-19, the procedures before all national courts since March 2020 have been suspended with the exception of urgent cases and/or cases with a deadline set by the Constitution. This means the Court Registrar of the IPAC will receive legal aid applications and appeals against asylum decisions and other related asylum cases (i.e. family reunification) but the proceedings are suspended. Only proceedings on detention orders are considered urgent and are examined.

## 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<sup>93</sup>, and may lead to disciplinary measures against lawyers.

### 1.5.1. Legal information and assistance at first instance

For the first instance examination, the Refugee Law imposes an 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.<sup>94</sup>

According to the law,<sup>95</sup> 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

<sup>92</sup> EASO Operating Plan 2020, available at: <http://bit.ly/382C6el>.

<sup>93</sup> Article 17(9) Advocates Law.

<sup>94</sup> Article 18(7)(a) Refugee Law.

<sup>95</sup> Article 18(7)(c) Refugee Law.

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.<sup>96</sup>

According to the Asylum Service, an officer from the Asylum Service who does not examine asylum applications has been designated to provide such information by way of appointments. However, there is no evidence indicating that applicants are aware of this service, nor has anyone mentioned accessing it so far <sup>97</sup>. For cases before the RRA, no such information is provided.

In practice, the only free legal assistance available at the administrative stages is extremely limited and under funded projects. Due to the lack of state-provided legal assistance, UNHCR has consistently funded the project “Strengthening Asylum in Cyprus”, implemented by the NGO Future Worlds Center from 2006-2017 and by the Cyprus Refugee Council for 2018, 2019 and 2020 <sup>98</sup>. The project provides for only three lawyers for all asylum seekers and beneficiaries of international protection 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 six months of 2013, then for the first six months of 2014 and for another six months until June 2015 by the NGO Future Worlds Center.<sup>99</sup> Although legal assistance was included as a priority under the Asylum, Migration and Integration Fund (AMIF) at a national level, a relevant call for proposals has not been issued since the introduction of the AMIF.<sup>100</sup> 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 asylum procedures in Cyprus.

Regardless of the significant rise in the number of asylum applicants in recent years there was no indication in 2019 or early 2020 that the state has taken steps to ensure the right to free legal and procedural information.

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 into contact with NGOs again through other detainees but also by NGOs carrying out monitoring visits to the detention centre.<sup>101</sup>

### 1.5.2. Legal assistance in appeals

Legal aid is offered by the state only at the judicial examination of the asylum application before the Administrative Court (between Jan 2019 – June 2019) and as of June 2019 before IPAC.<sup>102</sup> The application for legal aid is subject to a “means and merits” test.<sup>103</sup> 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 IPAC. In the majority of cases, asylum seekers are recognised not to have sufficient resources.

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<sup>96</sup> Article 18(7Γ)(d) and (e) Refugee Law.

<sup>97</sup> Information provided by the Cyprus Refugee Council.

<sup>98</sup> Available at: <https://cyrefugeecouncil.org/>.

<sup>99</sup> For an overview, see FWC, *Provision of Free Legal Advice to Asylum Seekers in Cyprus*, available at: <http://bit.ly/1Mahy6e>.

<sup>100</sup> Ministry of Interior, *European Funds*, available at: <http://bit.ly/2mcB4sq>.

<sup>101</sup> Information provided by the Cyprus Refugee Council, which carries out weekly visits to the detention centre.

<sup>102</sup> Article 6B(2) Legal Aid Law.

<sup>103</sup> Article 6B(2)(b)(bb) Legal Aid Law.



Regarding the “merits” part of the test, which is extremely difficult to satisfy, the applicant must show that the “the appeal has a real chance of success”. This means that asylum seekers must convince the judge, without the assistance of a lawyer, that there is a possibility the Court may rule in their favour if it later examines the appeal. 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 why Legal Aid should not be provided, which leads to an extremely unequal process. As a result, it remains nearly impossible for a person with no legal background to satisfy this requirement and since the 2010 amendment of the law for Legal Aid which extended legal aid to the asylum procedure, very few applications for legal aid have been submitted and even less granted.<sup>104</sup>

Although IPAC initiated operations in June 2019, at the time of publication no statistics are available. Furthermore the decisions issued by IPAC, including legal aid decisions, are not published on the CyLaw online platform,<sup>105</sup> as is done with all other Courts in Cyprus but only on the online platform Leginet that requires a subscription and only for cases from June to November 2019.<sup>106</sup> This has made it difficult to observe the number of applications for legal aid and the success rate as statistics are not released. However, based on the published decisions on legal aid applications submitted before the IPAC for the period June-November 2019 only one legal aid application has been successful, leading to the observation that the “merits” part of the test remains extremely difficult to satisfy. In early 2020, another two legal aid applications were granted but these were assisted by legal advisors of the Cyprus Refugee Council.

Administrative Court decisions on legal aid in asylum cases			
	2016	2017	2018
Granting legal aid	2	2	0
Refusing legal aid	20	13	5
Total decisions	22	15	5
Success rate	9.1%	13.3%	0%

Source: Search carried out on the [Cylaw database](#), 2016-2018. In June 2019, the IPAC initiated operations and pending cases were transferred. It is estimated that approximately 800 cases were transferred onto the IPAC.

Furthermore, in cases where legal aid is granted the court fees need to be covered up front, which are €96 if the applicant submits without a lawyer and €137 if submitted with a lawyer. This amount, along with other expenses, will be reimbursed after the conclusion of the case but with extremely long delays; such delays occur in all court cases and are not limited to asylum-related cases, however this also acts as a deterrent to lawyers to take up cases under legal aid.

The UN Committee against Torture (UNCAT) has stated in its fifth report on Cyprus that it is concerned that prospective recipients for legal aid must argue before a court to convince it about the prospects of success of their claim before being granted legal aid.<sup>107</sup> Moreover, 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 during the examination of their application in the first instance and from the assistance of a lawyer.<sup>108</sup>

<sup>104</sup> According to a search carried out on the [Cylaw database](#), for 2010-2017, approximately 87 applications for legal aid submitted by asylum seekers were found, out of which 9 were granted.

<sup>105</sup> See <http://www.cylaw.org/index.html>.

<sup>106</sup> Leginet is a subscription-based database for legislation, caselaw and secondary legislation, available at: <https://bit.ly/2WfLqsR>.

<sup>107</sup> UNCAT, Concluding Observations on the Fifth Report of Cyprus, Committee against Torture, December 2019.  
<sup>108</sup> UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Cyprus, Twenty seventh session, April 2019.

## 2. Dublin

### 2.1. General

#### Dublin statistics: 2019

Outgoing procedure			Incoming procedure		
	Requests	Transfers		Requests	Transfers
<b>Total</b>	203	21	<b>Total</b>	143	1
<b>Germany</b>	48	1	<b>Germany</b>	35	0
<b>United Kingdom</b>	33	0	<b>Czech Republic</b>	24	1
<b>France</b>	23	1	<b>France</b>	17	0
<b>Sweden</b>	19	1	<b>Greece</b>	12	0

Source: Dublin Unit, Asylum Service

#### 2.1.1. Application of the Dublin criteria

The applicant is interviewed by Dublin Unit officers of the Asylum Service 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 and 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 will apply the family provisions even if the asylum seeker has not indicated the existence of family members in another Member State from the outset.<sup>109</sup>

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

#### 2.1.2. The dependent persons and 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.<sup>110</sup> No statistics have been shared by the Asylum Service on the application of such clauses.

<sup>109</sup> Information provided by the Dublin Unit, October 2015. This practice remains valid as of 2017. Confirmed by cases represented by the Cyprus Refugee Council.

<sup>110</sup> *Ibid.*



## 2.2. Procedure

### Indicators: Dublin: Procedure

1. Is the Dublin procedure applied by the authority responsible for examining asylum applications?  
☒ Yes ☐ No
2. On average, how long does a transfer take after the responsible Member State has accepted responsibility? 3-6 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.<sup>111</sup> There is no specific policy in place for cases where applicants refuse to be fingerprinted, nor have there been cases to indicate practice.

The Dublin procedure is systematically applied in all cases;<sup>112</sup> when lodging an application for asylum, the applicant also fills in a Dublin questionnaire where he or she has to state any previous travel 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.

In 2018, the Asylum Service faced difficulties in issuing “take charge” requests for family reunification within the three-month deadline. In 2019 improvements were noted in issuing requests within the deadline.<sup>113</sup>

### 2.2.1. Individualised guarantees

The Dublin Unit seeks individualised guarantees that the asylum seeker will have adequate reception conditions and access to the asylum procedure upon transfer to countries facing difficulties in their asylum systems.<sup>114</sup> Such guarantees are sought after the responsible Member State has agreed to take charge of / take back the applicant.

### 2.2.2. Transfers

When another EU Member State accepts responsibility for the asylum applicant, it takes on average three-six 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. In 2017, it carried out 12 outgoing transfers, in 2018 15 outgoing transfers and in 2019 eight outgoing transfers were carried out.

## 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

<sup>111</sup> Article 11A Refugee Law.

<sup>112</sup> Article 11B Refugee Law.

<sup>113</sup> Information provided by cases represented by the Cyprus Refugee Council.

<sup>114</sup> Information provided by the Dublin Unit, July 2017.

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” cases, 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. Applicants are also informed about the Dublin procedure, what it entails, the possibilities and effect on the case.<sup>115</sup>

## 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?

- |                            |  |  |
|----------------------------|--|--|
| ❖ If yes, is it            | <input checked="" type="checkbox"/> Yes      | <input type="checkbox"/> No                        |
|                            | <input checked="" type="checkbox"/> Judicial | <input checked="" type="checkbox"/> Administrative |
| ❖ If yes, is it suspensive | <input type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> No             |

The procedure for appeals against Dublin 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.<sup>116</sup> 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,<sup>117</sup> 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.

<sup>115</sup> Information provided by testimonies of individuals who have undergone a Dublin interview.

<sup>116</sup> Article 11B(3) Refugee Law.

<sup>117</sup> Article 31Γ(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 RRA 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.<sup>118</sup> 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?

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

Asylum seekers transferred back from another Member State 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.<sup>119</sup>

For asylum seekers transferred back from another Member 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.

<sup>118</sup> Article 68(8) Legal Aid Law.

<sup>119</sup> Information provided by the Cyprus Refugee Council which carries visits to Kofinou reception centre.

No information is available as to whether requests sent to the Dublin Unit ask for the provision of individual guarantees for incoming transfers.

Only one person has been returned to Cyprus throughout 2019, compared to six persons in 2018, five persons in 2017 and four in 2016.

### 3. Admissibility procedure

#### 3.1. General (scope, criteria, time limits)

The Refugee Law provides that an application for international protection is inadmissible only where:<sup>120</sup>

- (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.<sup>121</sup>

In 2019, cases were identified where the inadmissibility ground was applied, specifically where another Member State has granted international protection.<sup>122</sup>

#### 3.2. Personal interview

##### Indicators: Admissibility Procedure: Personal Interview

☐ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the admissibility procedure? ☒ Yes ☐ No
  - ❖ If so, are questions limited to identity, nationality, 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

According to the law, before the decision on admissibility is taken, the Asylum Service allows the applicant to state his or her views on the application of the grounds and for this purpose carries out a personal interview on the admissibility of the application. In practice a short interview will be carried out and always in the presence of an interpreter.

<sup>120</sup> Article 12B-quater(2) Refugee Law.

<sup>121</sup> Article 12B-quater(1) Refugee Law.

<sup>122</sup> Based on information provided by the Cyprus Refugee Council.

### 3.3. Appeal

#### Indicators: Admissibility Procedure: Appeal

☒ Same as regular procedure

1. Does the law provide for an appeal against the decision in the admissibility procedure?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Judicial	<input checked="" type="checkbox"/> Administrative
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Some grounds <input type="checkbox"/> No
- ❖ If yes, is it
- ❖ If yes, is it suspensive

The law permits for an appeal against inadmissibility decisions.<sup>123</sup> The rules and procedure are the same as in the [Regular Procedure: Appeal](#).

### 3.4. Legal assistance

#### Indicators: Admissibility Procedure: Legal Assistance

☒ Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?

<input type="checkbox"/> Yes	<input type="checkbox"/> With difficulty	<input checked="" type="checkbox"/> No
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  - ❖ Does free legal assistance cover:

<input type="checkbox"/> Representation in interview
<input type="checkbox"/> Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against an inadmissibility decision in practice?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> With difficulty	<input type="checkbox"/> No
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  - ❖ Does free legal assistance cover

<input checked="" type="checkbox"/> Representation in courts
<input checked="" type="checkbox"/> Legal advice

There is no access to free legal assistance from the state before the Asylum Service and RRA during any procedure, including the admissibility procedure. However, such cases can be assisted by the free legal assistance provided for by NGOs under project funding, although the capacity of these projects is extremely limited (see [Regular Procedure: Legal Assistance](#)).

## 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.

Article 12A 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:

- Comes from a country where there is no serious risk of persecution;<sup>124</sup>

<sup>123</sup> Articles 12B-quater(1) and 18(7)-(7E) Refugee Law.

<sup>124</sup> Article 12A Refugee Law.

- Comes from a safe third country;<sup>125</sup>
- Comes from a safe European third country;<sup>126</sup>
- Comes from a safe country of origin;<sup>127</sup>
- Lodges an inadmissible application;<sup>128</sup>
- Comes from a first country of asylum;<sup>129</sup>
- Meets one of the following criteria:<sup>130</sup>
  - 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;<sup>131</sup>
  - 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.

According to the Law, the 30-day time limit to issue a decision may be extended to two months upon the recommendation of the case examiner and approval by the Director of the Asylum Service.<sup>132</sup>

In practice, until 2019 the accelerated procedure had never been used. In late 2019 a pilot for the accelerated procedure was initiated in the Pafos district in order to respond to the influx of one nationality,<sup>133</sup> specifically Georgian nationals.<sup>134</sup>

As this is a recent development, there is no available information on the implementation of the procedure in practice.

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<sup>125</sup> Article 12B Refugee Law.

<sup>126</sup> Article 12B-bis Refugee Law.

<sup>127</sup> Article 12B-ter Refugee Law.

<sup>128</sup> Article 12B-quater Refugee Law.

<sup>129</sup> Article 12B-quinqüies Refugee Law.

<sup>130</sup> Article 12Δ(4) Refugee Law.

<sup>131</sup> Article 12B-ter Refugee Law.

<sup>132</sup> Article 12Δ(5)(β) Refugee Law.

<sup>133</sup> EASO and Cyprus 2020 Operational & Technical Assistance Plan, available at: <https://bit.ly/2xAVLFy>.

<sup>134</sup> Ministerial Decision on Safe Countries <http://bit.ly/37YKdbU>.

## 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.<sup>135</sup> The personal interview on the substance of the application may be omitted where:<sup>136</sup>

- 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, is granted at the same time the decision is made.

As the accelerated procedure was initiated for the first time in late 2019, there is no available information on the implementation of the procedure in practice.

## 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 ☐ Some grounds ☐ No

There is no separate procedure for appealing against a decision in the accelerated procedure. As in the regular procedure an appeal can be submitted before the International Protection Administration Court (IPAC) within 75 days (see [Regular Procedure: Appeal](#)).<sup>137</sup> The only difference from the appeal in the regular procedure is the right to remain that shall be decided by the IPAC, after the applicant has filed a relevant application.<sup>138</sup> However, the applicant has a right to remain until the issuance of the decision on the application to remain.

<sup>135</sup> Article 12Δ(2) Refugee Law.

<sup>136</sup> Article 13A(2) Refugee Law.

<sup>137</sup> Article 11 IPAC Law.

<sup>138</sup> Article 8(1A) Refugee Law.



As the accelerated procedure was initiated for the first time in late 2019, there is no available information on the implementation yet, including on the submission of appeals under this procedure.

#### 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

The Refugee Law defines the categories of persons considered as vulnerable. These are similar to Article 21 of the recast Reception Conditions Directive:<sup>139</sup>

“[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.”

#### 1.1. Screening of vulnerability

The Refugee Law sets out 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.<sup>140</sup> 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 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

<sup>139</sup> Article 9KΓ Refugee Law.

<sup>140</sup> Articles 9KΔ(a) and 10A Refugee Law.

Asylum Service indicating any special reception needs as well as their nature. Finally, the Social Welfare Services (SWS) are required to identify any special reception needs and report them to the 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 identifying and addressing in a timely manner 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 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.

According to the Asylum Service, they have 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. Training is also provided by UNHCR from time to time and EASO as part of the Special Support Plan. The training by the latter actor has been planned under the Operating Plan 2019 with a focus on victims of trafficking.<sup>141</sup> Regardless of the trainings, 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.<sup>142</sup>

In 2019, the Asylum Service carried out screenings of vulnerabilities at the First Registration Reception Centre in Kokknotrimithia, however these were not full assessments and the results indicated that cases were going unidentified. From March 2019 until the present moment, the Cyprus Refugee Council also carried out vulnerability assessments at the Centre utilising relevant UNHCR tools and through this process identified a sufficient number of vulnerable persons that were referred to the responsible authorities. Such referrals led to cases of vulnerable persons being allocated to specialised examiners at the Asylum Service, as well as priority given to such cases. However, it is not clear if any other procedural guarantees are being applied. Furthermore, it has not led to an assessment and provision of any special receptions needs.

From mid-2019 and onwards, efforts have been made by the Asylum Service and EASO in collaboration with UNHCR and the Cyprus Refugee Council to set up a comprehensive vulnerability assessment procedure at the First Registration Reception Centre, including the development of a common tool to be used for screening and assessment of vulnerable persons and a Standard Operation Procedure Due to the rise in the numbers of new arrivals and then the developments due to Covid-19 this has been put on hold.

Overall, 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

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<sup>141</sup> EASO, *Operational & Technical Assistance Plan to Cyprus 2019*, December 2018, Measure CY 1.0.

<sup>142</sup> Ombudsman, *Support of a woman, single mother, victim of torture and gender-based violence*, 5/2016, cited in *Annual Report 2017*, available in Greek at: <https://bit.ly/2JITWPx>, 28-30; Reporter, ‘Απάνθρωπη αντιμετώπιση κακοποιημένης μάνας από την... ευρωπαϊκή Κύπρο’, 31 January 2019, available in Greek at: <https://bit.ly/2T1KdEC>.

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 identifying vulnerable persons was raised in the recent review on Cyprus by the UN Committee against Torture, specifically the lack of procedures to identify, assess and address the specific needs of asylum seekers, including survivors of torture.<sup>143</sup>

## 1.2. Age assessment of unaccompanied children

The 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.<sup>144</sup> 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 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 age will first have an interview, which is considered by the authorities as a psychosocial assessment, to determine if they should be sent for medical examinations. The psychosocial assessment is carried out by an Asylum Service caseworker, in the presence of a social worker / guardian and it mostly consists of taking down facts to assess whether these are consistent with the claim of being underage. The caseworker carrying out the assessment will have received training for this purpose but is not necessarily a qualified social worker or psychologist. The assessment also includes questions related to the asylum application. In Dublin cases, a child may be sent for medical examination when 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. A clinical examination by an endocrinologist to determine the stage of development, upon consent of the child, is also mentioned in the procedure. However, in practice such examination does not seem to be used due to its invasive nature.<sup>145</sup>

According to the authorities, the doctors that are currently carrying out some of the dental examinations have been trained by EASO. However, the training of all professionals carrying out the age assessment does not seem to be ongoing and it is not clear if any of the doctors have since changed and if there has been further training.<sup>146</sup>

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<sup>143</sup> UNCAT, Concluding Observations on the Fifth Report of Cyprus, December 2019.

<sup>144</sup> Article 10(1Z)(a) Refugee Law.

