

# Country Report: Cyprus



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REFUGEE  
COUNCIL

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

The information in this report is up-to-date as of 31 December 2020, 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: 2020

	Applicants in 2020	Pending at end 2020	Refugee status	Subsidiary protection	Rejection	Refugee rate	Subs. Prot. rate	Rejection rate
<b>Total</b>	7,094	19,660	155	1,544	4,548	2.48%	24.72%	72.8%

Breakdown by countries of origin of the total numbers

Syria	1,738	4,327	21	1,396	1	1.48%	98.45%	0.07%
India	1,112	2,083	2	0	223	0.89%	0%	99.11%
Cameroon	632	2,302	12	4	53	17.39%	5.8%	76.81%
Bangladesh	566	1,593	0	0	172	0%	0%	100%
Pakistan	490	909	1	0	553	0.18%	0%	99.82%
Congo, DRC	386	743	0	0	23	0%	0%	100%
Nigeria	374	810	0	0	49	0%	0%	100%
Nepal	331	581	0	0	33	0%	0%	100%
Georgia	262	951	0	0	285	0%	0%	100%
Egypt	177	740	4	0	104	3.7%	0%	96.3%

Source: Asylum Service. The number of applicants does not include subsequent applications. The number of pending cases at the end of 2020 refers to 19,660 applicants, i.e. 18,995 applicants at the Asylum Service and 665 applicants of the cases returned from the Refugee Reviewing Authority (RRA) to the Asylum Service.

#### Gender/age breakdown of the total number of applicants: 2020

	Number	Percentage
<b>Total number of applicants</b>	19,660	-
Men	N/A	N/A
Women	N/A	N/A
Children	N/A	N/A
Unaccompanied children	304	1.6%

Source: Asylum Service.

#### Comparison between first instance and appeal decision rates: 2020

**Refugee Reviewing Authority:** Statistics provided by the Refugee Reviewing Authority (RRA) refer to 863 decisions taken in 2018, just over 900 decisions in 2019 and in 941 decisions in 2020. A breakdown per type of decision is not available. Furthermore, 432 cases/665 persons were not concluded and were transferred back to the Asylum Service in view of the RRA ceasing operations in December 2020. They are considered to be first instance pending cases.

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>1</sup>

**International Protection Administrative Court (IPAC):** At the end of 2020 there were 1,100 pending appeals before the IPAC. This includes all appeals submitted relevant to the Refugee Law. Thus, although the vast majority are appeals related to international protection claims, the number also includes appeals against detention orders, family reunification decisions, reception condition decisions etc.

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<sup>1</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 Φκαι 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 Decree 198/2020 pursuant to Article 12Btris of the Refugee Law	ΚΔΠ 198/2020, Διάταγμα δυνάμει του άρθρου 12Btris του περί Προσφύγων Νόμου, Ε.Ε. Παρ.ΙΙΙ(1), Αρ. 5270, Σελ. 820, 8/5/2020	Safe Countries	<a href="https://bit.ly/3tGMgMS">https://bit.ly/3tGMgMS</a> (GR)
Ministerial Decree <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 13Α(1Α) 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	Access to Labour for asylum seekers	<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)
Ministerial Decrees issued based on the Quarantine Law, Cap 260	Διατάγματα βάσει του περί Λοιμοκάθαρσης Νόμος (ΚΕΦ.260)		<a href="http://bit.ly/2NFLHnh">http://bit.ly/2NFLHnh</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>2</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>	The number of asylum examiners was increased in 2020 however the number of pending cases end of in 2020 were 19,660 compared to 17,171 in 2019.
<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. In September 2020, the Constitution as well as the Refugee Law and the Law on the Establishment and Operation of the Administrative Court for International Protection were amended shortening the deadline to appeal asylum decisions from 75 days to 30 days for regular procedures and 15 days for accelerated procedures and all other asylum related decisions (detention, Dublin reception conditions etc).
<i>We have compiled a list of safe countries to distinguish manifestly ill-founded asylum applications</i>	In May 2020 a list of 21 countries was issued as safe countries. The list can be found here: <a href="https://bit.ly/3tGMgMS">https://bit.ly/3tGMgMS</a> .
<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 no cases have been examined within 10 days and in 2020 accelerated procedures were not used as widely as expected.
<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>	Since November 2020 decisions on asylum applications include a decision of return. However, to date no actions/practical measures have been taken to implement and/or enforce the return decisions.
<i>Regulation of the phenomenon of fake marriages with amending legislation prepared and forwarded to the House of Representatives.</i>	Legislation was amended to facilitate more effective prosecution of fake marriages.
<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.</i>	The number of third-country nationals enrolling in private colleges and universities was sufficiently reduced in September 2020, however it is not clear if this is due to Covid-19 and/or the measures taken. In early 2021 legislative amendments were submitted before the House