<sup>145</sup> Commissioner of Children's Rights, *Έκθεση της Επιτρόπου Προστασίας των Δικαιωμάτων του Παιδιού, Λήδας Κουρσουμπά, αναφορικά με την εκτίμηση της ηλικίας των ασυνόδευτων ανηλίκων αιτητών ασύλου*, December 2018, available in Greek at: <https://bit.ly/2U2P7hW>, 18 and 32.

<sup>146</sup> *Ibid*, 29.

Furthermore, there is no procedure in place to challenge the findings of the age assessment, and the Asylum Service refuses to give access to the file and documents relevant to the age assessment. Where results confirm the individual as an adult and these are communicated to the applicant, they are usually assisted to apply for material reception conditions and then asked to leave the shelter for children as soon as possible.

The Commissioner of Children's Rights issued an updated report on age assessment of unaccompanied children at the end of 2018,<sup>147</sup> in which she states as a positive development the procedure that has been adopted since 2014 when the last report had been issued.<sup>148</sup> However, the Commissioner notes important gaps that still remain such as: the lack of an overall multidisciplinary approach of the procedure and the decision, especially noting the gaps in the psychosocial aspect of these; the absence of best interest determinations when deciding to initiate the age assessment procedure; the lack of remedy to challenge the decision that determines the age; issues relating to the role of the guardian and the representative in the age assessment procedures and the conflict of interest that arises as both roles are carried out by the same authority. Attention was also paid to the lack of independency of both of these roles as they also act on behalf of the national authority they represent.

According to the Social Welfare Services in 2019, 535 unaccompanied asylum seeking children (UASC) applied for asylum out of which 203 UASC were referred for age assessment (including medical assessments) and 194 were found to be adults.

## 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:

### 2.1. Adequate support during the interview

The Refugee Law lays down procedural guarantees and provides that if the Asylum Service finds that an applicant is in need of special procedural guarantees, they are provided 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.<sup>149</sup> The exact level, type or kind of support is not specified in the law.

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

Cases that are identified as vulnerable will be allocated to an examiner who has training for vulnerable cases and in most cases the applicant will receive an appropriate interview. However, even in such cases there is not a set procedure wherein the examiner can request that the applicant receives support such as medical or psychological support in order to facilitate the interview and ensure the applicant is in a position to provide the elements needed to substantiate the claim.

<sup>147</sup> *Ibid.*

<sup>148</sup> 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.

<sup>149</sup> Article 10A Refugee Law.

In view of the lack of an effective mechanism for the identification and assessment of vulnerable persons, issues arise when cases are not identified as vulnerable and are examined by examiners that do not have the necessary training or in complicated cases where the examiner does not have the required expertise. Furthermore, there are complaints of examiners not taking into consideration the vulnerabilities or sensitivities of the applicant; not being impartial and having a problematic attitude. There is no recourse to address such issues since no complaint's mechanism exists.

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. There are no specialised units within the Asylum Service for these groups. However, there are five specialised case officers dealing with claims from vulnerable persons, including three officers for unaccompanied children and two for vulnerable groups such as victims of trafficking and gender-based violence.<sup>150</sup> 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 lacks the necessary training. As there is no internal procedure to refer cases, they will often continue with the interview and examination of the application. There are also complaints about interviews being carried out in an interrogatory manner.

If requested, usually in writing, a social advisor or psychologist can escort a vulnerable person to the interview. However, due to the low capacity of available services this is not utilised very often. Based on cases represented by the Cyprus Refugee Council, such a request was made for two cases in 2019 and two cases in 2020 and permission was granted. The role of the social advisor or psychologist during the interview is supportive towards the applicant and does not intervene in the interview.

In 2018, EASO also deployed three vulnerability experts.<sup>151</sup> In 2019 the number remains the same but is expected to increase in 2020. EASO support since 2017 has led to more cases being examined in a timely and appropriate manner, yet it is still not clear if all such cases are being identified and receiving appropriate examination. Based on cases represented by the Cyprus Refugee Council in 2018, there have been issues relating to the duration of the interview with cases identified of vulnerable persons that last five hours and, in a case of a victim of torture with ongoing physical pain, eight hours.

## 2.2. Exemption from special procedures

The law also provides that where such adequate support cannot be provided within the framework of the [Accelerated Procedure](#), 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.

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 with 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. As the accelerated procedure was only initiated toward the end of 2019 there are no indications as to whether the above is applied.

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<sup>150</sup> Information provided by the Asylum Service, January 2018.

<sup>151</sup> Information provided by EASO, 13 February 2019.

### 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 Refugee Law contains 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. First, according to the law, asylum applications are examined and decisions are taken individually, objectively and impartially taking into account, among others, 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.<sup>152</sup> Such documents include medical reports.

Other instances where the law refers to medical reports and how they 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 reception needs and / or special procedural guarantees of the applicant and the nature of those needs;<sup>153</sup>
- ❖ 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;<sup>154</sup>
- ❖ Where the examining officer considers it relevant for the evaluation of the application he or she 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;<sup>155</sup>
- ❖ 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.<sup>156</sup>

In practice, however, all the above may not be applied and overall 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 specialised services for victims of torture implemented by the

<sup>152</sup> Article 18(3) Refugee Law.

<sup>153</sup> Article 9KΔ(3)(b) Refugee Law.

<sup>154</sup> Article 13A(2)(b) Refugee Law.

<sup>155</sup> Article 15 Refugee Law.

<sup>156</sup> Article 18(7A)(b)(ii) Refugee Law.



Cyprus Refugee Council,<sup>157</sup> which is a psychological report that may be drafted as part of the rehabilitation services offered to victims of torture.

Specifically regarding victims of torture, the law provides 'Where the examining officer considers it relevant for the evaluation of the application, the officer 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 examination shall be assessed by the determining authority along with the other elements of the application.'<sup>158</sup>

For this purpose, a state Medical Board has been appointed to evaluate torture claims within the asylum procedure. In the past 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 had sufficient training on issues of torture and did not follow a specific methodology or procedure, such as the Istanbul Protocol or other internationally accepted procedures. In addition, the examination itself took 20 minutes and there were no interpreters present during the examination, no psychological / psychiatric assessment and all reports issued concluded that "the Board is not in a position to determine the cause of the findings."<sup>159</sup>

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 interpreters.<sup>160</sup> Following this criticism, 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. 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 are part of the procedure, including a psychological assessment. The procedure currently being followed is closer to the training received and to that described under the Istanbul Protocol.

Regarding referrals to the Medical Board, as the law stipulates that referrals are at the discretion of the examining officer, it has been observed in recent years that practice varies. Caseworkers of the Asylum Service, if they have no doubt on the credibility of the applicant, will grant protection without referring to the Medical Board in many cases and tend to refer cases that are only considered to require further examination / evaluation. There have been no cases identified where the Asylum Service caseworkers have rejected an asylum application that includes torture claims without referring to the Board. On the contrary, EASO caseworkers examining asylum applications under the EASO-Cyprus support plan seem to be more reluctant to refer applicants to the Medical Board.<sup>161</sup> Indicatively, in 2018 and 2019 cases were identified which had been examined by EASO caseworkers that included a torture claim however the applicant was not referred to the Medical Board and was rejected as the applicant was found to be non-credible on the reasons for which the torture took place.

When an asylum seeker is referred to the Medical Board, the Board will arrange the appointment with the individual, in most cases several months 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 one and a half to two 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. Throughout 2018 and 2019 the procedure continues to be extremely slow with most cases reaching one to one and a half years to be concluded by the Medical Board alone. From then on, they will require

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<sup>157</sup> For more information, see Cyprus Refugee Council, *Our projects*, available at: <https://bit.ly/2DV3s9c>.

<sup>158</sup> Article 15 Refugee Law.

<sup>159</sup> This is a standard phrase used in individual cases and this information is based on cases represented by the Cyprus Refugee Council.

<sup>160</sup> UNCAT, *Concluding Observations on the Fourth Report of Cyprus*, 21 May 2014.

<sup>161</sup> EASO, Special support plan to Cyprus – Amendment No 4, December 2017, Measure CY 8.1.



approximately at least another year before the Asylum Service issues a first instance decision on the asylum claim.

The UN Committee against Torture in the latest report on Cyprus in December 2019 expressed its concern about ‘the lack of procedural safeguards to ensure a timely medical examination of alleged victims of torture and ill-treatment, including psychological or psychiatric assessments when signs of torture or trauma are detected during personal interviews of asylum seekers or irregular migrants. The Committee regrets that the requested information on the rehabilitation of identified victims of torture and ill-treatment, and on priority access to the asylum process for those who have been so identified, was not provided’.<sup>162</sup>

Regarding the quality of the reports issued by the Medical Board and the impact on the examination of the asylum applications, there have not been enough cases and reports to indicate a clear practice. A medical report reviewed at the end of 2018 in a case represented by the Cyprus Refugee Council stated the physical findings (scars) and that the applicant had symptoms that indicate PTSD. This confirms, at least, that a psychological assessment is now carried out. Furthermore, the report concluded that the findings could be the result of torture, also an improvement from the former procedure and medical report. However, in the subsequent decision on the asylum application issued by the Asylum Service based on a recommendation by an EASO caseworker, the applicant was found to be credible on the injuries sustained, noting that the medical report confirms these, but the applicant was found to be non-credible on the reasons for which the attack took place. As for the PTSD, it is stated that it was taken into consideration but that it is not adequate to excuse the non-satisfactory internal credibility of the applicant’s statements and the application was rejected.

#### 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.<sup>163</sup> 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.

The law provides that the Director of Social Welfare Services acts, in person or via an officer of the Social Welfare Services, as a 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.<sup>164</sup> 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 for appointing 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.

<sup>162</sup> UNCAT, *Concluding Observations on the Fifth Report of Cyprus*, December 2019.

<sup>163</sup> Article 10 Refugee Law.

<sup>164</sup> Procedural Rules 3/2014, available at: <http://bit.ly/2mKdxvp>.

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 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 a substantial way. In all cases monitored by the Cyprus Refugee Council,<sup>165</sup> the representative has never asked any questions or made any comments after the interview, and further actions are rarely 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.

In respect of 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 the 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 2016 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. The Commissioner carries out trainings from time to time to selected lawyers on the representation of children in asylum cases.

The legal and policy framework for unaccompanied children has been repeatedly criticised by the national Ombudsman, who has issued two reports on the issue,<sup>166</sup> 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 (this has since been resolved, as seen in [Detention of Vulnerable Applicants](#)), 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 the age assessment procedure. 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.<sup>167</sup>

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<sup>165</sup> Information provided by the Cyprus Refugee Council.

<sup>166</sup> 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>.

<sup>167</sup> 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>.

At the end of 2018, the Commissioner for the Rights of the Child issued a series of three reports related to unaccompanied children, including a report on the representation of unaccompanied children.<sup>168</sup> In this report, the Commissioner once again raises serious concerns on many issues related to representation and considers the existing framework to be in violation of the Asylum Directives. Such issues include the lack of representation for unaccompanied children with regard to access to reception conditions; legal representation before the Court is limited to asylum cases and not reception conditions; the law provides that unaccompanied children and their representative are provided with free legal and procedural information but the law does not foresee who provides such information; the Law does not provide for legal representation and the existing representation by the Social Welfare Service is problematic and the dual role of the Social Welfare service that acts as a guardian and representative.

There were no indications in 2019 of the legal representation of UASC improving. In 2019, 535 UASC applied for asylum, of which 203 were referred to age assessment and 194 were found adults. Currently the number of UASC in the country is 386.

## 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.<sup>169</sup> Under the Refugee Law, 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.<sup>170</sup> 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.<sup>171</sup>

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. 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.

<sup>168</sup> Commissioner for the Rights of the Child, *Έκθεση της Επιτρόπου, αναφορικά με την εκπροσώπηση των ασυνόδευτων ανηλίκων αιτητών ασύλου*, December 2018, available in Greek at: <https://bit.ly/2F8OIL8>.

<sup>169</sup> Article 16Δ Refugee Law.

<sup>170</sup> Article 16Δ(2) Refugee Law.

<sup>171</sup> Article 16Δ(3)(a) Refugee Law.

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, however the applicant is considered an asylum seeker during this procedure and has access to reception conditions.

It should be noted that, whereas in the previous version of the Refugee Law, there was explicit provision to the Refugee Reviewing Authority (RRA) as a 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 the RRA continues to operate, the procedure regarding subsequent applications or new elements or findings initially did not change and the RRA continued to receive and examine these applications. During 2017 the RRA decided that all subsequent applications or new elements or findings on a claim must be submitted to the Asylum Service and transferred all its pending files of subsequent applications or new elements or findings on a claim to the Asylum Service to be examined at first instance. As the Asylum Service does not agree with the RRA's position on this, it has not proceeded with the examination of these cases, including cases of Syrian nationals, leading to many subsequent applications pending for three-four years. In 2019, based on an opinion issued by the Attorney General it was determined that the Asylum Service is the competent authority to receive and examine subsequent applications or new elements or findings on a claim. Based on this, the Asylum Service set up a procedure for the submission of subsequent applications, new elements or findings and introduced a form which applicants are required to submit. The process of examining such applications initially became timelier, however due to the rise in such applications the processing time has also increased.

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.

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

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.

The following numbers of asylum seekers lodged subsequent applications in 2019:

Subsequent asylum applicants in Cyprus: 2019	
Asylum Service	
Country of origin	Number
Georgia	85
India	78
Pakistan	61
Bangladesh	55
Syria	54
Vietnam	54
Iran	51
<b>Total</b>	<b>535</b>

Source: Asylum Service

## 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,<sup>172</sup> 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.<sup>173</sup>

The safe country of origin was utilised for the first time in mid-2019 with the issuance of a Ministerial Decision determining Georgia as such a country and initiated, also for the first time, the use of accelerated procedures to examine asylum applications submitted by Georgians (see section on [Accelerated Procedure](#)).<sup>174</sup> There have since been discussions of adding more countries but to date this has not taken place.

### 2. Safe third country

The definition of safe third country is defined in Article 12B of the Refugee Law and 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.

<sup>172</sup> 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.

<sup>173</sup> Article 12Δ(1) Refugee Law.

<sup>174</sup> Ministerial Decision on Safe Countries, available at: <http://bit.ly/37YKdbU>.

## G. 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 law,<sup>175</sup> 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 they have 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.<sup>176</sup> The law also states that the Asylum Service must ensure 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.

In practice, in recent years the information leaflet provided by the Asylum Service was outdated and rarely provided to asylum seekers. As of 2018, the information leaflet has been updated and issued, however it was not considered to be user-friendly.<sup>177</sup> In 2019, efforts were made by the Asylum Service in collaboration with EASO to produce more effective information materials, however due to the changes taking place in the asylum system this has been delayed and is expected to be available mid-2020. 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.<sup>178</sup> 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,<sup>179</sup> regarding the asylum procedure, asylum seekers' rights and obligations and available support services. However, these are not always available nor are they

<sup>175</sup> Article 9A Refugee Law.

<sup>176</sup> Article 9A(2) Refugee Law.

<sup>177</sup> Asylum Service, *Information leaflet for applicants for international protection*, available at: <https://bit.ly/33M2ZTm>.

<sup>178</sup> Asylum Service, *Information leaflets on the Dublin and Eurodac Regulations*, available at: <http://bit.ly/2GLI9GJ>.

<sup>179</sup> Future Worlds Center, *Information on Seeking Asylum in Cyprus*, available at: <https://bit.ly/2UJLa2V>, prepared in the framework of the ERF-funded "Info Bus" project.



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 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.

Towards the end of 2017, the UNHCR Representation in Cyprus launched an online information platform for asylum seekers and refugees. Topics covered include information on the asylum procedures; the rights and duties of asylum seekers and refugees; and information about government programmes and NGOs that offer various types of assistance and integration support.<sup>180</sup> The platform is available in English, French and Arabic. The UNHCR online information platform includes specific information for unaccompanied children.<sup>181</sup>

Regarding decisions, in accordance with the law,<sup>182</sup> the Head of the Asylum Service must inform the applicant about the decision of the examination of the asylum application and the 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 Greek or 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 [Regular Procedure: Appeal](#)) and reviewed in order to prepare an appeal, however these are also available only in Greek or English and there is no available free translation / interpretation. Furthermore, access to these documents consists of reviewing them without the possibility of taking a copy (see [Regular Procedure: Personal Interview](#)).

Except for basic information and contact details included in the Asylum Service leaflet, there is no up-to-date information provided by the Refugee Reviewing Authority on their procedures. Regarding the judicial appeal before the IPAC and the application for legal aid, UNHCR has provided information in English and information in Arabic and French are soon to be available in.<sup>183</sup>

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. The lack of information for this procedure often acts as a deterrent for people who wish to submit a subsequent application or new element (see section on [Subsequent Applications](#)).<sup>184</sup>

### 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. 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.<sup>185</sup> In practice, detainees are provided with a detention order that includes the

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<sup>180</sup> UNHCR, *UNHCR Help – Cyprus*, available at: <http://help.unhcr.org/cyprus/>.

<sup>181</sup> UNHCR, *If you are under 18*, available at: <http://bit.ly/2rsW9lY>.

<sup>182</sup> Article 18(7E) and (7B) Refugee Law.

<sup>183</sup> UNHCR, *UNHCR Help – Cyprus*, available at: <https://bit.ly/3asLcTE>.

<sup>184</sup> Information provided by the Cyprus Refugee Council.

<sup>185</sup> Article 9ΣΤ(8) Refugee Law.



articles of the law based on which they are detained and, in brief, the remedies available. There is no justification on the individual reasons or facts or on procedures to access the available remedies.

In late 2019, the Cyprus Refugee Council published a leaflet that was made available in the main detention centre that includes information on the basis of detention, available remedies, legal aid and how these can be accessed.<sup>186</sup>

According to the Rights of Persons who are Arrested and Detained Law,<sup>187</sup> 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.

## H. 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, Eritrea, Iraq (certain regions)
2. Are applications from specific nationalities considered manifestly unfounded?<sup>188</sup> ☒ Yes ☐ No  
❖ If yes, specify which: Bangladesh, Sri Lanka, 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 **Georgia, India, Bangladesh, Sri Lanka, Pakistan, Philippines** and **Vietnam** soon after they have been submitted. The procedure followed is the regular procedure and all formalities that apply to the regular procedure apply to these cases, including interpretation, deadlines, appeals and legal representation. In late 2019, for the first time, accelerated procedures are being piloted for a specific nationality: Georgians nationals.<sup>189</sup>

Following Syria, **Georgia** (1,594), **India** (1,508) and **Bangladesh** (1,270) were the main nationalities of asylum seekers in 2019. Although there is no known system between the Asylum Service and EASO as to the allocation of profiles of cases interviewed by their respective caseworkers, it appears that asylum seekers from Georgia, India and Bangladesh were handled by the Asylum Service, as these nationalities do not figure in the top ten countries of origin of applicants interviewed by EASO in 2019.<sup>190</sup> Georgian and Indian nationals were subject to a 0% recognition rate whereas Bangladeshi nationals were subject to a 0.3% recognition rate.

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 with Syrian asylum seekers. In both instances the examination of the asylum applications were on hold for approximately two years, but once examination resumed, priority was given to these cases.

<sup>186</sup> Information provided by Cyprus Refugee Council.

<sup>187</sup> Article 12 Rights of Persons who are Arrested and Detained Law.

<sup>188</sup> Whether under the “safe country of origin” concept or otherwise.

<sup>189</sup> Ministerial Decision on Safe Countries, available at: <http://bit.ly/37YKdbU>.

<sup>190</sup> Information provided by EASO, 13 February 2019.

Subsidiary protection is granted as a matter of policy to Syrian applicants; in 2017 17 persons received refugee status whereas 967 received subsidiary protection; in 2018, 45 persons received refugee status and 937 subsidiary protection and in 2019, 38 persons received refugee status and 1,074 subsidiary protection. Since 2015, Palestinians from Syria receive refugee status, however statistically they are registered as Syrian nationals which indicates that among the persons receiving refugee status and registered as Syrians are actually Palestinians from Syria.<sup>191</sup>

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<sup>191</sup> Statelessness Index, Country Profile Cyprus, available at: <http://bit.ly/2TMRKH2>.

## 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. 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 IPAC.

**Dublin procedure:** During the determination procedure to identify the Member State responsible under the Dublin Regulation, a person is considered an asylum seeker.<sup>192</sup> 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. If their asylum application has been determined, they are not entitled to reception conditions and may be detained.

**Appeals:** Appeals before the IPAC 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, they are considered an asylum seeker and have access to material reception conditions.

<sup>192</sup> Article 11(B)(2) Refugee Law.

According to the Refugee Law,<sup>193</sup> when an application is made, the Aliens and Immigration Unit refers the applicant to the district Social Welfare Office and by presenting a Confirmation that the application has been made,<sup>194</sup> the applicant has a right to submit an application for the provision of material reception conditions. However according to another provision of the law,<sup>195</sup> the confirmation that the application has been made is provided three days after the application is actually lodged. Furthermore, the law allows six days to elapse between making and lodging an application.<sup>196</sup> 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.

This was evident in 2018, when a temporary document was issued to asylum claimants until the lodging of their application was feasible at the Aliens and Immigration Unit. This document did not, however, ensure access of persons to material reception conditions, health care and employment. The situation was alleviated during 2019, due to EASO officers being stationed at the points of submitting an application for asylum, expediting lodging of applications, as well as due to asylum seekers being referred to the Pournara First Reception Centre, where lodging of the asylum application and access to reception conditions was facilitated.

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,<sup>197</sup> issued as a Notification by the Council of Ministers.<sup>198</sup> This Notification has always been considered problematic as it sets additional requirements not foreseen in the law. In addition, the Regulations afforded to the Council of Ministers the power to determine the conditions and the level of assistance provided.<sup>199</sup> Therefore, the conditions as well as the level of assistance foreseen in the Notification lack any legal basis. With the 2016 amendment to the Refugee Law,<sup>200</sup> 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 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. A relevant Notification by the Council of Ministers was issued on 6 May 2019, revising the level of material reception conditions.<sup>201</sup>

### 1.1. Sufficient resources

However, and as mentioned above, the eligibility requirements, and the reasons for the termination of material assistance are regulated in the Notification,<sup>202</sup> which, whilst no longer in effect, is still used in

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<sup>193</sup> Article 9IA(3) Refugee Law.

<sup>194</sup> The confirmation provided is titled ‘Confirmation of Submission of an Application for International Protection’.

<sup>195</sup> Article 8(1)(b) Refugee Law.

<sup>196</sup> Article 11(4)(a) Refugee Law.

<sup>197</sup> KDP/2013 Published on 9 July 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.

<sup>198</sup> 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>.

<sup>199</sup> Refugee (Asylum Seekers’ Reception Conditions) Regulations 2005-2013.

<sup>200</sup> Note 35(1)(δ) Refugee Law.

<sup>201</sup> Απόσπασμα από τα Πρακτικά της Συνεδρίας του Υπουργικού. Συμβουλίου Ημερομηνίας 6/5/2019, Decision number 87.433 available at <https://bit.ly/3b9dT8b>.

<sup>202</sup> 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>.

practice. This Notification still includes the cancelled amounts which were provided for the coverage of reception conditions.

The Welfare Services, although not uniform across the country, require the applicant to submit the number on the Aliens Registration Certificate (ARC) in order to be entitled to the full level of reception conditions (coupons, personal expenses and rent). The ARC may be issued a few weeks after the issuance of the Confirmation of Submission of an application for International Protection, and additional documents are also reported as necessary in the application form, which may not be available at the time of the application for reception conditions.

In practice, the sufficiency and adequacy of resources cannot provide for a dignified standard living, which has been repeatedly raised in 2019 by NGOs, UNHCR,<sup>203</sup> Ombudsman's Office<sup>204</sup> and the Commissioner for Children's Rights.<sup>205</sup> This has led to many asylum seekers, including families with young children, living in conditions of destitution and relying heavily on charities to cover basic needs such as food. The same applies for housing, as the sharp increase of rents in urban areas as well as the lack of networking capacity among newcomers results in increased numbers of homeless people.<sup>206</sup>

Even in the cases where applicants are able to secure employment, the provision of material reception conditions is 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, again forcing asylum seekers into destitution.

A positive shift in practice was observed in 2017 in relation to the conditions under which material conditions are granted to some vulnerable persons. More specifically, and following an assessment by Social Welfare Services, single mothers of children up to two-years-old who are unable to take up work due to child care may be exempted from the duty of registering with the Labour Department without a disruption in the provision of benefits. This applies until the child / children reach the age of two. During 2019, this practice was interrupted, and it is currently under revision by the authorities. Further monitoring is required.

## 1.2. Practical obstacles to access to reception

A number of major obstacles are 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, which is typically the case currently, an application form for

<sup>203</sup> See e.g first Annual Integration Conference, organised by UNHCR, December 2019, concluding statements available at: <https://bit.ly/2w3L91c>; Open Discussion Event, organised by UNHCR and University of Cyprus, April 2019, press release available in Greek at: <https://bit.ly/2Vm4Zil>; UNHCR and University of Nicosia, *The living conditions of asylum-seekers in Cyprus*, May 2018, available at: <https://bit.ly/2lWknsM>; UNHCR, 'Homelessness is becoming an increasing issue for asylum-seekers in Cyprus', 23 April 2018, available at: <https://bit.ly/39TzvR>; 'Asylum-seekers complain to UNHCR about their deteriorating living conditions', 15 December 2017, available at: <https://bit.ly/33mnfdZ>; 'Η ζωή αιτητών ασύλου στην Κύπρο - Μαρί \*, μητέρα και μηχανικός αυτοκινήτων', 10 August 2017, available in Greek at: <https://bit.ly/2lLghG1>; 'Λάουρα \*, επιστήμονας και τραγουδοποιός', 24 May 2017, available in Greek at: <https://bit.ly/2von7hr>; 'Η ζωή αιτητών ασύλου στην Κύπρο - Άγια\*', Νεαρή μητέρα από τη Σομαλία', 9 May 2017, available in Greek at: <https://bit.ly/38SnPBI>.

<sup>204</sup> See Έκθεση της Επιτρόπου Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων σε σχέση με το θεσμικό πλαίσιο που ρυθμίζει την κάλυψη των υλικών συνθηκών υποδοχής των αιτητών ασύλου που διαμένουν εκτός του Κέντρου Υποδοχής', available at: <https://bit.ly/2lY494l>.

<sup>205</sup> See Έκθεση Επιτρόπου, αναφορικά με τις υλικές συνθήκες υποδοχής που παραχωρούνται στους Αιτήτες Ασύλου που δεν υπάρχει δυνατότητα φιλοξενίας σε κέντρα υποδοχής και της μεταχείρισης ευάλωτων προσώπων', available at: <https://bit.ly/2walQtx>.

<sup>206</sup> UNHCR et al., 'Joint Statement on the growing problem of homelessness among asylum-seekers in Cyprus', 9 May 2018, available at: <https://bit.ly/2Uk557g>.

the provision of material reception conditions can be lodged at Social Welfare Services. The abovementioned application requires the mandatory submission of eight types of documentation for the applicant and each member of his or her family.<sup>207</sup> 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 of 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, following a Ministerial Decision in 2018,<sup>208</sup> the unemployment card is not required for asylum seekers who have not completed one month from the date of submission of their application for asylum. Also, the confirmation that there is no availability at the reception centre to host the claimant by the Asylum Service is often secured by direct telephone communication between Welfare Services and the Asylum Service, or even omitted due to the fact that the reception centre is almost constantly at full capacity. Finally, it is necessary to note that the Notification regarding the abovementioned documentation is no longer in effect, following the 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 Welfare Services is two-three months. This is due to various administrative difficulties, mainly staff shortages, and the requirement for Welfare Officers to go through a time-consuming procedure for all beneficiaries in order for the benefits to be approved every month. Delays in the issuance of the Alien's Registration Certificate (ARC) by the Aliens and Immigration Unit of the Police also contribute to the delays, as persons not holding an ARC number are not able to receive the amounts for the coverage of utility bills and minor personal expenses. Most delays involve the provision of rent subsidies (approximately one-two months) and the issuance of the allowance to cover electricity, water and minor expenses. During 2019, delays were also observed in the issuance of vouchers (see [Forms and Levels of Material Conditions](#)).

The application for material assistance can be submitted without a residential address, although there were sporadic reports indicating the opposite for a few cases during 2019. In the cases of newcomers, Social Services grant an emergency payment in order to secure shelter. However, this process can be time-consuming and the granted amounts are far from adequate in order to secure proper shelter arrangements. In addition, practical difficulties in obtaining certain requirements such as a rental agreement deposit and / or advance payments (which are not covered by Social Services) continue to pose risks in relation to securing shelter for applicants. Reports of landlords unwilling to provide housing to asylum seekers are alarming. The rapid rise in demand for housing in urban areas throughout 2018 has led to a sharp increase in rent prices, making the gap between the allocated resources and rent prices even greater.

In addition, and as stated in the application form for reception conditions (which lacks any legal basis after the amendment of the Refugee Law) a maximum amount is allocated at each house occupied by asylum seeking tenants, regardless of the number of tenants, the relationship between them and the number of individual contracts they may have with the owner in the case of shared accommodation. The particular provision on a maximum amount was sporadically implemented in the past, but during recent months there are indications that it will be uniformly applied in all cases, increasing the risk of destitution / homelessness.

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<sup>207</sup> 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>.

<sup>208</sup> Ministerial Decision 308, 26 October 2018.



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 with children over the age of two. Single mothers of children below the age of two may be granted an exemption allowing them to refrain from active job-seeking. Further monitoring is needed to assess whether such an exemption also applies to other vulnerable groups.

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 three 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 Cyprus Refugee Council’s experience, the most frequent reason for exclusion from accessing reception conditions by asylum seekers. Although the above policy is no longer in effect since the amendment of the Refugee Law, it is still implemented in practice until further notice.

As of March 2020, and due to the measures taken to combat the spread of Covid-19, the Labour department has stopped seeing unemployed persons. In respect of new registrations, i.e for persons registering for the first time at the Public Employment Service as unemployed, or those wishing to register again after a previous closure of their file, a remote procedure was announced, allowing such requests to be submitted through fax or emails. However, in the first days of implementation there are already reports of asylum seekers being excluded from this procedure, without it being clear how this might affect their access to reception conditions.

## 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 2019 (in original currency and in €):

❖ Single adult	€361
❖ Family of 5 or more	€1,023-1,155

Within the framework of the Refugee Law, material reception conditions refer to accommodation, food, clothing, and a daily allowance.<sup>209</sup> Material assistance can be provided in kind and / or in vouchers and if this is not possible, through financial aid.<sup>210</sup> In practice, if there is no vacancy in the Reception Centre, (which is currently the case) 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

<sup>209</sup> Article 2 Refugee Law.

<sup>210</sup> Article 9IB Refugee Law.



cover the cost of electricity, water and minor expenses is provided by cheque to the applicants. Residents of the reception centre are granted two 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.”<sup>211</sup> 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.<sup>212</sup> 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.<sup>213</sup>

Since the first of June 2019 and following a Ministerial Decision dated 6 May 2019, the amounts granted for covering material reception conditions have been revised upwards.<sup>214</sup>

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

Number of persons	Food, clothing and footwear (in voucher)	Allowance for electricity, water and minor expenses
1	€186	€75
2	€279	€100
3	€372	€140
4	€465	€170
5	€558	€200

Number of persons	Allowance for rent					Total amount of all assistance granted
	Nicosia	Limassol	Famagusta	Larnaca	Paphos	
1	€100	€100	€100	€100	€100	€361
2	€200	€218	€146	€174	€146	€525-597
3-4	€290	€317	€211	€252	€211	€723-829
5+	€364	€397	€265	€315	€265	€1,023-1,155

Although the Refugee Law has incorporated the recast Reception Conditions Directive’s provisions regarding the timely identification assessment and addressing special reception needs, there are no specific procedural guidelines / regulations or documentation governing the implementation of those provisions. 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 any information on specific needs and / or vulnerable circumstances the applicant and their family may have.

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

<sup>211</sup> Article 9IA(1) Refugee Law.

<sup>212</sup> Article 9IB(2)(a) Refugee Law.

<sup>213</sup> Article 9IB(2)(b) Refugee Law.

<sup>214</sup> Decision of Council of Ministers 87.433.

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 €261 (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 €161.70 and €242, depending on the area where the person resides and increases to €235.20 - €352.80 for a family of three. The exact amount may be further adjusted without a cap 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 between €146 - 218 for two persons. It is increased to €211 - 317 for a family of three or four members and can reach up to a maximum of between €265 - 397 in case of families of four-five and above, without further adjustment. The Notification, which has officially ceased but is still used in practice, provides that non-related persons sharing a residence are also entitled to the same amounts for rent. This provision started being implemented by Social Welfare Services towards the end of 2017, although sporadically and not uniformly across districts. It was brought up again more systematically as a practice during 2019, affecting the total amount of rent provided to unrelated persons sharing accommodation.

The maximum amount of material assistance for a household of five or more asylum seekers is capped at €1,155 (out of which €265 - 397 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. IBAN, 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, recipients do not receive any part of the allowance in vouchers as asylum seekers do. The Law provides for the possibility of further adjustments, depending on the needs of the household.

The material assistance was increased in 2019 for the first time since 2013 following repeated remarks from NGOs, UNHCR and others about being far from sufficient to cover the standard cost of living and housing in Cyprus.<sup>215</sup> Such inadequacy still emerges when looking at the difference between the rent allowance amounts for nationals and asylum seekers, and undermines the obligation to ensure dignified living conditions for asylum seekers. Such difference is also evident in the case of the allowances for daily expenses, food and clothing. Property analysts and other stakeholders report an annual increase of 18% in rent prices,<sup>216</sup> raising concerns as to whether the revised amounts are adequate to secure appropriate housing. The combination of a highly restrictive policy relating to the level of allowance and a sharp increase in rent prices has resulted in an alarming homelessness problem.<sup>217</sup>

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 / quadriplegic persons etc.

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<sup>215</sup> UNHCR, *Living Conditions of Asylum Seekers in Cyprus*, 2018, available at: <https://bit.ly/39oGg0Q>.

<sup>216</sup> RICS, *Cyprus Property Price Index Q2 2018*, available at: <https://bit.ly/2J7cg1k>.

<sup>217</sup> UNHCR et al., 'Joint Statement on the growing problem of homelessness among asylum-seekers in Cyprus', 9 May 2018, available at: <https://bit.ly/2Uk557g>.

### 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.<sup>218</sup> Such a decision is subject to the provisions of the Convention on the Rights of the Child as the latter is ratified and incorporated in national legislation.<sup>219</sup> However, there are no guidelines regulating the implementation of that possibility and, in practice, the enjoyment of reception conditions by children is dependant upon their parents' eligibility to access them.

Under the Refugee Law, reception conditions may be reduced or – in exceptional and duly justified cases – withdrawn by the Asylum Service, where:<sup>220</sup>

- (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 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 termination 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 there is a

<sup>218</sup> Article 9KB(1)(a) Refugee Law.

<sup>219</sup> Article 9KB(1) Refugee Law.

<sup>220</sup> Article 9KB(1)(a) Refugee Law.

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

Although any decision regarding the reduction or withdrawal of reception conditions should be based on the particular situation of the vulnerable persons, taking into account the principle of proportionality.<sup>221</sup> In practice, this provision is not implemented. Information from the authorities on the application of such an exception to other vulnerable groups, such as single parents of children less than 2 years old, requires further monitoring in practice. Therefore, currently, vulnerable persons residing in the community might as well find themselves without any coverage of reception conditions.

Partial restriction of reception conditions 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. The decision can be challenged judicially before the IPAC, however no such cases were ever brought before the courts, as they were considered difficult to challenge in practice. The Legal Aid Law allows persons to apply for legal aid against such decisions,<sup>222</sup> 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". To date there is no information of applications for legal aid or cases being submitted in relation to reception conditions.

For people who have been rejected by Welfare Services and are not referred to a reception centre, there is no uniform policy on when they will be able to have access again to reception conditions. Often, a three-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 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.<sup>223</sup> However, examples of such practice are scarce.

There has not been any limitation to the provision of reception conditions in relation to large numbers of arrivals, however the numbers have aggravated the pre-existing systemic issues, such as difficulties accessing the Welfare offices, longer delays and frustration on behalf of frontline officers and disrupted access to job-seeking services of the Public Employment Services. It has also triggered a recent announcement of more stringent measures by the Minister of Interior, including, among others, the introduction of closed-type hosting centres (see above).

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<sup>221</sup> Article 9KB(2) Refugee Law.

<sup>222</sup> Article 6A(6) Legal Aid Law.

<sup>223</sup> 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).<sup>224</sup> 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.<sup>225</sup>

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 five working days or as soon as possible after changing their address.<sup>226</sup> If they fail to do so, they may be considered to have withdrawn their asylum application, although in practice the Cyprus Refugee Council has not received such complaints. There is no legislative differentiation regarding the provision of material conditions based on the area of residence.

In 2019, newly arrived asylum seekers that presented themselves to the Immigration Offices in Nicosia are transferred to the First Registration Reception Centre in **Kokkinotrimithia** (Pournara) to undergo identification, registration and make their application as well as undergo a medical screening and vulnerability assessment. The medical test includes tuberculosis screening (Mantoux test), HIV, Hepatitis. Their movement is restricted within the premises of the facility for 72 hours, until the results of the tests are concluded. In practice, if asylum seekers have negative medical tests they will leave in five-seven days. If positive, the duration of stay may be longer as they will be re-tested and if found positive referred for medical treatment. Due to the high numbers of applicants in 2019 the tuberculosis screening and re-examination in cases of a first positive decision often led to delays and there were instances where asylum seekers stayed in the Centre for one month. As mentioned in the section on **Detention**, this practice, since early 2020, has changed.

So far, the only official 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.<sup>227</sup> 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 official

<sup>224</sup> Article 9KB(2) and (4) Refugee Law.

<sup>225</sup> Article 9E(1) Refugee Law.

<sup>226</sup> Article 8(2)(a) Refugee Law.

<sup>227</sup> 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: <https://bit.ly/2TRCsAv>, 97.

information on whether this scheme actually led to increased employment opportunities for those refugees, as the vast majority of Palestinians from Iraq left the country within the next year.

## 5. Housing

### 1. Types of accommodation

#### Indicators: Types of Accommodation

1. Number of reception centres:<sup>228</sup> 2 + 5 shelters for UASC
2. Total number of places in the reception centres: 800 + 127 at UASC shelters
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

#### 1.1. First Registration Reception Centre

The Emergency Reception Centre in **Kokkinotrimithia** (Pournara) is being converted into a First Arrival Registration Centre, expected to be concluded in April 2020. Throughout 2019, the Centre underwent construction to upgrade the existing infrastructure with the replacement of tents with prefabricated constructions. During this time, the Centre continued to be used as the construction is carried out on one section at a time.<sup>229</sup> According to EASO, progress in 2019 was slower than expected due to delays in the much-needed renovation works and overall coordination challenges.<sup>230</sup>

Currently, approximately 700 persons are accommodated and the expansion works continue with the aim reach a capacity of approximately 800-1000 persons, accommodated in both tents and prefabricated structures. A segment of the centre will be used as a quarantine area, and it will include a safe zone for vulnerable cases. Another segment will be used to receive boat arrivals and safe zones for unaccompanied children and other vulnerable persons are to be established.