<sup>2</sup> Ministry of Interior, *Λήψη μέτρων για την ολιστική αντιμετώπιση των μεταναστευτικών ροών*, 12 March 2020, available in Greek at: <https://bit.ly/3as04kZ>.

	<p>of Representatives according to which colleges and universities will be obliged to report students who have been absent for 30 days and increasing sentences for violations under the law from 8 years to 15 and €100.000 to €250.000. Under the current law such cases can be prosecuted however there is no evidence that such cases have ever been pursued.</p>
<p><i>Policies regarding housing and/or benefits for asylum seekers will change. 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 seekers will be offered accommodation in organised reception areas.</i></p>	<p>The leasing of various premises, such as housing or hotel units by the State for the residence of asylum seekers was heavily reduced in 2020, however due to lack of capacity in reception centres there was a sufficient rise in homelessness and use of below standard accommodation. Furthermore, persons were removed from hotels/hostels with no prior warning and transferred to the First Registration Centre where many remained for months. In early 2021 new efforts were made to remove asylum seekers from hotels/hostels by encouraging them to seek accommodation elsewhere. To date no forced evictions have taken place as majority of cases are vulnerable.</p>
<p><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></p> <p><i>Enhance controls on combating illegal labour and exploitation of migrants</i></p>	<p>No data available.</p>
<p><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></p>	<p>Local authorities were requested to investigate such residences and visits were carried out to however no clear action was taken. Currently such premises continue to be in use.</p>
<p><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></p>	<p>A new centre is being built however there is no information as to the purpose (removal or reception), the character (closed, open), capacity and when it will be operational.</p>
<p><i>We [will] re-open all the wings of the Mennoya detention centre.</i></p>	<p>All wings in Menogia are currently in use.</p>

<p><i>It has been decided to create a single return agency</i></p> <p><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>3</sup></i></p>	<p>No data available.</p>
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<sup>3</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 **April 2020**.

### *Access to the territory*

- ❖ **Push backs:** In 2020, the Cypriot authorities, for the first time, carried out push-backs of boats carrying mainly Syrians, Lebanese and Palestinians who had departed from Turkey or Lebanon. 9 push backs were carried out in total, although other failed attempts of boats trying to reach Cyprus from Lebanon were reported. In December 2020, one final push-back attempt was made, but due to damages the boat was eventually rescued.

### *Access to asylum*

- ❖ **Suspension of access to asylum:** From March to May 2020 the Aliens and Immigration Unit stopped registering asylum applications. No official decision or announcement had been made in relation to this and there was a lack of clarity as to whether this was a measure taken in response to Covid-19 or the high numbers of applicants. Some applications were refused on the basis that they were required to show a national passport while others were refused due to the reported lack of capacity at Pournara Centre. Although lockdown measures were lifted in May 2020, and new arrivals of asylum seekers was at an all-time low, access to asylum did not return to normal until August 2020 and after repeated interventions toward the authorities.