Regarding referrals to the Centre, throughout 2019 all asylum seekers that have presented themselves to the Aliens and Immigration Unit in Nicosia are transferred to the Centre. In exceptional cases, asylum seekers presenting themselves in other cities, usually where they are homeless are transferred to the Centre. In 2020 and upon completion of the Centre the aim is for all asylum seekers that have recently arrived in the country to be transferred to the Centre. Currently the services provided in the Centre include identification, registration and lodging of asylum applications as well as medical screening and vulnerability assessment. The medical test includes tuberculosis screening (Mantoux test), HIV and Hepatitis. Asylum seekers' movement is restricted within the premises of the Centre for 72 hours, until the results of the tests are concluded. In practice, if asylum seekers receive negative results on their medical test they will leave in five-seven days. If positive, the duration of stay may be longer as they will be re-tested and if found positive referred for medical treatment. Due to the high numbers of applicants in 2019, the tuberculosis screening and re-examination of cases that produced a first positive decision often led to delays in the stay and there were instances where asylum seekers stayed in the Centre for one month.

<sup>228</sup> Both permanent and for first arrivals.

<sup>229</sup> Information provided by Asylum Service.

<sup>230</sup> EASO Operating Plan 2020, available at: <http://bit.ly/382C6el>.



In early 2020, the Council of Ministers of Interior announced stringent measures, including creating closed centres. At the time, measures were also being taken due to Covid-19. Before complete construction of the First Registry Reception Centre, all new arrivals in the country are now referred to the Centre and are not allowed to leave. This has led to a rise in the number of persons in the Centre to approximately 700 without the infrastructure in place to host such a number, especially for a long duration and where such persons are being de facto detained. However, it seems that Syrian asylum seekers were allowed to leave, the justification being that they have relatives or friends that can provide accommodation. After strong reactions from asylum seekers in the Centre, the Asylum Service started allowing 10 persons per day to leave, giving priority to vulnerable persons and women but only if they could present a valid address. In view of the obstacles in accessing reception conditions, identifying accommodation is extremely difficult unless they are in contact with persons in the community.

However, given the announcement concerning the development of closed centres and measures due to Covid19, it is unknown how long persons will remain in the Centre.

In respect of Covid-19 precautions, leaflets with relevant information were disseminated to residents, however there are no indications that a concrete action plan is in place in case of infections.

## 1.2. Reception Centre for Asylum Seekers

The main reception centre is in the area of **Kofinou** in Larnaca District with a nominal capacity of approximately 400 people (the actual number varies depending on the composition of the residents, currently accommodating around 300 persons). 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. The reception centre is being expanded at the moment to hold a further 200 persons.

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

Due to the Reception Centre being full at almost all times, 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 amendment of the Refugee Law, it is still used in practice.

Regarding the referral criteria of asylum seekers to the reception centre and since May 2018, the Asylum Service has decided to refer families and single women only. This decision was taken after an outburst of small-scale riots and the subsequent eviction of about 35 relocated residents (mostly men) from a specific ethnic group, members of which were allegedly involved in the riots. It also came after a media-covered public discussion and a joint statement of UNHCR and local NGOs sharing concerns over increasing rates of homelessness among asylum seekers living in the community. This decision did not affect single men already residing in the centre who were still able to remain in the facility.

During 2019, Social Welfare Services engaged in identifying private housing for homeless, or at risk of becoming homeless, beneficiaries, due to the very high number of persons in that situation. This practice was not uniform across districts, and at certain times during the year, was disrupted. The increased demand for housing options for asylum seekers has prompted local landlords to engage in offering apartments to asylum seekers, often contacting the Social Welfare Services in order to inform them about vacancies.



Social Welfare Services' housing arrangements mainly involve newly arrived families with minor dependants. Placements are usually in budget hotels and apartments / houses in both urban and rural areas. Persons are usually placed for short periods of time and the cost of the hotel was deducted from the already low amount allocated for covering their reception conditions. In certain instances, it was observed that referrals/placements included premises with very low standards or were unsuitable, especially for families, and had poor infrastructure and a lack of necessary equipment / amenities.

Following the recent announcement of stringent measures in order to tackle migration flows and, soon after, the implementation of measures related to Covid-19, information was given to asylum seekers hosted in hotels that they should evacuate them. This followed a relevant ministerial order in relation to Covid-19 requiring hotels to close down. A number of those asylum seekers (approximately. 860 persons) are expected to be moved into Kofinou reception centre as well as at Pournara First Registration Centre. An attempt to evict the persons already took place in some cases, but the whole procedure was postponed until further notice.

## 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

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.<sup>231</sup>

### 2.1. Overall living conditions in the Kofinou Reception Centre

The Asylum Service is responsible for the overall operation and financial management of the Kofinou reception centre. The daily management of the centre has been assigned to a private company while some services such as catering and security are provided by contractors.

The centre can host about 400 people but the actual number of maximum residents varies according to the composition of the population. Current configuration allows for a maximum accommodation of approximately 250-280 persons and for the most part of the year the centre has been operating at full or close-to-full capacity. Infrastructure and arrangements in the centre had been heavily criticised by various asylum related actors during 2017 and early 2018 as inadequate to meet the needs of such a number of residents.<sup>232</sup>

<sup>231</sup> Based on reports from asylum seekers to Cyprus Refugee Council social advisors and home visits carried out by the advisors.

<sup>232</sup> See in particular, Cyprus Mail, 'Dire conditions continue at Kofinou', 24 May 2017, available at: <http://bit.ly/2FzOXQ>; Children's Rights Commissioner, 'Εκθεση της Επιτρόπου, αναφορικά με τη διασφάλιση των δικαιωμάτων των ανηλίκων αιτητών ασύλου που φιλοξενούνται στο Κέντρο Υποδοχής και Φιλοξενίας Αιτητών Διεθνούς Προστασίας (ΚΥΦΑΔΠ) στην Κοφίνου σε θέματα Εκπαίδευσης και Φιλοξενίας', 16 January 2017, available in Greek at: <https://bit.ly/38RxfwZ>; Al Jazeera, 'Inside Kofinou asylum centre, a life of grim uncertainty', 25 February 2018, available at: <http://bit.ly/2Co9GjJ>; 24h, 'Άθλιες οι συνθήκες διαβίωσης όσων διαμένουν στο Κέντρο Υποδοχής Αιτητών Ασύλου στην Κοφίνου', 14 February 2018, available in Greek at: <http://bit.ly/2BQEWXm>; Signalive, 'Τριτοκοσμικές συνθήκες σε Κέντρο Αιτητών Ασύλου στην Κοφίνου', 14 February 2018, available in Greek at: <http://bit.ly/2CAGlhp>; KISA, 'The miserable conditions at Kofinou expression of the wrong reception policy for asylum seekers', 17 February 2018, available at:

Steps have been taken including mainly infrastructural improvements and repairs, as well as an increase of the number of allocated administrative and support staff, which resulted in less complaints by residents. Initiatives to build-up coordination between governmental and civil society actors have also been observed but further monitoring is required.

With regards to the monthly stipend provided to residents, it has been raised to €100 for the head of the family and to €50 for every other family member.

Kofinou Reception Centre consists of containers (mobile / temporary structure), with rooms designated to accommodate two-four persons depending on their size. There have been reports of more than four 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. Plans to replace older structures, present in the Centre since 2004, are planned and expected to conclude within 2020, as well as an expansion of existing capacity by 200 beds.

According to reports of residents to the Cyprus Refugee Council, cleaning of shared toilets / bathrooms has improved. Families must clean their own toilets. Complaints of not having enough hot water throughout the day still persist but are rare. There are often reports of insects and snakes appearing in the premises, due to the location of the Centre.

The Reception Centre is located near two units that process animal waste as well as a unit of incineration of animal waste. The presence of an unpleasant smell is regularly reported by residents and staff members and a relevant study was assigned to the Technological University of Cyprus, by the Centre management, in order to provide data on the quality of air. The report confirmed the presence of various dangerous and potentially harmful chemical substances, directly associated with the products of the processing units and the abattoir at the Centre and the surrounding areas. The matter has come to the attention of various governmental offices (Ministry of Health, Ministry of Labour, State Laboratory, Dept of urban planning, Dept of Environment, and others) as well as the environmental committee of the parliament. However, the problem still persists and remains unresolved. The Ombudsman's office issued a relevant report based on the above findings urging for an appropriate solution<sup>233</sup>. Due to the health findings, a number of volunteers offering services in the Centre has ceased operations.

Residents are able to use two common kitchen areas and equipment, which is not considered adequate by residents. Three meals are provided per day and special dietary arrangements are accommodated. However, complaints regarding quality, quantity and variety of the food offered persist and residents have been perpetually requesting the option to prepare their own food, in suitable spaces. Information indicates that a kitchen and dining area will be converted into a single space similar to a restaurant, within 2020. Further monitoring is required. 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.

The operation of the centre at maximum capacity translates to increased material needs in clothing, shoes and kitchen equipment. Volunteer individuals, NGOs and other institutions / organisations regularly provide supplies throughout the year, covering most of the demand, although the lack of consistency creates a sense of insecurity among the residents, especially families. This is particularly relevant at the

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<http://bit.ly/2ESRnjZ>; Διαδράσεις, 'Cyprus asylum centre conditions remain substandard', 21 February 2018, available in Greek at: <https://bit.ly/2Unr7Zu>; Ombudsman, Τοποθέτηση αναφορικά με τις Συνθήκες Φιλοξενίας και Στήριξης στο Κέντρο Υποδοχής και Φιλοξενίας Αιτητών Διεθνούς Προστασίας στην Κοφίνου, 22 May 2018, available in Greek at: <https://bit.ly/2TT7aJA>; Cyprus Mail, 'Conditions at Kofinou asylum centre remain substandard, human rights officials say', 4 January 2017, available at: <http://bit.ly/2F75Ufm>.

<sup>233</sup> A/Δ4 /2019 & A/Π 1658/2019.

moment, as due to the outbreak of Covid-19 and the enforcement of a general curfew, volunteers are not able to visit the site. A new structure to host residents and volunteers in order to carry out activities, operating as an integration hub, is expected to start operation within 2020.

Residents are allowed to go out when they want, provided that they are not out of the centre for prolonged periods of time. With regards to religious practices, a room has been allocated for that purpose. However, currently, due to the general curfew enforced in Cyprus, attending religious services outside the Centre is not allowed without a special permission.

Children in the Centre attend primary and high school in the community. In respect of the primary school, which is located in the same village as the Centre, an interpreter for Arabic currently offers services in the school, following a relevant request from the school administration to the Ministry of Education. No racist or discrimination incidents were recorded and integration of minors in the schools is reported, overall, as satisfactory by residents. Currently, due to the covid-19 measures, all schools have suspended operations including the ones attended by children residing in the centre.

In respect of Covid-19 related measures, and as of currently, there is no comprehensive action plan in case of infections.

## 2.2. Staff and activities

In May 2018, following the relevant decision of the Council of Ministers in March 2018, a director was appointed by the Ministry of Interior for the first time in Kofinou. There is also an assistant director appointed and both placements are stationed onsite.

In 2019 arrangements included a private company providing management services in the Centre with seven persons, one private company providing social support with two staff members as well as administrative support with two persons and EASO providing social support / administrative services with two social workers, two administrative officers, three interpreters and one security officer (responsible for the EASO staff).

In 2019, EASO deployed two Member State experts to Kofinou for 12 months, four interim social workers and two-three interpreters.<sup>234</sup>

Other staff members in the centre include four cleaners, maintenance technicians and 24/7 security officers. Currently, and due to covid-10 measures, EASO has ceased operations.

A recent development, following demands of the residents and as foreseen in the Refugee Law,<sup>235</sup> was the establishment of the “Committee of Resident’s Representatives”. The Committee carries out weekly meetings with the Director of the Centre, and a Code has been signed between the residents and the Centre defining roles and recording procedures. The current Committee consists of five persons (three of them women) from Iraq, Kurdistan, Iran, Somalia, Cameroon and Zimbabwe.

In relation to Health Services provided, there are currently two nurses (one of which a mental health nurse) offering services Monday-Friday until 13:00 pm. A pathologist and a psychologist, both appointed by the Ministry of Health, visit the Centre twice a week.

Regarding interpretation services, the current configuration includes three interpreters for Arabic and Sorani appointed by the Asylum Service, each working on an eight-hour shift, three more interpreters covering French, Arabic Sorani and Somali appointed by EASO who work on a daily basis, until 16:00 pm.

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<sup>234</sup> EASO Operating Plan 2020, accessible at: <http://bit.ly/382C6el>.

<sup>235</sup> Article 9IZ(2) Refugee Law.

In respect of educational / leisure activities in the Centre, those are organised and implemented mainly by non-governmental actors, such as NGOs, voluntary organisations, individual volunteers, education institutions etc. Activities offered throughout the year include labour-related trainings, language courses, computer lessons, cultural, art/handcrafting, school support classes, occupational therapy sessions, gymnastic classes as well as various recreational activities for adults and minors.

Other facilities include two open-space playgrounds and gym equipment, a playroom, a library and a computer room. There is Wi-Fi coverage in the centre but there are often complaints regarding broadband speed / coverage. The computer room, the playroom and the library remain locked, unless there is a specific activity taking place.

### 2.3. 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 the Cyprus Refugee Council's experience, the timeframe for the examination of asylum applications is on average two years. Upon the issuance of a final negative decision, 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 had announced that residents who complete six 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 were reluctant to move into the community.

A procedure to accommodate the transition of persons receiving International Protection to the community is also under implementation. Current arrangements include financial aid / pocket money given directly to the former residents; two-month's rent allowance in advance, provision of one-week stay in a hotel in case they are not able to find accommodation before leaving the Centre; informing Social Welfare Services of persons moving in the community. Further monitoring is required with respect to assessing the efficiency of those arrangements.

## B. 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? ☒ Yes ☐ No  
 ❖ If yes, when do asylum seekers have access the labour market? 1 month
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: Specific professions in agriculture-animal husbandry-fishery-animal shelters and pet hotels, processing, waste management, trade-repairs, provision of services, food industry, restaurants and recreation centres as well as laundromat services and dissemination of advertising material.
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 Refugee Law and Ministerial Decision 308/2018 issued at the end of October 2018, asylum seekers are permitted to access the labour market one month after the submission of an asylum application.<sup>236</sup> 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 on the right to employment, without hindering asylum seekers' effective access to the labour market.<sup>237</sup>

On 10 May 2019<sup>238</sup> and on 20 June 2019,<sup>239</sup> additional decisions were issued by the Minister of Labour, Welfare and Social Insurance, affording asylum seekers access to additional employment sectors.

At the moment, and according to the above mentioned decisions, the permitted fields of employments for asylum seekers are the following: <sup>239</sup>

Permitted sectors and posts for asylum seekers	
Sectors of labour market	Permitted occupations
Agriculture-Animal Husbandry-Fishery-Animal Shelters and Pet Hotels	<ul style="list-style-type: none"> <li>-Agriculture Labourers</li> <li>-Animal Husbandry Labourers</li> <li>-Poultry Farm Labourers</li> <li>-Fishery Labourers</li> <li>-Fish Farm Labourers</li> <li>-Animal Caretakers</li> </ul>
Processing	<ul style="list-style-type: none"> <li>-Animal Feed Production Labourers</li> <li>-Bakery and Dairy Production Night-Shift Labourers</li> <li>-Loading / Unloading Labourers</li> <li>-Poultry Slaughterhouse Night-Shift Labourers</li> </ul>
Waste Management	<ul style="list-style-type: none"> <li>-Sewerage, Waste and Wastewater Treatment Labourers</li> <li>-Collection and Processing of Waste and Garbage Labourers</li> <li>-Recycling Labourers</li> <li>-Animal Waste and Slaughterhouse Waste Processing Labourers</li> </ul>
Trade-Repairs	<ul style="list-style-type: none"> <li>-Petrol Station and Carwash Labourers</li> <li>-Loading / Unloading Labourers</li> <li>-Fish Market Labourers</li> <li>-Automobile Panel-Beaters and Spray-Painters</li> </ul>
Service Provision	<ul style="list-style-type: none"> <li>-Employment by Cleaning Companies as Cleaners of Buildings and Outdoor Areas</li> <li>-Groundskeepers</li> <li>-Loading / Unloading Labourers</li> <li>-Pest Control Labourers for Homes and Offices</li> </ul>

<sup>236</sup> Article 90(1)(b) Refugee Law; Ministerial Decision 308/2018, 26 October 2018.

<sup>237</sup> Article 90(2)(a)-(b) Refugee Law.

<sup>238</sup> See Cyprus Mail, 'Conditions at Kofinou asylum centre remain substandard, human rights officials say', January 2017, available at: <https://bit.ly/2IPSODq>.

<sup>239</sup> See <https://bit.ly/2IQOEuZ>.

Food Industry	-Food Delivery Persons
Restaurants and Recreation Centres	-Kitchen Aides, Cleaners
Hotels	-Kitchen Aides, Cleaners
Other	-Advertising Material Delivery Persons -Laundromat Labourers

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 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, depends on the employment sector. For example, animal farming and agricultural sectors are 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.

It is also important to note that although collective agreements do exist for a number of professions in Cyprus, through a voluntary tripartite system (employers, unions, state), those are not legislatively regulated and implemented. There is also no set national level of minimum wage. Only nine professions are legislatively regulated (salespersons, clerks, nurse assistants, childcare assistants, baby nurse assistants, school assistants, guards, carers, cleaners) out of which asylum seekers are only allowed to exercise one (cleaners).

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 one-month period and show that they are actively seeking employment. A labour card is issued to the asylum seekers in order for their unemployment status to be confirmed.

In regard to the obstacles faced by asylum seekers in accessing the labour market, the most prominent ones are the following:

- ❖ **Low wages and lack of supplementary material assistance:** Remuneration from employment is often highly insufficient to meet the basic needs of a family. This is particularly problematic for asylum seekers with families and has a knock-on effect of the sharp increase of rents in urban areas as well as a lack of supplementary measures for asylum seekers with low income. Labour conditions such as taking up accommodation at the place of work often lead to splitting up the family. These jobs can also be offered to single parents 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 5 am. 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 of up to four years. In order to receive a licence for the employment of third-country nationals, an employer is required to register at the Labour Office in addition to actively seeking employees locally, nationally or within the EU.<sup>240</sup> 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.<sup>241</sup> For example, many women have never worked before and 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 having 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 the Cyprus Refugee Council. There have also been reports on behalf of African candidates regarding the unwillingness of employers to hire them in front-desk positions.
- ❖ **Lengthy procedures governing the recruitment of asylum seekers:** In order for an employer to hire an asylum seeker, an application must be filed at the Labour Department along with a personal contract for the candidate he / she wants to hire. The Labour Department will inquire whether the employer is reliable by checking that there are no debts/convictions regarding social insurance contributions, that there is an active liability insurance and (where it applies) and that the terms and conditions of hiring an asylum seeker are the same as in the case of nationals performing the same duties in the company. Those procedures take on average three months to conclude, which, as a result, is very difficult and unattractive to employers, despite the shortage of personnel in some of the allowed sectors.
- ❖ **Lack of appropriate information in respect of terms / conditions of employment, labour rights, complaint mechanisms:** It is often reported that asylum seekers are unaware of their legal rights, the exact terms and conditions of their prospective employment and have no knowledge of available complaint mechanisms.
- ❖ **Problematic access to the services of the Labour Department.** Existing capacity of the Labour Department prohibits asylum seekers from effectively using its job-seeking services. In the last six-months, and particularly in Nicosia, the public employment service is unable to attend all persons visiting its offices. This has led to the formation of long waiting lines, often with people gathering outside the office from 04:00 – 05:00 am in order to increase the chances of being seen

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<sup>240</sup> Circular on the Strategy for the employment of third-country nationals (Στρατηγική για την Απασχόληση Αλλοδαπών), May 2008, available at: <https://bit.ly/2vTk0Ye>.

<sup>241</sup> See also Ombudsman, *Report on access of female asylum seekers to employment and social welfare*, 1799/2016, 11 November 2016.



during the day. This situation disrupted access to reception conditions, since registration at the Labour Department is a prerequisite.

As a measure of coping with the situation, the Labour Department decided to serve asylum seekers looking for work not every month, as it used to be the case, but every two or three months. However, due to the outbreak of Covid-19, asylum seekers who have already registered with the Department, are not required to visit the Labour Department at all, until further notice, as the latter has ceased its operations. This development is not expected to affect persons' access to reception conditions. This is not the case for asylum seekers whose file was terminated in the past and are now willing to re-register, as well as for newly arrived asylum seekers who want to register for the first time. Currently their access to labour services is not allowed, which is expected to adversely affect their access to reception conditions. Further monitoring is required to assess the situation.

An additional obstacle which is often reported includes the delays in the issuance of the Alien's Registration Certificate (ARC) number for new asylum seekers which, along with the permission to enter the labour market after one month from the lodging of their asylum application, has led to reports of people not being able to register at Labour Offices until they have an ARC number issued.

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 seekers, unless otherwise authorised by the Minister of Labour, Welfare and Social Insurance. In practice, there are no professional training schemes available for those 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 three months from the date of submission.<sup>242</sup> 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 three months, mainly due to the difficulties that families face in accessing certain schools, the 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 are attending regular schools in the community. Article 9H(1) of the Refugee Law allows for education arrangements to be provided in the reception centre and such arrangements took place for high school students from the beginning of 2017 until the end of the school year in June 2017. This practice was implemented following an incident between students in a local school where residents of Kofinou Centre attend. However, this practice has not been repeated since and all children attend schools in the community.

The right of enrolled students to attend secondary education is not affected by reaching the age of 18.<sup>243</sup> However, almost all 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. Cyprus Refugee Council interventions for specific cases have resulted in enrolment but further monitoring is required.

<sup>242</sup> Article 9H(1) and (3)(a) Refugee Law.

<sup>243</sup> Article 9H(2) Refugee Law.

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 three years of secondary education (gymnasium) where 18 hours of Greek per week are provided. In the last three years of secondary education (lyceum), four extra hours of Greek per week will be provided. Classes take place in appointed public schools in each district. With the exception of Greek classes which are tailored to the needs of non-Greek speakers, asylum-seeking students attend mainstream classes at all other times.

In the context of primary education, two additional books for learning Greek as a second language were disseminated by the Ministry of Education in 2019 to all enrolled children with a migration background and additional hours of Greek language learning were arranged at schools where the number of non-Greek speaking children was deemed particularly high.

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) or other EU-funded arrangements.

Linguistic and cultural barriers are still significant obstacles for young students, especially those entering secondary education. In 2018, in an effort to provide options for young students, UNHCR KASA, a private educational organisation, concluded a Memorandum of Understanding to jointly work in the protection of refugee children in the Republic of Cyprus by ensuring them access to quality learning, education, and skill-building opportunities.<sup>244</sup> Under this agreement, KASA, offered places to refugees and asylum seekers who wish to obtain a high school diploma. Interested individuals of 16 years or above with a good command of English are eligible to apply and, if selected – following a test and interview – attend the programme, the duration of which is a minimum three years of study and leads to a recognised high school diploma. The program continues in 2019.

The provisions of the Refugee Law regarding the identification and addressing of special reception needs are not implemented yet, as such there is no preliminary monitoring or assessment of the vulnerability of 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. 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.

Children entering the shelters at a time when school arrangements, within the typical public education system, are not able to accommodate them or when children are about to become adults, are referred to attend evening classes which include Greek, English or French language, mathematics and computer studies, at the State Institutes of Further Education. Those Institutes operate under the Ministry of Education, mainly as lifelong learning institutions.

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<sup>244</sup> UNHCR, 'UNHCR and the KASA High School join forces for refugee education', 14 March 2018, available at: <https://bit.ly/2VSw6PD>.

## C. 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 a minimum, emergency health care and essential treatment of illnesses and serious mental disorders.<sup>245</sup> 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. Evidence suggests that a lack of information and coordination between Welfare Services and the Ministry of Health has deprived persons from securing free health care as they are not aware of such a right.<sup>246</sup> Asylum seekers are no longer able to apply for the Hospital Card at local hospitals and are required to commute to the Ministry of Health in Nicosia in order to obtain it.

As of the 1 June 2019, a National Health System (GESY) is in effect for the first time in Cyprus, introducing major differences in the provision of health care services. The new system introduces the concept of a personal GP in the community as a focal point for referrals to all specialised doctors. A network of private practitioners, pharmacies and diagnostic centres has been set-up in order for health services to be provided, and in June 2020 a number of private hospitals are also expected to join the new health system for purposes of in-hospital treatment. For the most part of the population (Cypriots and EU citizens) in Cyprus, health services are now provided almost exclusively under the new health system.

Asylum seekers, along with other segments of the migrant population, are not included in the provisions of GESY. Their access to health services continues under the provisions of the previous system, which basically entails treatment by public, in-patient and out-patient departments of the public hospitals. The transition to the new health system impacted access of asylum seekers to those services, as, until the 18 December 2019 when a relevant decision by the Council of Ministers was issued,<sup>247</sup> there were no official decisions on the exact procedures regarding asylum seekers’ access to health services.

The transition to the new system created vast confusion among medical and hospital staff in regard to asylum seekers’ rights to health care. In various instances across Cyprus, and as it was reported to the Cyprus Refugee Council and other NGOs, persons were denied access to treatment in the hospital and were asked to register with GESY instead. Scheduled appointments with doctors who, in the meantime,

<sup>245</sup> Article 9ΙΓ(1)(a) Refugee Law.

<sup>246</sup> Ombudsman, *Report on access of an asylum seeker to the social welfare system and medical services*, 1553/2013, December 2016.

<sup>247</sup> Απόσπασμα από τα Πρακτικά της Συνεδρίας του Υπουργικού Συμβουλίου Ημερομηνίας 18/12/2019, available at: <https://bit.ly/2TRello>.

had joined GESY were cancelled, access to particular medicine was also restricted. Although the situation at present is better, further monitoring is required.

The transition to the new health system is particularly relevant after the measures for tackling Covid-19 were taken. According to such measures, the public is expected to consult personal GPs before visiting the hospitals. As asylum seekers are not covered by GESY, they do not have access to personal GPs, which has created a serious shortcoming in accessing appropriate health care services. In addition, language barriers also prohibit asylum seekers from receiving health related information about Covid-19 through the hotline which was set-up for this purpose (1420). NGOs and volunteers in the community are trying to facilitate access to information for asylum seekers in respect of Covid-19, but this is far below the current needs of the population.

Further obstacles in accessing health services include the fact that many asylum seekers do not receive welfare assistance, which creates difficulties in securing a hospital card. In practice, however, the vast majority of asylum seekers do receive a hospital card, which grants them access to public health institutions with some charges, which applied to nationals from 2013 and since the introduction of GESY. 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 child asylum seekers to receive medical treatment outside the country.

In a number of cases, asylum seekers reported to Cyprus Refugee Council 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.<sup>248</sup> The Refugee Law incorporates the provision of the recast Reception Conditions Directive in relation to the identification and addressing of special reception needs, including victims of torture. However, in practice, due to the recent amendment as well as a 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 Cyprus Refugee Council, 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) and the EU.<sup>249</sup>

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<sup>248</sup> Article 91Γ(1)(b) Refugee Law.

<sup>249</sup> For more information see Future Worlds Center, UNVFVT, available at: <http://bit.ly/1HQVYfJ>.

## D. 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

The Refugee Law extends the categories of persons considered as vulnerable to include those mentioned in Article 21 of the recast Reception Conditions Directive:<sup>250</sup>

“[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.<sup>251</sup> 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.

In 2019, the Asylum Service carried out screenings of vulnerabilities at the First Registration Reception Centre in Kokknotrimithia, however these were not full assessments and the results indicated that cases were going on unidentified. From March 2019 until present the Cyprus Refugee Council also carried out vulnerability assessments at the Centre utilising relevant UNHCR tools and through this process identified a sufficient number of vulnerable persons that were referred to the responsible authorities. Such referrals led to cases of vulnerable persons being allocated to specialised examiners at the Asylum Service, as well as priority given to such cases. However, it is not clear if any other procedural guarantees are being applied. Furthermore, it has not led to an assessment and provision of any special receptions needs.

In mid-2019 and onwards efforts have been made by the Asylum Service and EASO in collaboration with UNHCR and the Cyprus Refugee Council to set up a comprehensive vulnerability assessment procedure at the First Registration Reception Centre including the development of a common tool to be used for screening and assessing vulnerable persons and a standard operating procedure. Due to the rise in the numbers of new arrivals this has been put on hold.

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

Families, single women and traumatised people are placed in the Kofinou reception centre under the same conditions applicable to all other residents. From 2018 onward, no new single males are admitted. Single men who were already residing in the Centre and single women are placed in different rooms in distinct sections, while families do not share their living space with others. 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.

<sup>250</sup> Article 9ΚΓ Refugee Law.

<sup>251</sup> Articles 9ΚΔ(a) and 10Α Refugee Law.

In relation to preventing gender-based violence in the reception centre, the 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.<sup>252</sup> 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.

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.

In respect to UASC, there are five shelters hosting children aged between 14 and 18; one in Nicosia, three in Larnaca and one in Limassol. Children below the age of 14 are hosted in the youth homes operated by the Welfare Services for all children under their guardianship (nationals, EU nationals, third country nationals (TCNs)) and some of them are subsequently placed in foster families following relevant procedures.

The operation of all shelters is monitored by the Social Welfare Services and three of them are managed directly by the NGO - Hope for Children-CRC Policy Center (HfC) following on from a relevant agreement between the State and the organisation. The latter has been running the Nicosia male Youth Home since 2014 and recently took over the management of two more shelters in Larnaca.

The actual number of unaccompanied children hosted in each shelter as of the end of 2019 is shown in the table below:

Shelter	City	Number of residents	Capacity
Male Youth Home (HfC)	Nicosia	45	42
Male Youth Home (HfC)	Larnaca	32	25
Male	Larnaca	31	20
Female (HfC)	Larnaca	40	20
Female	Limassol	31	20

All UASC are placed at the shelters according to their space availability following referrals by the Welfare Services. During the reporting period, it has been noted that the lack of space within the few shelters that exist is causing great delays in the placement of the UASC in one of the shelters. As a result, the minors spend excessive periods of time (up to two months in some cases) within the First Reception Centre which is not designated as a child-appropriate space, and where an adult population is present. The same applies for two more accommodation shelters in the community where children are placed in premises where adult persons (usually elderly people and others) are also hosted.

Conditions in shelters vary with those being directly under the management of Social Welfare Services facing more challenges, especially in regard to staff capacity, infrastructure conditions, social and psychological support and integration activities. Educational arrangements both within mainstream education and non-typical education contexts are in place across all shelters, however a considerable number of children, especially girls, do not regularly attend school.

The transition to adulthood is also reported as problematic. The Commissioner for the rights of the Child published a report expressing concern over the lack of measures to support unaccompanied migrant children who turn 18 to access suitable accommodation, education, training, employment, information and social, psychological and mental health support.<sup>253</sup>

<sup>252</sup> Article 9ΙΔ(7) Refugee Law.

<sup>253</sup> Έκθεση της Επιτροπής, αναφορικά με τις διαδικασίες μετάβασης στην ενηλικίωση των ασυνόδευτων ανηλίκων αιτητών ασύλου, available at: <https://bit.ly/2UthBEa>.



By the end of 2020, when a safe zone area within the First Arrival Registration Centre (Pournara) is expected to be set up, the placement of an UASC to one of the shelters will only take place after the conclusion of the age assessment procedures.

## E. 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 provided with leaflets on various topics (Centre's standard operation procedure, medical coverage rights, volunteer services etc) which is currently being reformulated in order for the material to be comprehensive. Material regarding the Covid-19 outbreak is also disseminated to the residents.

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 on the site of the Labour Department of the Ministry of Labour and Social Insurance.<sup>254</sup>

### 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.<sup>255</sup> 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 to the number of visits each asylum seeker can have. However, due to Covid-19 related measures access of visitors to the Centre is currently restricted

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 centres usually rely on their personal mobiles for communication.

<sup>254</sup> Ministry of Labour and Social Insurance, *Employment of Asylum Seekers*, available at: <https://bit.ly/39ZtDuk>.  
<sup>255</sup> Article 9IΔ(6) Refugee Law.



## **F. Differential treatment of specific nationalities in reception**

No differences in treatment, based on asylum seekers' nationality, are generally observed. However recently in Pournara emergency reception centre and upon the introduction of initial measures to tackle the Covid-19 spread, as well as the recent announcement on taking more stringent measures by the Minister of Interior in regards to migration flows, it was observed that persons coming from African countries were not allowed or faced sudden restrictions in exiting the Centre. That was in contrast to Syrian families who were able to exit the Centre more easily.

## Detention of Asylum Seekers

### A. General

#### Indicators: General Information on Detention

1. Total number of asylum seekers detained in 2019:	Not available
2. Number of asylum seekers in detention as of the end of 2019:	41
3. Number of detention centres:	1
4. Total capacity of detention centres:	128

In Cyprus, most asylum seekers are not systematically detained. In September 2014, a policy regarding the detention of asylum seekers was initiated, which reduced the instances that asylum seekers can be detained. As a result of the policy, 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 and even where the persons have recently entered the country (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.

There are no official numbers available for the total number of asylum seekers who are detained. Based on monitoring visits carried out, the number of detained asylum seekers in 2017 was on average 40 persons, in 2018 the number had increased to an average of 60 and in June 2018 reached 91, whereas in 2019 the number was on average 45 persons:<sup>256</sup>

Applications submitted from detention: 2013-2017					
	2013	2014	2015	2016	2017
Applications submitted	118	134	114	187	238

Source: Ministry of Interior

In early 2020, due to the rise in numbers of asylum seekers, the Council of Ministers of Interior had announced stringent measures, including creating closed centres. At the time, measures were also being taken due to Covid-19. Before complete construction of the First Registry Reception Centre, all new arrivals in the country are now referred to the Centre and are not allowed to leave. This has led to a rise in the number of persons in the Centre to approximately 700 without the infrastructure in place to host such a number, especially for a long duration and where such persons are being *de facto* detained. However, it seems that Syrian asylum seekers were allowed to leave, the justification being that they have relatives or friends that can provide accommodation. After strong reactions from asylum seekers in the Centre, the Asylum Service started allowing 10 persons per day to leave, giving priority to vulnerable persons and women but only if they could present a valid address. In view of the obstacles in accessing reception conditions, identifying accommodation is extremely difficult unless they are in contact with persons in the community.

However, given the announcement concerning the development of closed centres and measures due to Covid19, it is unknown how long persons will remain in the Centre.

<sup>256</sup> Information based on monitoring visits carried out to Menogia Detention Centre by the Cyprus Refugee Council.

In respect of persons detained for the purposes of removal, whilst removal procedures have been suspended, no steps have been taken to release asylum seekers and other third-country nationals (TCN) in detention.

## B. Legal framework of detention

### 1. Grounds for detention

#### Indicators: Grounds for Detention

1. In practice, are most asylum seekers detained
  - ❖ on the territory: ☐ Yes ☒ No
  - ❖ at the border: N/A
2. Are asylum seekers detained in practice during the Dublin procedure?
  - ☐ Frequently ☒ Rarely ☐ Never
3. Are asylum seekers detained during a regular procedure in practice?
  - ☐ Frequently ☒ Rarely ☐ Never

The Aliens and Immigration Law regulates detention in accordance with the provisions of the Return Directive, while the Refugee Law provides for the detention of asylum seekers in accordance with the recast Reception Conditions Directive.

#### 1.1. Detention under the Refugee Law

The Refugee Law prohibits detention of asylum applicants for the sole reason that “he” is an applicant,<sup>257</sup> and also prohibits detention of child asylum applicants.<sup>258</sup> Detention of asylum seekers under the Refugee Law is based on an administrative order and not a judicial order,<sup>259</sup> as was previously the case, and is permitted for specific instances that reflect those in the recast Reception Conditions Directive.

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 18OF 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.

In addition, in 2018, the Refugee Law was amended to include provisions regulating the detention of asylum seekers under the Dublin Regulation, and, in particular, specifying when it is considered that a

<sup>257</sup> 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.

<sup>258</sup> Article 9ΣΤ Refugee Law.

<sup>259</sup> *Ibid.*

significant risk of absconding is present, in which case the detention of an asylum seeker may be ordered. These include: non-compliance with a return decision; non-compliance with or obstruction of a Dublin transfer, or a reasonably verified intention of non-compliance; provision of false or misleading information; previous expulsion or return; false statements on the person's address of usual residence; previous absconding; abandonment of a reception centre; unfounded statements in the course of the Dublin interview; deliberate destruction of identity or travel documents and failure to cooperate with the Cypriot authorities with a view to establishing identity or nationality.<sup>260</sup>

However, there is no evidence that there is an effective procedure in place to examine less coercive alternative measures, based on an individual assessment of each case.

In late 2017, the first detention orders were published under the Refugee Law since the article was introduced in October 2016. Throughout 2018 there was an increase in the issuance of detention orders under the Refugee Law, however the practice was not uniform as some asylum seekers were detained under the Refugee Law and others under the Aliens and Immigration Law. Throughout 2019 and onwards, a new policy was initiated according to which all detainees, regardless of the initial basis for detention, once applying for asylum are issued a detention order under the Refugee Law, including persons with criminal convictions.<sup>261</sup> The detention order is issued automatically without reviewing less coercive measures as was raised in two recent decisions issued by the IPAC.<sup>262</sup> In both decisions, the Court mentioned the lack of assessment of any objective criteria that would justify the applicant's detention. The Court also held that there needs to be an individualised assessment of the subjective criteria of each case, before issuing a detention order. In *G.N. v. The Republic*, the Court mentioned that the authorities "did not even bother" to examine any alternative measures to detention and held, therefore, that the principle of proportionality was not taken into consideration. It ordered the immediate release of the applicant with reporting conditions to the authorities three times per week. In *T.E.V. v. the Republic*, the Court stressed the need to provide a specific justification for each detention order issued and also made reference to the need to take the proportionality and necessity principle into consideration for every detention order issued by the CRMD.

All detention orders reviewed include only the wording of the article and, although it is stated that an individual assessment has been carried out, there are no individual facts or reasons for detention or any other reference, justification or findings of an individual assessment. Furthermore, the detention order refers to "objective criteria" but there is no mention or analysis on what those objective criteria are and how they are applied or justified in the individual case.

## 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". Of the 13 instances, the ones that were most commonly applied to asylum seekers were the following:

- (a) When a person is deported from the RoC;<sup>263</sup>
- (b) 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;<sup>264</sup>
- (c) Where a person is considered a prohibited immigrant based on the provisions of the Aliens and Immigration Law.<sup>265</sup>

<sup>260</sup> Article 9ST-bis Refugee Law, inserted by Law No 80(I)/2018 of 12 July 2018.

<sup>261</sup> Information based on monitoring visits carried out to Menogia Detention Centre by the Cyprus Refugee Council.

<sup>262</sup> *G.N. v. The Republic* ΔΔΠ 155/2019 (5/11/2019); *T.E.V. v the Republic*, ΔΔΠ 270/2019 (8/11/2019)

<sup>263</sup> Article 6(1)(θ) Aliens and Immigration Law.

<sup>264</sup> Article 6(1)(κ) Aliens and Immigration Law.

<sup>265</sup> Articles 6(1) and 14(1)(μ) Aliens and Immigration Law.