### *Asylum procedure*

- ❖ **Examination of asylum applications:** The Asylum Service issued a total of 4,637 decisions concerning 5,394 applicants for international protection in 2020. A total of 6,651 new asylum applications were submitted and the recognition rate stood at 27.2% (90 refugee status, 1,020 subsidiary protection and 4,355 negative decisions). By the end of 2020, there were 19,660 pending asylum applications. Throughout 2020 due to the pandemic, there were periods where the examination of asylum applications was suspended, which led to further delays on the examination of these cases. The average length of the asylum procedure at first instance thus largely exceeds the 6-month time limit and mostly reaches up to 2 or 3 years before a decision is issued by the Asylum Service. However, efforts by the Asylum Service, with support from EASO, to increase the number of caseworkers examining cases including vulnerable cases have continued.
- ❖ **Safe Countries:** A new list of safe countries was published in May 2020, increasing the number of safe countries of origin from 1 to 21 countries. The aim was to examine all applications from safe countries under the accelerated procedures. However, in practice, the accelerated procedures were not used as much as expected throughout the year.
- ❖ **Effective Remedy:** In 2020, the Republic of Cyprus (RoC) amended the Cyprus constitution and key legislation to reduce time limits to submit an appeal against a decision before the International Protection Administrative Court (IPAC). In view of the amendment, appeal times were reduced from 75 days to 30 days for decisions issued in the regular procedure. For decisions issued in the accelerated procedures, as well as for unfounded and inadmissible decisions; subsequent applications; implicit and explicit withdrawals; decisions related to reception conditions; decisions related to detention, determination of residence and freedom of movement; and decisions related to Dublin Regulation, appeal times were reduced from 75 to 15 days.

### *Reception conditions*

- ❖ **Freedom of Movement:** In February and March 2020, individuals were not allowed to leave 'Pournara' the First Reception Centre before completion of its construction due to the Action Plan to address flows of migrants in the country and as part of measure to address Covid-19 respectively.

This policy continued throughout 2020 and into early 2021, with persons remaining in the centre for up to 5-6 months. Around 10 to 20 people could leave per day, with priority given 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 remains extremely difficult unless applicants are already in contact with persons in the community. The policy has resulted in severe overcrowding, substandard living conditions, and *de facto* detention. The situation has also raised concerns among UNHCR and the EU Commission. At the time of publication, the number of persons allowed to leave the Centre increased however there is still severe overcrowding and prolonged stays.

- ❖ **Homelessness:** The Pournara Centre has a capacity of 1,000 places but has been accommodating over 1,500 persons at times in 2020. As a result of overcrowding, certain persons were left homeless and unregistered. In an attempt to address this issue, the authorities set up tents outside the gates of Pournara, where approximately 200 asylum seekers were hosted in inadequate conditions and with limited hygiene facilities. In early 2021 there are still just over 200 outside the Centre.
- ❖ **Material Reception Conditions:** In October 2020 the Social Welfare Services terminated the practice of providing material conditions (food, clothes) in the way of vouchers. This practice received many complaints by beneficiaries as well as criticism from NGOs and UNHCR as the system is considered degrading and ineffective. The new system replaces the amounts provided with vouchers with cheques, but the intention is for these to be replaced by bank transfers.

#### *Detention of asylum seekers*

- ❖ **Detention:** 2020 saw an increase in the number of persons detained, including asylum seekers. Moreover, there was a substantial deterioration in the duration of detention for asylum seekers, from 1-2 months in 2019, to indefinite detention in 2020. Once detained, an asylum seeker will only be released if they are granted international protection. Whilst removal procedures had in practice been suspended from March to June 2020 due to Covid-19, no steps had been taken to release asylum seekers and other third-country nationals (TCN) already in detention. Furthermore, there has been a substantial increase in the use of holding cells in police stations for detention purposes throughout the country, the standards of which are considered unacceptable.