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 a period that does not exceed three years or to a fine which does not exceed 5,000 Cypriot pounds (approx. €8,500), or to both imprisonment and a fine.<sup>266</sup> The Law also foresees the offences of entering the RoC on a temporary permit and remaining beyond the expiration of that permit;<sup>267</sup> 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;<sup>268</sup> and violating a condition or restriction imposed by the Aliens and Immigration Law or the Refugee Law.<sup>269</sup>

In the past, asylum seekers were mostly detained as a “prohibited immigrant” however from late 2017 onward, the practice changed and in the majority of cases, once the person has applied for asylum, a new detention order is issued under the Refugee Law under the presumption that the person is submitting the application for international protection merely in order to delay or frustrate the enforcement of the return decision.<sup>270</sup> The change in practice was also noted in the recent CAT report on Cyprus.<sup>271</sup>

### 1.3. Detention for the purpose of removal

Asylum seekers have also been detained under separate provisions of the Aliens and Immigration Law that transpose the Returns Directive,<sup>272</sup> for the purpose of return, although the return order is suspended until the asylum application has been decided on. From late 2017 onward, the practice changed and in the majority of cases once the person has applied for asylum a new detention order is issued under the Refugee Law under the presumption that the person is submitting the application for international protection merely in order to delay or frustrate the enforcement of the return decision and detention is thereby justified. 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.

All administrative orders issued for detention, including 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.<sup>273</sup>

Asylum seekers are mainly detained on the territory and are rarely detained at entry points (ports, airports). Cyprus, being an island, has no external borders. 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 and to date, 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 and were arrested, convicted and sentenced to prison for irregular entry due to previously being in Cyprus and still listed as “prohibited immigrants.”<sup>274</sup>

Throughout 2016, in a number of boat arrivals, Syrian nationals were arrested and charged with illegal stay due to prior entry bans. However, for some, the case was withdrawn upon intervention, whereas in other boat arrivals they were convicted and given four-month prison sentences. From April 2017 onwards,

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<sup>266</sup> Article 19(2) Aliens and Immigration Law.

<sup>267</sup> Article 19(λ) Aliens and Immigration Law.

<sup>268</sup> Article 19(κ) Aliens and Immigration Law.

<sup>269</sup> Article 19(v) Aliens and Immigration Law.

<sup>270</sup> Article 9ΣΤ (2)(δ) Refugee Law.

<sup>271</sup> UNCAT, *Concluding Observations on the Fifth Report of Cyprus*, Committee against Torture, December 2019.

<sup>272</sup> Article 18ΠΣΤ Aliens and Immigration Law.

<sup>273</sup> Based on information from cases represented by the Cyprus Refugee Council.

<sup>274</sup> See KISA, ‘The imprisonment of refugees is a crime’, 15 November 2016, available at: <http://bit.ly/2kABSTr>.

the practice of arresting and prosecuting Syrian refugees arriving on boats for illegal entry due to their irregular stay in the past has ceased.

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.<sup>275</sup>

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.<sup>276</sup> 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 enjoy all such rights and will not be detained for this reason alone. 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. For Dublin returnees who have a final decision there is the possibility to be detained upon return, although there have been no cases to indicate the policy.<sup>277</sup>

## 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 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 is rarely implemented in practice.<sup>278</sup>

The Refugee Law includes a non-exhaustive list of recommended alternatives to detention:<sup>279</sup>

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

However, these alternatives are not subject to a statutory time limit or a proportionality test and there are no implementing regulations or guidelines for their application. Due to this it is not clear how alternatives are implemented and, even though detention orders issued under the Refugee Law make reference to

<sup>275</sup> 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.

<sup>276</sup> Article 9(1)(b) Refugee Law.

<sup>277</sup> Information based on monitoring visits carried out by the Cyprus Refugee Council to the Kofinou Reception Centre.

<sup>278</sup> Article 18ΠΣΤ Aliens and Immigration Law.

<sup>279</sup> Article 9ΣΤ(3) Refugee Law.

an individualised assessment and the CRMD states that such assessments are indeed carried out, no cases have been identified to confirm such practice.<sup>280</sup> 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.<sup>281</sup> This applies to all detainees, including asylum seekers, whose case is still pending. The lack of an individual assessment and consideration of less restrictive measures was raised in two recent decisions issued in 2019 by the IPAC.<sup>282</sup> These decisions related to recourses challenging the detention based on article 9ΣΤ (2)(δ) of the Refugee Law<sup>283</sup>. In both decisions, the Court mentioned the lack of assessment of any objective criteria that would justify the applicant's detention. The Court also held that there needs to be an individualised assessment of the subjective criteria of each case, before issuing a detention order. In *G.N. v. The Republic*, the Court mentioned that the authorities "did not even bother" to examine any alternative measures to detention and held, therefore, that the principle of proportionality was not taken into consideration. It ordered the immediate release of the applicant with reporting conditions to the authorities three times per week. In *T.E.V. v. the Republic*, the Court stressed the need to provide a specific justification for each detention order issued and also made a reference to the need to take the proportionality and necessity principle into consideration for every detention order issued by the CRMD.

In early 2019, the Supreme Court delivered a positive decision on a *Habeas Corpus* application with reference to alternatives to detention, ordering the immediate release of an asylum seeker who was detained for nearly one year.<sup>284</sup> Specifically, the Court clarified that the possibility to order less coercive alternatives exists not only upon the issuance of the detention order but during the entire period of detention, and should be examined when detention exceeds reasonable time limits.

In the latest report by the Committee Against Torture (CAT) on Cyprus it was mentioned that 'the Committee remains concerned by the criminalization and routine detention of irregular migrants, the extended periods of detention of such migrants and the functioning of the migration detention facilities throughout the country'. Furthermore it is stated that 'the Committee is concerned that no comprehensive identification procedures are in place to ensure the sufficient and timely identification of vulnerable persons prior to ordering detention'. Recommendations include for Cyprus to 'Adopt regulations to fully and consistently implement the provisions of the Refugee Law providing for alternatives to detention, establish comprehensive procedures for the determination and application of alternatives to detention and ensure that these be considered prior to resorting to detention, as part of an overall assessment of the necessity, reasonableness and proportionality of detention in each individual case.'<sup>285</sup>

The UN Human Rights Council in their Universal Periodic Review (UPR) in 2019 also recommended to the Cypriot State to 'facilitate the integration of migrants and persons under international protection residing in Cyprus, put in place alternatives to long-term detention of asylum seekers, including those whose request for asylum has been rejected.'<sup>286</sup>

<sup>280</sup> Information based on monitoring visits to Menogia Detention Centre by the Cyprus Refugee Council and interventions carried out as part of the case management under the Pilot Project on the Implementation of alternatives to detention in Cyprus, available at: <https://www.atdnetwork.org/>.

<sup>281</sup> 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>.

<sup>282</sup> *G.N. v. The Republic*, ΔΔΠ 155/2019 (5/11/2019); *T.E.V. v the Republic*, ΔΔΠ 270/2019 (8/11/2019)

<sup>283</sup> *Ibid.*

<sup>284</sup> Supreme Court, Application 1/2019, 24 January 2019, available in Greek at: <https://bit.ly/2GgJeKM>. See also Philenews, 'Ανώτατο: Άμεση αποφυλάκιση αιτητή πολιτικού ασύλου', 5 February 2019, available in Greek at: <https://bit.ly/2RJefrX>.

<sup>285</sup> UNCAT, *Concluding Observations on the Fifth Report of Cyprus*, Committee against Torture, December 2019.

<sup>286</sup> UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Cyprus*, Twenty seventh session, April 2019.



In 2015-2016, a research project was implemented by FWC with funding from the European Programme on Integration and Migration (EPIM) with the aim of identifying and promoting alternatives to detention (ATD) that can be implemented in the Cypriot context. In 2017-2019, the Cyprus Refugee Council,<sup>287</sup> building on the findings of the research project, implemented a pilot project under EPIM which was based on the CAP model developed by the International Detention Coalition (IDC) within the procedures followed in Cyprus, with the aim to promote alternatives to detention, as well as the overall resolution of cases. This was carried out by providing case management and conducting evidence-based advocacy following on from the findings of the cases.

Since July 2019, the Cyprus Refugee Council is implementing a third EPIM-funded project on ATD in Cyprus - "Safeguarding Alternatives to Detention: Implementing Case Management in Cyprus", which builds on the progress and achievements established under the 2017-2019 Pilot, with the main objectives of reducing immigration detention, promoting engagement based ATD and contributing to the growing evidence and momentum on ATD at a national and regional level. In regard to activities, the project team provides individualised case management to persons that are in detention and / or at risk of detention including asylum seekers, rejected asylum seekers, irregular TCNs and non-removables.

The implementation of the project, and specifically case management, provides the Cyprus Refugee Council with further qualitative and quantitative data to demonstrate to the relevant authorities that the proposed model can lead to higher engagement rates and case resolution. Through the implementation of the project, the Cyprus Refugee Council aims to pave the path towards generating ATD practices or policies for specific groups as well as to outline systemic gaps and the ineffectiveness of coercive-based approaches.

The Cyprus Refugee Council is also member of the [European Alternatives to Detention Network](#) which aims at reducing and ending immigration detention in Europe – for vulnerable groups – by building evidence and momentum on engagement-based alternatives. The network links NGOs running case management-based alternatives to detention pilot projects in Europe with regional / global advocacy organisations, and conducts and facilitates advocacy, learning and evidence generation among network members.

### 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.<sup>288</sup>

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.<sup>289</sup> In practice, overall children are not detained, except for cases where unaccompanied children are arrested with false / forged documents that show them to be over 18, and

<sup>287</sup> Implemented by FWC from March 2017-December 2017.

<sup>288</sup> Article 9ΣΤ(1) Refugee Law.

<sup>289</sup> Article 18ΠΓ(1) Aliens and Immigration Law.

usually in an attempt to leave the country with these documents. In such instances they are detained as adult “prohibited immigrants”. However, since 2016, even in such cases they are often released when they state that are in fact under 18, especially if an NGO intervenes.<sup>290</sup>

Detention of vulnerable persons is not prohibited and victims of torture, trafficked persons and pregnant women are detained with no special safeguards in place. Indeed, due to the lack of an effective identification mechanism, lack of individual assessment and reluctance to implement alternatives to detention, vulnerable asylum seekers are often identified in detention. Even when these cases are communicated to the CRMD they are not released, including cases of asylum seekers who have recently arrived in the country and there is sufficient evidence that they intend to remain engaged with the procedures.<sup>291</sup>

#### 4. Duration of detention

##### Indicators: Duration of Detention

- |  |              |
|--|--------------|
| 1. What is the maximum detention period set in the law (incl. extensions): |              |
| ❖ Pre-removal detention  | 18 months    |
| ❖ Asylum detention   | None         |
| 2. In practice, how long in average are asylum seekers detained?           | 1.5-2 months |

The Refugee Law allows the detention of asylum seekers subject to no time limit.

Since 2017, a new practice has been implemented whereby once a person that is already detained applies for asylum, a new detention order is issued under the Refugee Law under the presumption that the person is submitting the application for international protection merely in order to delay or frustrate the enforcement of the return decision. This led to an increase in the number of asylum seekers in detention, reaching an average in 2018 of 70-75 asylum seekers at any time from an average of 45 asylum seekers. Moreover, an increase in the duration of detention was noted, reaching an average of five-six months, with certain cases exceeding this. This included asylum seekers who had recently entered the country and had applied for asylum. There was no indication that the change in practice discouraged persons in detention from applying for asylum.

In January 2019, however, the Supreme Court ordered the immediate release of an asylum seeker who was detained under the Refugee Law for nearly one year. The Court noted that, although asylum detention has no specified maximum time limit, Article 9ΣΤ(4)(a) of the Refugee Law provides that detention shall be imposed for the shortest period possible and shall be carried out without undue delay. Therefore, delays in processing the asylum application of a person in detention which cannot be imputed to the applicant does not justify the continuation of detention.<sup>292</sup>

In 2019, the number of asylum seekers in detention at any time reduced and was approximately 45.<sup>293</sup> The duration of detention also reduced and asylum seekers are released on average following one and a half to two months of detention, with the exception of asylum seekers who are detained for “national

<sup>290</sup> Information based on monitoring visits carried out by the Cyprus Refugee Council to the Youth Hostels where unaccompanied children are accommodated and to Menogia Detention Centre.

<sup>291</sup> Information based on monitoring visits to Menogia Detention Centre by the Cyprus Refugee Council and interventions carried out as part of the case management under the Pilot Project on the Implementation of alternatives to detention in Cyprus, available at: <https://www.atdnetwork.org/>.

<sup>292</sup> Supreme Court, Application 1/2019, 24 January 2019, available in Greek at: <https://bit.ly/2GgJeKM>. See also Philenews, ‘Ανώτατο: Άμεση αποφυλάκιση αιτητή πολιτικού ασύλου’, 5 February 2019, available in Greek at: <https://bit.ly/2RJefrX>.

<sup>293</sup> Information based on monitoring visits to Menogia Detention Centre by the Cyprus Refugee Council and interventions carried out as part of the case management under the Pilot Project on the Implementation of alternatives to detention in Cyprus, available at: <https://www.atdnetwork.org/>.

security reasons” or “public safety”.<sup>294</sup> Such cases include nine Syrian nationals, with some detained for periods longer than 12 months. In late 2019, the Syrian detainees as well as one Egyptian detainee, initiated hunger strikes in protest at the lengthy detention.<sup>295</sup>

## 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 persons under return procedures. However, it is also used for the detention of asylum seekers. The official capacity of Menogia was initially 256 but has been lowered to 128, 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).<sup>296</sup> 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. In recent years and due to recommendations from monitoring institutions, the majority of detained asylum seekers are usually transferred within two-three days to Menogia, however as reported by the Ombudsman’s Office in April 2018 there are cases where the stay reaches eight days.<sup>297</sup> In police stations, they may also be held with persons detained for committing an offence and awaiting their 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 ordered their detention.

On 26 March 2019, the European Court of Human Rights (ECtHR) delivered its judgment in the case *Haghilo v. Cyprus* (47920/12) regarding the detention pending deportation of an Iranian national, who had been detained for over 18 months in three police stations. The Court ruled that the applicant’s detention had been unlawfully extended after the expiry of the six-month period. It found that the detention measure was not in accordance with domestic law and, therefore, violated Article 5 (1) ECHR. In the light of this conclusion, the Court did not find it necessary to examine the preceding period of the applicant’s detention or the remainder of the applicant’s complaints under this provision. On the complaint under Article 3, the Court observed that the applicant had been held for a significant amount of time in detention, in police stations that were designed to accommodate people for a short time only. The buildings lacked the

<sup>294</sup> Article 9ΣΤ(2)(ε) Refugee Law.

<sup>295</sup> Information based on monitoring visits to Menogia Detention Centre by the Cyprus Refugee Council and interventions carried out as part of the case management under the Pilot Project on the Implementation of alternatives to detention in Cyprus, available at: <https://www.atdnetwork.org/>; For more information see: <https://bit.ly/2w90nT3>.

<sup>296</sup> 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>.

<sup>297</sup> Ombudsman, *Έκθεση ως Εθνικός Μηχανισμός Πρόληψης των Βασανιστηρίων αναφορικά με την επίσκεψη που διενεργήθηκε στα Αστυνομικά Κρατητήρια Ορόκλινης στις 30 Νοεμβρίου 2017*, ΕΜΠ 2.17, 3 April 2018.

facilities necessary for the purposes of long detention, such as the possibility of outdoor activity. It noted the specific material conditions of the detention under review, such as the lack of day light, fresh air and the small size of the cells in each station, which were detailed in reports provided by experts and the Ombudsperson. Referring to its case law, the ECtHR held that the applicant was subjected to hardship beyond the unavoidable level of suffering inherent in detention and that it amounted to inhuman and degrading treatment prohibited by Article 3.<sup>298</sup>

## 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 the Cyprus Refugee Council in Menogia throughout 2019, as well as reports from other monitoring bodies as cited.

### 2.1. Overall living conditions

#### State of the facilities

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 three years, there have been sufficient improvements to the conditions in **Menogia**,<sup>299</sup> following recommendations made by the CPT, the Committee against Torture (CAT),<sup>300</sup> 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.<sup>301</sup> 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.<sup>302</sup> This leads to high levels of stress, leading to a number of hunger strikes in Menogia in recent years,<sup>303</sup> mostly by irregular migrants and rejected asylum seekers, along with a few asylum seekers.

In Menogia, there are no serious deficiencies in the sanitary facilities provided, except from occasional reports on some toilets and showers being faulty. Most detainees are satisfied with the general state of the facilities and have mentioned that there is hot water and that they can shower at ease without time restrictions.<sup>304</sup> Overall, the cleanliness of the detention centre seems to be of a decent 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 are cramped, as there were eight persons / four bunk beds in an 18m<sup>2</sup> room. The capacity has

<sup>298</sup> ECtHR, *Haghilo v. Cyprus* (47920/12), 26 March 2019, available at: <https://bit.ly/2Uru0Zh>.

<sup>299</sup> 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>.

<sup>300</sup> CAT, *Concluding Observations on the Fourth Report of Cyprus*, 21 May 2014, available at: <http://bit.ly/2jEBJOC>.

<sup>301</sup> CoE Commissioner for Human Rights, *Cyprus report*, 31 March 2016, para 1.3.2.

<sup>302</sup> *Ibid.*

<sup>303</sup> See KISA, 'Abuse of power is leading detained migrants to desperate acts', 5 April 2016, available at: <http://bit.ly/2jmsIOB>.

<sup>304</sup> Information based on monitoring visits carried out by the Cyprus Refugee Council.

since been reduced from 256 to 128 places and the cells / rooms now accommodate four persons with two bunk beds per room.

The provision of clothing in Menogia has improved in recent years, with the Red Cross Cyprus as well as other volunteer organisations providing clothes.

However, conditions in the **holding cells** of the various police stations vary. In a report issued by the Ombudsman's Office following a monitoring visit of the holding cell in **Oroklini**, Larnaca, the conditions were found to be below accepted standards and included issues related to lack of access to open-air spaces, overall cleanliness and hygiene issues, access to information and access to full set of rights.<sup>305</sup>

Detained asylum seekers in **Menogia** have access to open-air spaces once or 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. The size of the outdoor space is approximately the size of a basketball court.<sup>306</sup> 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. Furthermore, they do not have any recreational facilities.<sup>307</sup>

## Food

In **Menogia**, detainees mentioned that pork is not included in the menu and the meat provided is mainly chicken.<sup>308</sup> 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 recent years there have been no such cases to monitor the issue. Regarding both quality and quantity, the level of satisfaction varied among detainees. Some detainees mentioned that the food tends to be repetitive for prolonged periods of time, with only the side dish varying. Some detainees drink tap water that is available at the centre (safe to drink in Cyprus), others prefer to buy water from the water dispenser machine located in the centre yard; at approximately €1 for 20lt. There are also vending machines available in every wing of the detention centre.

Regarding the accommodation of dietary requirements for religious or medical reasons, the situation in **holding cells** is similar to that in the Menogia detention centre, but quality and quantity varies from one cell to another.

## 2.2. Activities

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.<sup>309</sup> As of the end of 2016, detainees have access to internet via free WiFi through their mobile phones.<sup>310</sup> During access to open-air spaces detainees can engage in recreational activities such as basketball, football, card playing, chess, and backgammon. Instructors for drawing, dancing and a physical trainer carry out activities on a weekly basis, however detainees reported either not knowing of these or showed lack of motivation or interest to attend.

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<sup>305</sup> Ombudsman, *Έκθεση ως Εθνικός Μηχανισμός Πρόληψης των Βασανιστηρίων αναφορικά με την επίσκεψη που διενεργήθηκε στα Αστυνομικά Κρατητήρια Ορόκλινης στις 30 Νοεμβρίου 2017*, ΕΜΠ 2.17, 3 April 2018.

<sup>306</sup> Information based on monitoring visits carried out by the Cyprus Refugee Council.

<sup>307</sup> ECtHR, *Haghilo v. Cyprus* (47920/12), 26 March 2019, available at: <https://bit.ly/2Uru0Zh>.