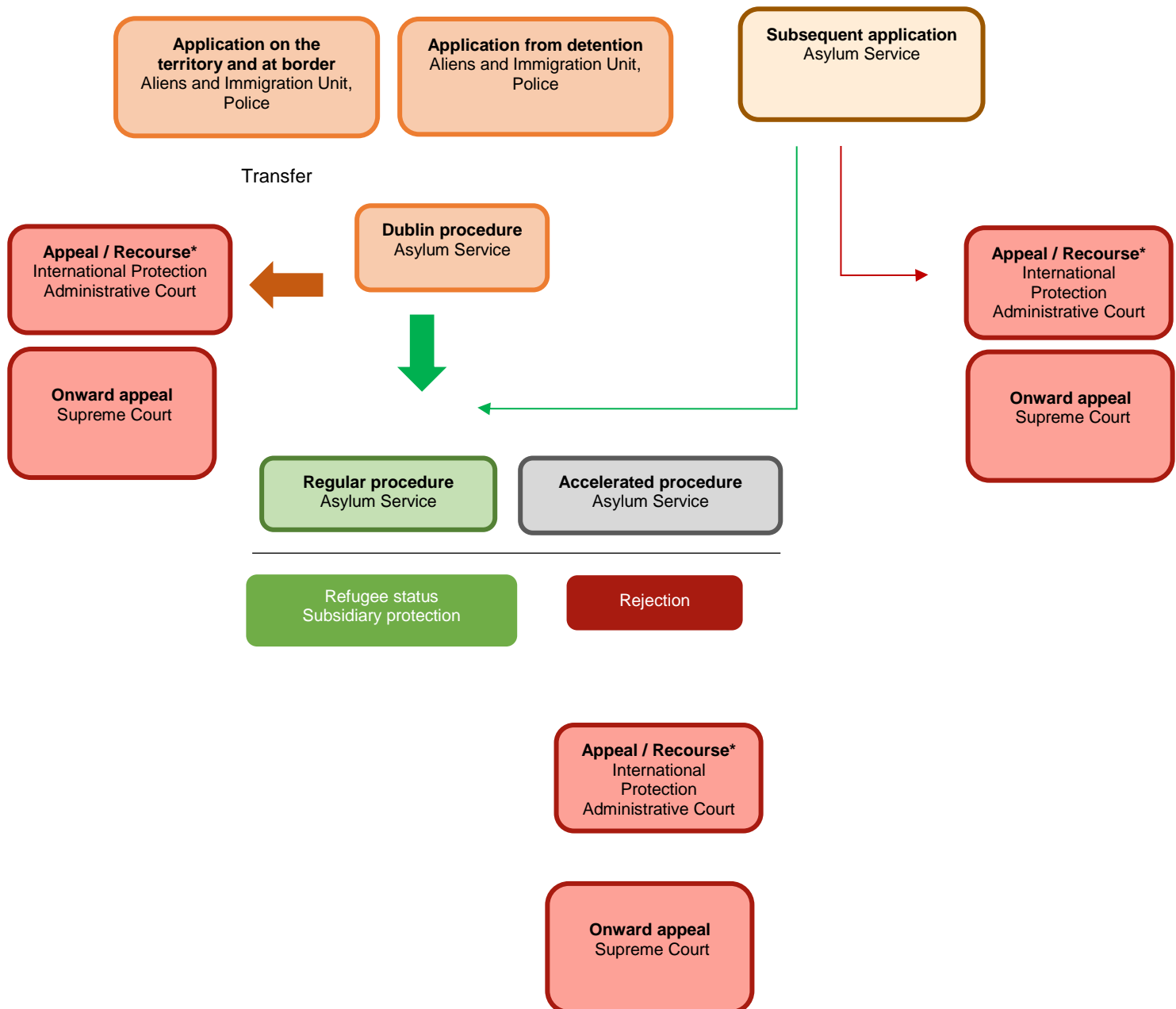
#### *Content of international protection*

- ❖ **Residence Permits:** In 2020 the Civil Registry and Migration Department (CRMD) continued to refuse to issue residence permits for family members including spouses, underage children, and children who reached the age of maturity as refugees in Cyprus, regardless of the country of origin of the spouses or the length of time they had already been in the country, leaving them without status and full access to rights. This led to persons who have been living for many years in the country to lose their employment and other rights. According to the CRMD, spouses will receive a humanitarian status without defining if they will have access to rights. Humanitarian status, as it currently stands, provides a right to remain but no access to rights (although exceptionally the right to labour may be provided).
- ❖ **Travel documents:** In mid-2020, the Civil Registry and Migration Department announced the issuance of a new type of travel document for beneficiaries of subsidiary protection (SP). As opposed to the previous one-page travel document - valid only for a one journey trip (*laissez passer*) and not recognised in the Schengen Area - this new travel document would enable many SP beneficiaries to visit their relatives in the EU. However, due to an influx of requests, the Department announced that travel documents will only be issued to SP holders who do not have access to a national passport and a preliminary examination will be carried out to examine this prior to issuing travel documents. To date no travel documents have been issued by the CRMD for beneficiaries of subsidiary protection, but they are expected to be issued in 2021.

# 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 2019 until December 2020, the RRA was only examining the remaining backlog of just over 1,300 cases. A total of 432 cases/665 persons were not concluded and were transferred back to the Asylum Service.



## 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>4</sup> | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| ▪ Fast-track processing: <sup>5</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>6</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

Cyprus does not have a border procedure: the dividing line is not considered a border and is not guarded as such. The prioritised examinations of well-founded cases, as well as fast-track processing, is carried out within the framework of 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>4</sup> For applications likely to be well-founded or made by vulnerable applicants. See Article 31(7) recast Asylum Procedures Directive.