<sup>308</sup> *Ibid.*

<sup>309</sup> KISA, 'Improvements regarding detention conditions – significant problems regarding detention and deportation practices', 29 January 2017, available at: <http://bit.ly/2jJhL82>.

<sup>310</sup> *Ibid.*

In **holding cells** there are no reading materials or internet access.

### 2.3. Health care in detention

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.<sup>311</sup> 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.<sup>312</sup> If a detainee is found guilty of this offence, he or she is liable to three 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.

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 assessment of 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 am to 15:00 pm, and a nurse is assigned to the Centre three days per week for five hours per day. A clinical psychologist appointed by the Department of Mental Health Services visits the Centre twice 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, with the exception of certain cases of persons with disabilities, 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.

According to the law, 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.<sup>313</sup> Based on the testimonies of detainees, due to the lack of interpreters available during the medical examination, other detainees are requested to escort to serve as interpreters.<sup>314</sup> Although detainees seem willing to provide such assistance, in view of the sensitivity of medical information it cannot be considered to satisfy the requirement of the law.

With regards to psychological support this is provided in Menogia by a clinical psychologist appointed by the Department of Mental Health Services

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, will ask a fellow detainee or an officer to fill this request for them.<sup>315</sup>

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<sup>311</sup> Article 23 Rights of Persons who are Arrested and Detained Law.

<sup>312</sup> Article 30 Rights of Persons who are Arrested and Detained Law.

<sup>313</sup> Articles 18 and 25 Rights of Persons who are Arrested and Detained Law.

<sup>314</sup> Information based on monitoring visits carried out by the Cyprus Refugee Council.

<sup>315</sup> *Ibid.*



Regarding access to medical care for detainees including asylum seekers being held in a **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.

## 2.4. Special needs 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 moved forward until now. In the last two 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.

There is no effective mechanism in detention centres (or out of detention centres) to identify and assess persons with special needs. Persons categorised as vulnerable before detention or during their detention will still be detained. There are designated sanitary spaces, i.e. toilets and showers, for persons with disabilities. There is no indication of other support provided for vulnerable persons.

## 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.<sup>316</sup> 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 and NGOs, whereas 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, there is not a lot of information with regard to 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.<sup>317</sup> 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 and friends, is very evident. The same would apply to religious representatives.

NGOs and UNHCR monitor detention centres, 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. Throughout 2016, the Police carried out consultations with NGOs and have signed a Memorandum of Understanding in March 2017 which remains in effect, in order to facilitate better

<sup>316</sup> Article 12 Rights of Persons who are Arrested and Detained Law.

<sup>317</sup> Article 16 Rights of Persons who are Arrested and Detained Law.



collaboration and communication between all parties including access to places of detention and exchange of information. This has indeed led to more effective access and faster information exchange.<sup>318</sup>

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. In recent years, access to free WiFi has increased communication via mobile applications, however the quality for voice calls is not always adequate. 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 or mobile applications 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 by the detention staff before they are allowed to send them,<sup>319</sup> however in most cases the documents are sent out.<sup>320</sup>

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?

Asylum seekers in detention will often not have the detention order on them or the latest detention order in case of renewal. If they request the detention order, which is kept in individual files in the offices of the centre, they will be provided with it. There is often a time lapse between the date the order is issued and its actual arrival at the detention centre, especially where detention orders are renewed.

The detention orders include 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.<sup>321</sup> They also include 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. Moreover, there is no information on the procedure to be followed to access these remedies. The administrative order is usually issued in English and / or in Greek, and it is never provided in a language the applicant is known to understand.

<sup>318</sup> Information based on the Cyprus Refugee Council's access to Menogia within the scope of a pilot project on alternatives to detention.

<sup>319</sup> KISA, *Detention conditions and juridical overview on detention and deportation mechanisms in Cyprus*, January 2014.

<sup>320</sup> Information based on monitoring visits carried out by the Cyprus Refugee Council.

<sup>321</sup> *Ibid.*

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 and how to access this. 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 and how to go about these.<sup>322</sup> In spite of claims by the 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,<sup>323</sup> little improvement has been made and the situation remains as reflected in older reports.<sup>324</sup>

In late 2019, in an effort to address the issue of lack of information, the Cyprus Refugee Council within the scope of the alternatives to detention project, issued an information leaflet that provides basic information on detention, access to asylum procedures, available remedies to challenge detention and access to legal aid. The leaflet has been made available in Menogia.

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 if they are detained for immigration purposes. The same legal remedies are also available if an asylum seeker is detained under the Refugee Law.<sup>325</sup>

### 1.1. Recourse

First, if the detention order is based on the asylum seeker being declared a “prohibited immigrant” (see section on [Grounds for Detention](#)),<sup>326</sup> the order can be challenged by recourse under 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 is the case with all executive decisions issued by the administration. If the detention order is issued based on the articles of the Aliens and Immigration Law that transpose the Returns Directive, then according to the law the order can be challenged under Article 146 of the Constitution before the Administrative Court.<sup>327</sup> If the detention order is based on the Refugee Law, then according to the law the order can be challenged before the IPAC.<sup>328</sup>

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, however priority is supposed to be given to detention cases. 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 on average eight months.<sup>329</sup>

For cases where detention is ordered under the Refugee Law, the IPAC is obliged to issue a decision within four weeks and in order to do so may instruct legal representatives to submit oral arguments instead of written arguments as the procedure usually requires.<sup>330</sup> Throughout 2019, the majority of cases where

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<sup>322</sup> *Ibid.*

<sup>323</sup> *Ibid.*

<sup>324</sup> 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.

<sup>325</sup> Article 9ΣΤ(6)(a) Refugee Law.

<sup>326</sup> Article 14 Aliens and Immigration Law.

<sup>327</sup> Article 18ΟΓ & Article 18ΠΣΤ(3) Aliens and Immigration Law.

<sup>328</sup> Article 9ΣΤ(2) & Article 9ΣΤ(6)(α) Refugee Law.

<sup>329</sup> ECtHR, *M.A. v. Cyprus*, Application No 41872/10, 23 July 2013, para 167.

<sup>330</sup> Article 9ΣΤ(6)(b)(i) Refugee Law.

the applicant applied for legal aid were released before the applicant reached the Court, however the four-week deadline seems to be observed.<sup>331</sup>

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 case of asylum seekers, however, the deportation order is suspended for the duration of the examination of the asylum application and this also includes the judicial examination of the asylum application. If the recourse is successful, the detention order will be annulled.

In November 2019, the IPAC issued two positive decisions on recourses challenging the detention based on article 9ΣΤ (2)(δ) of the Refugee Law.<sup>332</sup> In both decisions, the Court mentioned the lack of assessment of any objective criteria that would justify the applicant's detention. The Court also held that there needs to be an individualised assessment of the subjective criteria of each case, before issuing a detention order. In *G.N. v. The Republic*, the Court mentioned that the authorities "did not even bother" to examine any alternative measures to detention and held, therefore, that the principle of proportionality was not taken into consideration. It ordered the immediate release of the applicant with reporting conditions to the authorities three times per week. In *T.E.V. v. the Republic*, the Court stressed the need to provide a specific justification for each detention order issued and also made a reference to the need to take the proportionality and necessity principle into consideration for every detention order issued by the CRMD.

## 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 articles transposing the Returns Directive and the recently amended Refugee Law that refer to this remedy.<sup>333</sup>

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.<sup>334</sup>

In early 2019, the Supreme Court delivered a positive decision on a *Habeas Corpus* application ordering the immediate release of an asylum seeker who was detained for nearly one year. The Supreme Court held that the absence of a maximum detention time limit in Article 9ΣΤ of the Refugee Law does not preclude the duration of return proceedings from affecting the legality of detention. That is since detention is not an end in itself but a means to enforce removal, which in this case includes the processing and rejection of an asylum application made solely to delay or frustrate the enforcement of the return decision. The Court found that delays in the asylum procedure which cannot be imputed to the applicant, i.e. delays due to the workload of the Asylum Service, do not justify the continuation of detention. It also held that the principle of proportionality is also relevant to the assessment of legality and that the possibility to order less coercive alternatives exists not only upon the issuance of the detention order but during the entire period of detention, and should be examined when detention exceeds reasonable time limits.<sup>335</sup>

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<sup>331</sup> Information provided by the Cyprus Refugee Council.

<sup>332</sup> *G.N. v. The Republic*, ΔΔΠ 155/2019 (5/11/2019), *T.E.V. v the Republic*, ΔΔΠ 270/2019 (8/11/2019).

<sup>333</sup> Article 18ΠΣΤ(5) Aliens and Immigration Law; Article 9ΣΤ(7)(a)(i) Refugee Law.

<sup>334</sup> Article 9ΣΤ(7)(a)(ii) Refugee Law.

<sup>335</sup> Supreme Court, Application 1/2019, 24 January 2019, available in Greek at: <https://bit.ly/2GgJeKM>. See also Philenews, 'Ανώτατο: Άμεση αποφυλάκιση αιτητή πολιτικού ασύλου', 5 February 2019, available in Greek at: <https://bit.ly/2RJefrX>.

In early 2020, the Supreme Court delivered a positive decision on a *Habeas Corpus* application.<sup>336</sup> The applicant also challenged the legality of the detention order in a separate procedure by way of recourse before the Administrative Court, which was rejected and an appeal against the rejection is currently pending before the Supreme Court. The applicant, an asylum seeker, was detained for over a year because his detention was considered by the CRMD as necessary for the protection of national security. It was the second time that the applicant appealed before the Supreme Court asking for the ordering of a *Habeas Corpus* writ. It was held by the Supreme Court that in assessing the legality of the length of detention and in order to ensure the protection of the applicant's right to effective judicial protection, the Court must be presented with the necessary evidence so as to perform its judicial duty and be able to issue a justified and informed decision. Since the CRMD had not provided any material evidence with regards to the legality of detention and, furthermore, it was shown that there were delays (on the Attorney General's part) in the Court procedures with regards to the exclusion of the applicant from the asylum procedure, the Court decided to release the detainee.

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 relevant ruling on 22 August 2016 in a *Habeas Corpus* application.<sup>337</sup> The applicant, a failed asylum seeker, had been detained for a total of four 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.

There are no time limits within which the Supreme Court is obliged to examine the *Habeas Corpus* application, and the examination may take one-three months. By way of exception, for cases which fall under the Refugee Law, the Supreme Court is obliged to issue a decision within three weeks and may give necessary instructions to speed up the process.<sup>338</sup> The number of *Habeas Corpus* applications submitted is extremely low, but from those submitted it seems that the Court adheres to the prescribed deadline.<sup>339</sup>

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 includes the judicial examination of the asylum application. If a *Habeas Corpus* application is successful, the detainee should be immediately released.

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, 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. Instead, the initial motivation is repeated, usually stating a lack of cooperation by the detainee for the issuance of travel documents, regardless of whether the detainee is an asylum seeker and without stating any reasoning or facts to support the claim of lack

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<sup>336</sup> Khalid Alaoui Mhammedi v. Chief of Police and Minister of Interior, 4/2020 (24/2/2020).

<sup>337</sup> Supreme Court, *Azar v Republic of Cyprus*, Case No 54/2016, 22 August 2016, EDAL summary available at: <http://bit.ly/2jmoP73>.

<sup>338</sup> Article 9ΣΤ(7)(b)(i) Refugee Law.

<sup>339</sup> Supreme Court, Application 1/2019, 24 January 2019.

of cooperation. 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 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.<sup>340</sup> However, this has not had an impact on the practice.

The judicial review of detention is not considered effective due to 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 Court held that the applicant did not have an effective remedy with automatic suspensive effect to challenge his deportation.<sup>341</sup> 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 the 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 eight 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 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*,<sup>342</sup> 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.

There have been sufficient improvements in recent years regarding the detention of asylum seekers who now have the right to remain on the territory throughout the first instance judicial examination of the asylum application and the majority will not be placed in detention (see [Access to the Territory](#)). However, the ineffective access to legal aid continues to render access to an effective remedy against detention problematic. Furthermore, detention of asylum seekers under the Refugee Law, which carries no limitation in duration, has increased the number of cases in need of an effective remedy.

These issues were noted in the latest report on Cyprus from the UN Committee against Torture (CAT) issued in December 2019 in which the Committee expressed its concern concerning the lack of protection against *refoulement* stating that ‘...the Committee remains concerned at reports that individuals are still being returned to countries where they might be subjected to torture. It is also concerned about the effectiveness of the appeals process relating to re-examination of decisions of cessation of subsidiary protection status. The Committee is further concerned that the granting of subsidiary protection is approximately five times more frequent than the recognition of refugee status.’

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<sup>340</sup> Supreme Court, *Nessim v. Republic of Cyprus*, Case No 66/2016, 24 August 2016, EDAL summary available at: <http://bit.ly/2ka8UwE>.

<sup>341</sup> ECtHR, *M.A. v. Cyprus*, paras 169-170.

<sup>342</sup> 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>.



It was also noted that ‘The Committee remains concerned, however, about the effectiveness of the two courts to adjudicate challenges to the deportation of asylum applicants and irregular migrants, about the relation of these courts with the Supreme Court with regard to the accessibility of appeals, and about the backlog of asylum claims’ and recommended ‘The State party should continue to abide by its commitment to provide for an effective judicial remedy with automatic suspensive effect in the context of the deportation of asylum seekers and irregular migrants.’<sup>343</sup>

## 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 type="checkbox"/> Yes	<input checked="" 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 IPAC only when detention is ordered under the provisions of the Refugee Law.<sup>344</sup> When detention is ordered under the Aliens and Immigration Law transposing the Returns Directive,<sup>345</sup> legal aid is available to challenge return, removal and entry ban decisions but not deportation or detention decisions.<sup>346</sup> 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,<sup>347</sup> but not when detention is ordered under the articles of the Aliens and Immigration Law transposing the Returns Directive,<sup>348</sup> or when detained as a “prohibited immigrant”.<sup>349</sup> 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.

When detention has been ordered under the Refugee Law, applications for legal aid either for the judicial review of detention (see [Recourse](#)) before the IPAC or the length of detention with the submission of a *Habeas Corpus* application are subject only to a “means” test. According to the means test, the detainee applying for legal aid must show that he or she does 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. In most cases of detention, this limb of the test will be met. Prior to 2018, no detention orders were issued under the Refugee Law. In 2018 such detention orders were increasingly issued and although the number of legal aid applications remained low, all submitted were granted.<sup>350</sup> Throughout 2019, the majority of asylum seekers in detention, regardless of the initial basis for detention, once applying for asylum were issued a detention order under the Refugee Law, including persons with criminal convictions. This led to a higher

<sup>343</sup> CAT, *Concluding Observations on the Fifth Report of Cyprus*, December 2019. See further: <https://bit.ly/2UQ75pw>.

<sup>344</sup> Article 9ΣΤ(2) Refugee Law.

<sup>345</sup> Article 6Γ Legal Aid Law.

<sup>346</sup> Administrative Court, *Yilmaz*, Application 2/2019, 23 January 2019, available in Greek at: <https://bit.ly/2Gx123s>.

<sup>347</sup> Article 6B(7)(b) Legal Aid Law.

<sup>348</sup> Article 6Γ Legal Aid Law.

<sup>349</sup> Article 6B and 6Γ Legal Aid Law.

<sup>350</sup> According to a search carried out on the [Cylaw database](#), throughout 2017 only 2 applications for legal aid to challenge detention were submitted and none were accepted. In 2018, of 5 applications for legal aid where detention was ordered under the Refugee Law all were granted. No data available for 2019.



number of detainees applying for legal aid and in the majority of cases they were released before the legal aid application was examined.<sup>351</sup>

The newly established IPAC to date has not released statistics in respect of successful legal aid applications, however according to cases published on the Leginet Portal between June-November 24 2019 legal aid applications were submitted and all were successful.<sup>352</sup> As mentioned before, in most cases the asylum seeker is released before the case challenging the detention order is examined.

Even when a legal aid application is successful there are additional issues such as the detainee not being notified of the decision,<sup>353</sup> or the requirement for the court expenses to be paid upon submission of the application to challenge detention as the judicial review requires court expenses of approximately €140 and for a *Habeas Corpus* application €800. In view of the long delays in lawyers receiving payment for legal aid cases, lawyers are often not willing to take up these cases.

The main obstacles to accessing legal assistance in detention is the lack of resources on behalf of the detainee to contract the services of a lawyer, the lack of access to legal aid if detained under provisions of the Aliens and Immigration Law and the lack of information and counselling to access legal aid. NGO lawyers may provide assistance to prepare legal aid applications,<sup>354</sup> but they are not permitted to appear before the court.

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.<sup>355</sup> However, they rarely use this. Detainees usually contact lawyers that are suggested by other detainees or friends or lawyers that visit the detention centre to meet another detainee / client. 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.<sup>356</sup> 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. However, the lack of free legal assistance is again an obstacle for detainees to utilise this option.

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.

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<sup>351</sup> Information based on monitoring visits carried out by the Cyprus Refugee Council.

<sup>352</sup> Leginet is a subscription-based database for legislation, caselaw and secondary legislation, available at: <https://bit.ly/3dBpMFV>.

<sup>353</sup> Information based on monitoring visits carried out by the Cyprus Refugee Council.

<sup>354</sup> Administrative Court, *Alashkham*, Legal Aid Application 15/2018, 17 July 2018, available in Greek at: <https://bit.ly/2UTZUuT>.

<sup>355</sup> Article 8(3)(b) Rights of Persons who are Arrested and Detained Law.

<sup>356</sup> Information based on monitoring visits carried out by the Cyprus Refugee Council.

Furthermore, judicial review requires court expenses of approximately €140 and for a *Habeas Corpus* application €800, which often the NGO or the detainee are not 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 whilst holding the status of asylum seeker.<sup>357</sup>

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<sup>357</sup> Information based on monitoring visits carried out by the Cyprus Refugee Council.

## 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,<sup>358</sup> recognised **refugees** are granted, as soon as possible, a residence permit valid for three years. The permit is renewable for three-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 three years renewable, however in practice this limitation was rarely applied.

In 2019, the Civil Registry and Migration Department (CRMD) ceased issuing residence permits for family members regardless if they qualify individually as refugees, leaving family members, including underaged children, without status and full access to rights. The CRMD instructs all beneficiaries of international protection (recognised refugees and subsidiary protection) to proceed to the Asylum Service to receive a decision on whether they should receive the status of the beneficiary. The Asylum Service has taken steps to address the situation but it is still not clear if the CRMD will proceed with the issuance of residence permits. At the time of publication, the issue remained unresolved.<sup>359</sup>

In the case of beneficiaries of **subsidiary protection status** and their family members, the law states that a renewable residence permit valid for one year is issued as soon as possible after international protection has been granted.<sup>360</sup> This permit is renewable for two-year periods for the duration of the status. Again, there is no possibility for such permits to be renewed for longer periods. At the end of 2017, two cases were identified where beneficiaries of subsidiary protection were notified by the authorities that due to the submission of an appeal before the RRA, against the decision that rejected their application for refugee status, the decision granting them subsidiary protection is suspended and they are asylum seekers until a decision on the appeal is issued. In one case the beneficiary was granted subsidiary protection in 2014 and was notified of the suspension of the status in 2017 and requested to return state benefits he had received as a beneficiary of subsidiary protection.<sup>361</sup> Additional cases were reported in 2018 but no cases in 2019. However, as of July 2019 the RRA has ceased to receive new cases and therefore the issue is now resolved, except for those cases that are still pending before the RRA.

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.<sup>362</sup>

In practice, delays are systematically encountered in the issuance and renewal of residence permits for both refugees and beneficiaries of subsidiary protection. Specifically, a person, once granted international protection or in the case of renewal, will approach the responsible authority in order to apply for a

<sup>358</sup> Article 18A Refugee Law.

<sup>359</sup> Based on information from the representation of beneficiaries of International Protection by the Cyprus Refugee Council.

<sup>360</sup> Article 19(4) Refugee Law.