<sup>5</sup> Accelerating the processing of specific caseloads as part of the regular procedure.

<sup>6</sup> Labelled as “accelerated procedure” in national law. See Article 31(8) recast Asylum Procedures Directive.

#### 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	53 74	Ministry of Interior	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Source: Asylum Service

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 **Pournara**, in **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, 2 senior coordinators, 9 administrative officers, and 41 asylum officers recruited on 1–2-year contracts with the possibility of renewal under a four-year contract. Of the above, 23 officers work exclusively on the examination of asylum applications whereas the others work on other issues such as Dublin, unaccompanied children, trafficking and emergency arrivals, as well as statistics, tenders, and reception etc.

The European Asylum Support Office (EASO) has provided support to the Cyprus asylum system from 2014 onwards, through a series of measures, including deploying or recruiting caseworkers to address the backlog and backlog management. Throughout 2020, EASO deployed a total of 123 different experts in Cyprus across asylum and reception. The majority of them were caseworkers (62), followed by registration assistants (10), social workers (6) and a series of other support staff (e.g. operation staff, security staff, coordination staff etc.). As of 14 December 2020, a total of 74 EASO experts were deployed in Cyprus, out of which 31 were caseworkers.<sup>7</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**). From mid-2019 onwards the Ministry of Interior had a sufficiently increased role in asylum issues including the countries determined to be safe. All the decisions taken by Asylum Service caseworkers and EASO case workers on asylum claims need to be confirmed by the Head of the Asylum Service.<sup>8</sup> In practice this is done on his/her behalf.

There is currently no formal quality assurance unit established at the Asylum Service. While discussions have started on establishing such a unit, they have been stalled due to a lack of capacity and discussions on the nature of the quality assurance work. However, part of the responsibility introduced for team leaders is to monitor the consistency of decisions of junior staff.

<sup>7</sup> Information provided by EASO, 26 February 2021.

<sup>8</sup> ECRE, *Asylum authorities: an overview of internal structures and available resources*, October 2019, available at: <https://bit.ly/2xwLqdP>.

## 5. Short overview of the asylum procedure

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” – or 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 of persons may enter at legal entry points and then apply for asylum. However, according to the Cyprus Refugee Council, around 30% of applicants are persons already in the country who have entered and remain under other statuses, such as domestic workers, or students etc. These individuals apply for asylum when their initial residence permit has expired.

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.<sup>9</sup> One such office exists in each of the five districts in Cyprus (**Nicosia, Limassol, Larnaca, Paphos, Ammochostos**). With the establishment of the **Pournara**, the First Reception Centre in **Kokkinotrimithia**, those persons who have recently arrived in the areas under the effective control of the RoC in an irregular manner are referred to the Centre for registration. Following this, asylum applications are to be lodged there and they are expected to stay for a period of 72 days. In practice the duration has usually reached 10 days to 2 weeks.<sup>10</sup> In 2020 and continuing in 2021, as a result of the Action Plan to address flows of migrants in the country, and as part of the measure to address Covid-19, asylum seekers in the Centre have not been allowed to leave and remained in the Centre for periods reaching 5-6 months, resulting in severe overcrowding and substandard conditions.

Other persons who have arrived in a regular manner, which is a very low percentage of the total of asylum applicants as well as persons already residing in the country on other statuses, must apply at the Immigration Unit and will not be referred to **Pournara**.

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 before sending one of their police officers to receive the asylum application.

When persons present themselves to the Aliens and Immigration Units, stating their 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. At this point, persons have no proof that they intended to apply. However, there are rarely reports of this leading to the arrest of the persons concerned. During 2020, there were instances of persons who had recently arrived irregularly and, according to the new policy, should have been referred to **Pournara**, the First Reception Centre in **Kokkinotrimithia**. However, due to overcrowding they were not accommodated and were instead left homeless and unregistered. In an attempt to address this, the authorities set up tents outside the gates of **Pournara**, where approximately 200 asylum seekers were hosted with extremely limited hygiene facilities; in early 2021 there are still just over 200 outside the Centre.

Once an application is lodged by the Aliens and Immigration Unit, it is registered in the common data system, 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.

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<sup>9</sup> Article 11, Refugee Law.

<sup>10</sup> Information provided by the Asylum Service.

***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 and in late 2019 was piloted for the first time for persons of Georgian nationality with the intention of a wider adoption in 2020.<sup>11</sup> In May 2020, a list of 21 countries were added to the 'Safe Country' list, however accelerated procedures were not utilised widely as expected.<sup>12</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>13</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 from the stage it was paused. 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, this does not seem to be applied in practice.<sup>14</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, in recent years, modified the asylum procedure as follows: abolish the Refugee Reviewing Authority (RRA), a second level first-instance decision-making authority that examined recourses (appeals) on both facts and law, but was not a judicial body, and instead provide for a judicial review on both facts and law before the Administrative Court. As the Administrative Court has jurisdiction to review all administrative decisions, the asylum decisions contributed sufficiently to a heavy caseload. Therefore in 2018, it was decided that a specialised court would be established to take on the cases related to international protection. A new court was established, named the International Protection Administrative Court (IPAC),<sup>15</sup> and in June 2019, IPAC initiated operations. Furthermore, in July 2019 the RRA stopped receiving new applications and in December 2020 ceased operations.

Following a negative decision on the asylum application by the Asylum Service, an asylum seeker has the right to submit an appeal before the IPAC within 30 calendar days and 15 calendar days for

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<sup>11</sup> EASO Operating Plan 2020, accessible at: <http://bit.ly/382C6el>.

<sup>12</sup> Information provided by the Cyprus Refugee Council.

<sup>13</sup> Article 9(1)(B) Refugee Law.

<sup>14</sup> Information provided by the Cyprus Refugee Council.

<sup>15</sup> Law N. 73(I)/2018 on the establishment of the Administrative Court for International Protection.

accelerated procedures.<sup>16</sup> All decisions issued by the IPAC can be appealed before the Supreme Court within 14 days.

The appeal before the IPAC examines both facts and points of law and has suspensive effect, for decisions issued under the regular procedure, whereas for decisions issued under the accelerated procedures a separate application must be submitted to the Court, requesting the right to remain.<sup>17</sup> 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>18</sup> The onward appeal before the Supreme Court examines only points of law and does not have suspensive effect.

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, however 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? ☒ Yes ☐ No
2. Is there a border monitoring system in place? ☐ Yes ☒ No
  - ❖ If so, who is responsible for border monitoring? ☐ National authorities ☐ NGOs ☐ Other
  - ❖ If so, how often is border monitoring carried out? ☐ Frequently ☐ Rarely ☐ Never

A high percentage of asylum seekers enter Cyprus from the areas not controlled by the 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. According to EASO, in 2020, the Agency supported 71% of all registrations for international protection in Cyprus, the majority of which (64%) concerned irregular entries crossing the “green line”.<sup>19</sup>

The “green line” is not considered a border and although there are authorised points of crossing, these are not considered official entry points into the RoC. Crossing of the “green line” is regulated under the “Green Line” Regulation.<sup>20</sup> A certain number of persons may enter at legal entry points and then apply for asylum, whereas about 30% 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 in the north, they may be arrested and returned to Turkey and, from Turkey, possibly returned to their country of origin. As

<sup>16</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>17</sup> Article 8 Refugee Law.

<sup>18</sup> Article 31F(5) Refugee Law.

<sup>19</sup> EASO Operating Plan 2021, available at: <https://bit.ly/3roXHbg>

<sup>20</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.

the *acquis* is suspended in the areas in the north,<sup>21</sup> there is no asylum system in force. In order to cross the “green line” through the points of crossing, a person needs a valid visa and will be checked by police acting in the north followed by RoC Police. As the vast 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>22</sup> and that the situation needed to be monitored carefully.<sup>23</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>24</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, it is still not clear what changes will be made and how these will impact the entry of persons, the majority of whom cross at unofficial points. During 2020, the official crossing points were closed as a measure to prevent the spread of the coronavirus, however as the majority of asylum seekers cross at irregular points, this did not have an impact on arrivals.