<sup>361</sup> Based on information from the representation of the cases by the Cyprus Refugee Council.

<sup>362</sup> Articles 18A and 19(4) Refugee Law.

residence permit. In Nicosia, an application is submitted on the same day however at times the person will be asked to return within one week for their photo and digital signature to be taken. In other cities the practice varies but with no substantial delays.

However, from the submission of the application for the residence permit, four-five months will often elapse until the permit is issued. 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 remaining issues 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.<sup>363</sup> There have been exceptions whereby one commercial bank opened an account with the receipt that the application for the permit has been submitted. It also poses obstacles in accessing health services in view of the implementation of the new Health System in Cyprus (GESY).

## 2. Civil registration

The procedure for the civil registration of children born in Cyprus is the same for all, regardless of nationality or status.<sup>364</sup> In order to register the new-born child in the Birth Register, an application form must be completed and signed by the Doctor who delivered the child and a copy is kept at the hospital / clinic records, another copy is sent to the Competent District Administration Office by the hospital / clinic and a third copy is given to the child's parents, for them to submit it to the Competent District Administration Office. The registration of the child can take place in any District Administration Office, regardless of the district in which the child was born. If the parents of the child are not married then an affidavit is required by both parents confirming the father of the child.

Birth certificates are issued upon registering the birth and are issued at all the District Administration Offices. The fee payable for each certificate is €5, provided that the birth has been registered within the time period determined by the law - 15 days from the birth of the child. If the birth is registered three months after the birth of the child the following is required: the Birth Registration Form, an affidavit in the prescribed form, and a fee of €150.<sup>365</sup>

A birth certificate is required in order to enjoy various rights, such as access to medical care, registration in school, access to benefits such as child allowance, single parent allowance, minimum guaranteed income scheme.

There are no reports of difficulties in regard to civil registration of beneficiaries of international protection.

## 3. Long-term residence

### Indicators: Long-Term Residence

1. Number of long-term residence permits issued to beneficiaries in 2019: n/a

The criteria for applying for long-term resident status for all eligible persons, including persons under refugee status and subsidiary protection, are the following:<sup>366</sup>

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:

<sup>363</sup> Ombudsman, Έκθεση της Αρχής Κατά των Διακρίσεων αναφορικά με την πρόσβαση σε τραπεζικές υπηρεσίες ευάλωτων ομάδων υπηκόων τρίτων χωρών, 42/2016, 31 January 2017, available in Greek at: <https://bit.ly/3dECjlr>.

<sup>364</sup> Article 8 Civil Registry Law.

<sup>365</sup> Article 16 Civil Registry Law.

<sup>366</sup> Article 18Θ Aliens and Immigration Law.

- 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.<sup>367</sup>
  4. Adequate health insurance covering the risks that are usually covered in insurance contracts involving Cypriot citizens.<sup>368</sup>
  5. The person must not 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;
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 recognised 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.

<sup>367</sup> Article 18Θ(2) Aliens and Immigration Law.

<sup>368</sup> A valid medical card issued by the Health Ministry can be considered as adequate health insurance.

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 an employment contract of at least 18 months 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 levels 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 majority of beneficiaries aim at receiving nationality.

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 it seems that only one refugee has received it.

#### 4. Naturalisation

Indicators: Naturalisation	
1. What is the waiting period for obtaining citizenship?	5 years
2. Number of citizenship grants to beneficiaries in 2019:	n/a

The requirements for applying for naturalisation under the Civil Registry Law are as follows:<sup>369</sup>

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 six-seven years to be examined and nearly no beneficiaries of international protection were granted citizenship. In 2015 and 2016, measures were taken to examine the backlog,<sup>370</sup> with the intention of speeding up the process. Currently an application requires two-three years to be examined.

Furthermore, there had been a significant 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. However, this trend did not continue and based on information during 2018 and 2019 from beneficiaries of the Cyprus Refugee Council and other NGOs it is clear a sufficiently lesser number of persons with international protection received nationality. It was also noted that although the requirements for nationality do not include financial criteria, an applicant's financial situation is a primary consideration and if the person is a recipient of state benefits, including persons with special needs, survivor of torture etc they will most probably be rejected. In the decision it is cited that they are a 'burden on the state'.<sup>371</sup>

<sup>369</sup> Table III (Article 111) Civil Registry Law, available at: <http://bit.ly/2IN0nAD>.

<sup>370</sup> The backlog is estimated to be between 5,000 and 6,000 applications.

<sup>371</sup> Based on information from beneficiaries/cases represented by the Cyprus Refugee Council.



## 5. 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,<sup>372</sup> **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.<sup>373</sup>

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.<sup>374</sup> 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 protection no longer faces a real risk of serious harm. However, cessation shall not apply to a beneficiary of subsidiary protection 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.<sup>375</sup> 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](#),<sup>376</sup> or in a written statement, reasons as to why international protection should not be withdrawn.<sup>377</sup>

<sup>372</sup> Article 6 Refugee Law.

<sup>373</sup> Article 6(1A-bis) Refugee Law.

<sup>374</sup> Article 19(3) Refugee Law.

<sup>375</sup> Article 6(1B) Refugee Law.

<sup>376</sup> Articles 13A and 18(1), (2), (2A), (2B) Refugee Law.

<sup>377</sup> Article 6(1Γ)(a)-(b) Refugee Law.

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.<sup>378</sup> 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](#),<sup>379</sup> considers that one of the cessation grounds is substantiated, a decision is issued in writing and the person concerned notified.<sup>380</sup> 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.<sup>381</sup>

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.<sup>382</sup>

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 within 75 days upon receiving knowledge of the decision.<sup>383</sup> If the person opts for the RRA and this 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 RRA 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 these projects is extremely limited. Legal aid is offered by the state only at the judicial examination of the cessation decision before the Administrative Court.<sup>384</sup> 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.

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<sup>378</sup> Article 6(1Δ) Refugee Law.

<sup>379</sup> Article 13 Refugee Law.

<sup>380</sup> Article 6(2) Refugee Law.

<sup>381</sup> Article 6(2) Refugee Law.

<sup>382</sup> Article 6(3) Refugee Law.

<sup>383</sup> Article 31Γ Refugee Law.

<sup>384</sup> Article 6B(3) Legal Aid Law.

## 6. 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:<sup>385</sup>

- 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.<sup>386</sup>

The same procedure as that for **Cessation** is followed.

There is no available data on the number of withdrawals of international protection in 2018 or 2019. There are no statistics or information available on the success rate of appeals or legal aid applications against withdrawal decisions.

## 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?  
To be exempt from material conditions ☒ Yes ☐ No  
❖ If yes, what is the time limit? 3 months
3. Does the law set a minimum income requirement? ☐ Yes ☒ No

<sup>385</sup> Article 6A Refugee Law.

<sup>386</sup> Article 19(3A) Refugee Law.

The Refugee Law provides the right to family reunification only to **refugees**.<sup>387</sup> 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 (approximately two-three cases) has such a request been granted on humanitarian grounds and in 2019 no such cases were identified.<sup>388</sup> In April 2019, the Commissioner for the Rights of the Child issued a report regarding access to family reunification for beneficiaries of subsidiary protection, where the Commissioner concluded that the legislation in Cyprus which imposes a total ban on the right of family reunification to holders of subsidiary protection does not comply with the spirit of Directive 2003/86/EC on family reunification as interpreted by the Commission. Moreover, it is incompatible with the obligations under the ECHR, and in particular Articles 8 and 14 thereof, and the United Nations Convention on the Rights of the Child. The Commissioner recommends an amendment to the Law.<sup>389</sup>

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 and with a fee as decided by the Director of the CRMD.<sup>390</sup> If the request is submitted within three months from the grant of refugee status, there are no requirements besides proving the family relations. In 2019, a form has been introduced and although there was discussion to introduce a fee to date this has not been implemented. Prior to the introduction of the form, the CRMD requested 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 nine 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.<sup>391</sup>

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 and throughout 2017, 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 Information Office of Cyprus, and duly certified (apostilled or verified by the relevant foreign authorities and the consular authorities of the Republic of Cyprus). This led to serious delays in the process and in some cases it became an obstacle in the process. In 2017 many complaints were made to the CRMD on the handling of family reunification cases and the delays in the process. Towards the end of the year,

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<sup>387</sup> Article 25(5)-(19) Refugee Law.

<sup>388</sup> IOM, 'IOM Helps Syrian Girl Reunite with Family in Cyprus', 23 February 2016, available at: <http://bit.ly/2IHbEQ8>.

<sup>389</sup> See: <https://bit.ly/3apHev6>.

<sup>390</sup> Article 25(6) Refugee Law.

<sup>391</sup> Article 25(7)-(11) Refugee Law.

assurances were given by the Department that the issues would be resolved and cases examined fairly and faster and there were some initial indications that such changes were taking place. By mid-2018 the process was back on track with the previous obstacles resolved, the backlog was addressed and by the end of the year cases were being examined timely.<sup>392</sup>

In 2019, the procedure once again became extremely problematic with the CRMD requesting all applicants, including refugees who applied within three months of receiving refugee status and refugees who had already received a positive decision on the family reunification request, to provide evidence that they have stable and regular resources which are sufficient to maintain the refugee and family members without recourse to the social assistance system of the Republic. This led to complaints being submitted by the Cyprus Refugee Council before the Commissioner of Administration and Human Rights, The Commissioner for the Rights of the Child and the EU Commission. Both the national Commissioners reacted immediately finding the CRMD to be in violation of the law whereas the EU Commission is, to date, still examining the complaints. Furthermore, the examination of cases has once again become very slow with cases pending up to three years.

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 three 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.<sup>393</sup> 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.<sup>394</sup>

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.<sup>395</sup>

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.

## **2. Status and rights of family members**

Although the law does allow family members to be granted lesser rights than the sponsor,<sup>396</sup> in practice this was rarely, if ever, applied, which may be due to the extremely low number of family reunification requests. In practice, family members were issued the same residence permit as the sponsor, which states them to be refugees and they enjoy the same rights. In 2019, the practice started to change as the Civil Registry and Migration Department (CRMD) ceased issuing residence permits for family members.

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<sup>392</sup> Based on information from cases represented by the Cyprus Refugee Council.

<sup>393</sup> Article 25(12) Refugee Law.

<sup>394</sup> Article 25(13) Refugee Law.

<sup>395</sup> Article 25(14)(a) Refugee Law.

<sup>396</sup> Article 25(14) Refugee Law.

The CRMD instructs all beneficiaries of international protection (recognised refugees and subsidiary protection) to proceed to the Asylum Service to receive a decision on whether they should receive the status of the beneficiary. The Asylum Service has taken steps to address the situation, but it is still not clear if the CRMD will proceed with the issuance of residence permits. At time of publication the issue remained unresolved.<sup>397</sup>

## 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.<sup>398</sup> This is even though 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 visit the areas in the north.

The law also permits dispersal schemes, but these have never been implemented.<sup>399</sup>

### 2. Travel documents

Convention Travel Documents are issued to persons granted **refugee status** with a three-year validity.<sup>400</sup> 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. However, to date there are still pending. According to the relevant department, these travel documents are expected to be issued by the end of 2019. At time of publication there was still no progress on the issue.

## 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 2019 | 243           |

<sup>397</sup> Based on information from the representation of beneficiaries of International Protection by the Cyprus Refugee Council.

<sup>398</sup> Article 18A and 19(4) Refugee Law.

<sup>399</sup> Article 21(1Γ) Refugee Law.

<sup>400</sup> Article 22 Refugee Law.



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 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, almost all persons will need to apply for financial aid through the national Guaranteed Minimum Income (GMI) scheme.

A procedure to accommodate the transition of persons receiving international protection to the community is currently under implementation. Arrangements include financial aid / pocket money given directly to the former residents; two-month's rent allowance in advance, provision of one week stay in a hotel in case they are not able to find accommodation before leaving the Centre; informing Social Welfare Services of persons moving into the community. Further monitoring is required with respect to assessing the efficiency of those arrangements.

Following a roundtable consultation between the Ministry of Interior, the Ministry of Labour, UNHCR and the Future Worlds Center, 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 contracted. Moreover, it also due to the sharp increase of rent prices, the fact that rent deposits are not covered through the GMI scheme and the fact that most residents will not be able to secure a job on-time.

In February 2018, Eritrean refugees arriving in Cyprus through the EU relocation scheme, who were living in the Kofinou Reception Centre and had recently been granted refugee status, set fire to the offices of the centre as an act of demonstration against the termination of their GMI benefits which would have enabled them to secure accommodation out of Kofinou (see [Reception Conditions: Conditions in Reception Facilities](#)).

There have been no cases of people being evicted out of the Reception Centre without any housing arrangement. However, there is always a sufficient number of persons with international protection residing in Kofinou Reception Centre, indicating that transitioning out of the centre is problematic. Towards the end of 2019, the total number of residents was 243 persons out of which 41 have an international protection status.

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 the extent of assorted allowances. In 2018, securing private accommodation became even more difficult for refugees who have recently been granted protection as well as refugees living in the community for a few years. The sharp rise in rents made it harder to identify appropriate accommodation as well as the reluctance on behalf of landlords to rent properties to refugees, including persons with a regular income. The situation in 2019 became even more dire as no actions were taken by the state to address the issue.

## **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.<sup>401</sup> Recognised refugees and subsidiary protection holders have access to the labour market under the same conditions.

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<sup>401</sup> Article 21A Refugee Law.

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. Access to such vocational training is very limited due to insufficient language use, since courses are taught predominately in Greek, and a lack of information and guidance. During 2019, an increased number of job-related trainings were available to international protection beneficiaries, through EU-funding programs implemented by private organisations and NGOs. Those programs were mostly related to acquiring soft skills rather than concrete professional skills.

No official data is available regarding the participation of beneficiaries in vocational training or the level of unemployment among international protection beneficiaries.

Employers are not adequately familiarised with beneficiaries' rights of full access to the labour market, which places an additional obstacle for beneficiaries to find a job. In order to address this gap, the Cyprus Refugee Council in collaboration with the UNHCR Representation in Cyprus has launched a digital platform that connects employers and training providers with beneficiaries and also acts as an advocacy tool to familiarise employers with beneficiaries' rights of full access to the labour market.<sup>402</sup>

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.<sup>403</sup> In practice, accreditation of academic qualifications is possible through the same procedures available to nationals. Limitations, therefore, 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, however under the same conditions applying to nationals.<sup>404</sup> Therefore, due to the lack of information and the fact that the vast majority of those procedures are held in Greek, participation of beneficiaries is extremely limited.

## 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.<sup>405</sup> Children are granted full access to all levels of the education system.

Beneficiaries completing secondary education have the right to participate in the nationwide entry exams in order to secure placement at state universities, under the same conditions applying to nationals. Those who are able to secure a position in the state universities study free of charge.

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 in Cyprus and abroad. This is particularly relevant to beneficiaries who, due to language barriers or inability to secure a position in state universities, study in private universities or colleges in Cyprus and are subjected to the higher fees that apply for non-EU students.

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<sup>402</sup> See <https://www.helprefugeeswork.org/>.

<sup>403</sup> Article 21(1A) Refugee Law.

<sup>404</sup> Article 21(1)(b)(iΓ) Refugee Law.

<sup>405</sup> Article 21(1)(b)(i) and (iB) Refugee Law.

## F. Social welfare

International protection beneficiaries, both recognised refugees and subsidiary protection beneficiaries have access to the national social welfare system Guaranteed Minimum Income (GMI) at the same level and under the same conditions that apply to nationals. The only exception is the requirement of having five years of legal and continued residence in Cyprus, which international protection beneficiaries are exempted from. All applicants of GMI are required to reside in the government-controlled areas of RoC in order to be eligible for GMI. Other than that there are no requirements to reside in a specific place or region.

The Ministry of Labour, Welfare and Social Insurance and specifically the Welfare Benefit Management Service is the authority responsible for the administration of the GMI. In practice applicants for GMI, both nationals and beneficiaries of international protection, face long delays in the examination of their application with most cases reaching up to six months. For beneficiaries of international protection this period is extremely difficult as any benefits received as an asylum seeker are ceased upon issuance of a decision on the asylum application and there is no transitional assistance provided.

During this period and after the submission of the GMI application, an applicant of GMI has the right to apply for an emergency benefit at the District Welfare Office to cover basic needs. However, the amount provided under the emergency benefit is extremely low at about €100-150 for one person per month and approximately €150-280 for a family per month. The amount cannot be determined in advance and depends on the amount that is provided to the Welfare Office every month by the Ministry of Labour, Welfare and Social Insurance. Furthermore, the examination of the emergency application takes approximately one-two weeks and is subject to the approval of the supervisor of the welfare office. The application is valid only for one month and must be submitted every month, until the decision for the GMI is issued.

In 2018 and 2019, in view of improvements in the financial situation in Cyprus, which have led to an increase in employment opportunities, the GMI took a stricter stance toward all beneficiaries including refugees. Due to this, many refugees reported receiving notifications that the GMI is terminated with the justification that certain requirements have not been met, such as one of the spouses failure to register at the Labour Office as unemployed or not submitting required documentation.

## G. Health care

As of the 1 June 2019, a National Health System (GESY), is in effect for the first time in Cyprus, introducing major differences in the provision of health care services. The new system introduces the concept of the personal GP in the community as a focal point for referrals to all specialised doctors. A network of private practitioners, pharmacies and diagnostic centres have been set-up in order for health services to be provided, and in June 2020, a number of private hospitals are also expected to join the new health system for in-hospital treatment. For the most part of the population (Cypriots and EU citizens) in Cyprus, health services are now provided almost exclusively under the new health system.

Beneficiaries of international protection are included in the new health system. The transition to the new health system was, however, not smooth due to various coordination challenges between the appointed relevant governmental departments, a lack of translated material in the language of beneficiaries and confusion among medical and hospital staff in regard to refugees' rights to health care. The most prominent obstacle still present is the fact that persons which received international protection and whose residence permit is under issuance are not able to access GESY services. This creates serious obstacles as the waiting time for the issuance / renewal of a residence permit is long. An alternative measure for those without a valid residence permit for more than nine months was proposed, specifically to be treated

by the state institutions (as in the case of asylum seekers), but this is far from adequate to address international protection holders' right to efficient health services.

Beneficiaries of international protection have access to the schemes of the Department for Social Inclusion of Persons with Disabilities, operating under the Ministry of Labour and Social Insurance. These schemes include various types of allowances and access to care and technical means. Since May 2018, following a decision of the Council of Ministers, international protection holders are granted access to the allowance scheme provided to HIV positive persons.<sup>406</sup>

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<sup>406</sup> Council of Ministers, Decision 908/2018 of 30 May 2018, available in Greek at: <https://bit.ly/2VRPo7O>.

## ANNEX I – 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
<b>Directive 2011/95/EU</b> 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	<a href="http://bit.ly/1HwnhwB">http://bit.ly/1HwnhwB</a> (GR)  <a href="http://bit.ly/1LhRNPC">http://bit.ly/1LhRNPC</a> (GR)
<b>Directive 2013/32/EU</b> 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	<a href="http://bit.ly/2kbxgGD">http://bit.ly/2kbxgGD</a> (GR)  <a href="http://bit.ly/2jmEGCt">http://bit.ly/2jmEGCt</a> (GR)
<b>Directive 2013/33/EU</b> Recast Reception Conditions Directive	20 July 2015	14 October 2016	The Refugees (Amendment) Law of 2016 N. 105(I)/2016	<a href="http://bit.ly/2kbxgGD">http://bit.ly/2kbxgGD</a> (GR)
<b>Regulation (EU) No 604/2013</b> Dublin III Regulation	Directly applicable 20 July 2013	14 October 2016	The Refugees (Amendment) Law of 2016 N. 105(I)/2016	<a href="http://bit.ly/2kbxgGD">http://bit.ly/2kbxgGD</a> (GR)