In March 2021 the Ministry of Interior installed razor wire along the “green line” under the justification of stemming migrant crossings from the north to the areas under the effective control of the Republic of Cyprus. This measure led to criticism within Cyprus as it implies the delineation of borders and further legitimises the division of Cyprus, as well as, that the issue of migration will not be solved by fences. Furthermore, the measures led to reactions from the European Commission as it had not been informed contrary to the Article 10 of the Green Line Regulation that provides that “any change in the policy of the government of the republic of Cyprus on crossings of persons or goods shall only become effective after the proposed changes have been notified to the Commission and the Commission has not objected to these changes within one month”.<sup>25</sup>

If a person who has entered the north reaches the authorities of RoC and expresses the intention to apply for asylum, he or she will 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. However, they will be given access to the asylum procedure in most cases, if requested.

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. In recent years the number of persons being arrested in such circumstances is low and specifically for Syrian nationals they will not be arrested unless there are indications of a criminal act such as smuggling.

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<sup>21</sup> EU Accession Treaty - Protocols on Cyprus, available at: <https://bit.ly/2vTiIJ0>. The Protocol on Cyprus, attached to the Treaty of Accession signed on 16 April 2003 by the Republic of Cyprus, provides for the suspension of the application of the *acquis* in those areas of the Republic of Cyprus, where the Government of the Republic does not exercise effective control.

<sup>22</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>23</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>24</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>.

<sup>25</sup> Cyprus Mail, “Barbed-wire controversy grows”, 12 March 2021, available at: <https://bit.ly/3m0U2ys>.



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**, with 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 a total of 427 persons. 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.

In 2020, the Cypriot authorities, for the first time, carried out push-backs of boats carrying mainly **Syrians**, **Lebanese** and **Palestinians** who had departed from Turkey or Lebanon. In total 9 push backs were carried with one more attempt to push-back a boat in December 2020r, but due to damages the boat was eventually rescued.

In March 2020, the first push-back took place concerning 175 **Syrians**, of whom 69 were children, on a boat originating from **Turkey**.<sup>26</sup> Covid-19 was used 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 concerned persons were transferred to a stadium for the weekend. All returned a negative Covid-19 test and were eventually deported to Turkey.

In June 2020, the second pushback took place with a boat carrying 30 people. The boat was intercepted by the coast guard which remained in the area until the boat headed toward the north. The third pushback took place in July with a boat carrying 10 **Syrians**. Once again the boat was intercepted by the coast guard and eventually it headed to the north. People from the third boat were later reported to have crossed from the north through unguarded sections of the “green-line” and were found in **Pournara** First Reception Centre.<sup>27</sup>

In August and September 2020, 9 boats from **Lebanon** carrying 202 persons reached the RoC. During the same period, another 6 boats with approximately 243 persons left Lebanon and attempted to reach Cyprus. However, they were pushed back or deported to Lebanon after being taken to shore due to damages in the boats but were not given access to asylum procedures.<sup>28</sup> Following the request for interim measures by the NGO KISA, the European Court of Human Rights requested information from the Cypriot government.<sup>29</sup>

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<sup>26</sup> Aljazeera, ‘Cyprus pushes Syrian refugees back at sea due to coronavirus’ 30 March 2020, available at: <https://bit.ly/3rJ1mRr>.

<sup>27</sup> Information provided by asylum seekers in the Centre to Cyprus Refugee Council.

<sup>28</sup> Kathimerini, ‘UNCHR Representative in “K”: Boat pushbacks are contrary to international law’, 13 September 2020, (available in Greek) available at: <https://bit.ly/3fHsgUp>. See also, DW, ‘Refugee pushbacks by Cyprus draw attention from EU, UN’, available at: <https://bit.ly/2O2P0F7>; ECRE, ‘Cyprus: devastating conditions push people from Lebanon to hostile Cyprus’, 25 September 2020, available at: <https://bit.ly/3rv1Ppy>; U.S Department of State, 2020 Country Reports on Human Rights Practices: Cyprus, available at: <https://bit.ly/3rF00X2>.

<sup>29</sup> Correspondence from the European Court of Human Rights regarding Application no.39090/20 *M.A. and Others v. Cyprus* and a request for interim measures, September 2020, available here: <https://bit.ly/37gq16X>; See also Kisa, ‘Refoulement and push-backs of refugees: Government exposed morally, politically and legally’, September 2020, available at: <https://bit.ly/3nYKyDK>.

There were other reported attempts of boats trying to reach Cyprus from **Lebanon**, but these were unsuccessful. One such boat was rescued by UNFIL after being at sea for 7 days and 3 persons lost their lives, including a young child, while 14 remained missing at sea.<sup>30</sup>

In December 2020, another attempt to pushback a boat with 38 persons from **Syria** was carried out, however due to unsafe conditions the boat was allowed to reach shore.<sup>31</sup> In January 2021, a boat with 26 **Syrians** attempted to reach the areas under the effective control of the RoC but according to media reports the coast guard provided the boat with food and fuel and did not allow it to approach the shore.<sup>32</sup>

In early 2021, in a letter addressed to the Minister of Interior of Cyprus, the Council of Europe Commissioner for Human Rights, Dunja Mijatović urged the Cypriot authorities to ensure that independent and effective investigations are carried out into allegations of pushbacks and of ill-treatment of arriving migrants, including persons who may be in need of international protection, by members of security forces. Commissioner Mijatović also called on the Cypriot authorities to bring conditions in reception facilities for asylum seekers and migrants in line with the applicable human rights standards and to ensure that applicants enjoy effective access to all necessary services. With particular reference to restrictions on freedom of movement which are applied as a preventive measure against the Covid-19 pandemic to the residents of migrant reception facilities, the Commissioner recalled that rather than preventing the spread of the virus, deprivation of liberty risks endangering the health of both staff and asylum seekers and migrants, as these facilities provide poor opportunities for social distancing and other protection measures. She therefore urged the Cypriot authorities to review the situation of the residents of all reception centres, starting with the most vulnerable. She also emphasised that since immigration detention of children, whether unaccompanied or with their families, is never in their best interest, they should be released immediately.<sup>33</sup>

## 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
5. Can an application be lodged at embassies, consulates or other external representations? ☐ Yes ☒ No

<sup>30</sup> UNFIL, 'UNNIFIL naval peacekeepers rescue 37 stranded at sea' September 2020, available at: <https://bit.ly/3bN3Kkv>. See also; Daily Star Lebanon, 'Lebanon finds four bodies after deadly sea crossing' September 2020, available at: <https://bit.ly/3lcTq75>. This was also reported by survivors to Cyprus Refugee Council.

<sup>31</sup> Phileleftheros 'The boat with immigrants will not sail to Cyprus', 3 December 2020, available in Greek at: <https://bit.ly/3dfa6c2>.

<sup>32</sup> Phileleftheros 'The Coast Guard prevented the approach of a boat with migrants', 8 January 2021 (available in Greek) available at: <https://bit.ly/3w6dBKI>.

<sup>33</sup> Council of Europe, Commissioner of Human Rights, Letter to the Minister of Interior of Cyprus Available at: <https://bit.ly/3mmJiuE>.



## 2.1. Making and registering an application

According to the Refugee Law,<sup>34</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>35</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>36</sup> Furthermore, if a large number of simultaneous requests from third country nationals or stateless persons 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>37</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>38</sup> According to the Refugee Law,<sup>39</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 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>40</sup>

According to the Refugee Law,<sup>41</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**).

With the establishment of the **Pournara**, the First Reception Centre in **Kokkinotrimithia** (see [Types of Accommodation](#)), persons who have arrived recently in the areas under the effective control of the RoC, in an irregular manner are referred to the Centre for registration and asylum applications are lodged there and are expected to stay for a period of 72 days.<sup>42</sup> For persons who have arrived in a regular manner, which is a very low percentage of the total of asylum applicants as well as persons already residing in the country on other statuses they make and lodge asylum applications at the Immigration Unit of the city they are residing in and will not be referred to Pournara.

In February 2020, due to the Action Plan to address flows of migrants in the country, and in March 2020, as part of measure to address Covid-19 and before completion of construction, persons were not allowed

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<sup>34</sup> Article 11(1) Refugee Law.

<sup>35</sup> Article 11(2)(a) Refugee Law.

<sup>36</sup> Article 11(2)(b) Refugee Law.

<sup>37</sup> Article 11(2)(c) Refugee Law.

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

<sup>39</sup> Article 7 Refugee Law.

<sup>40</sup> Information provided by the Cyprus Refugee Council based on monitoring visits to the detention centre.

<sup>41</sup> Article 12Δ(4)(i) Refugee Law.

<sup>42</sup> Information provided by the Asylum Service.

to leave the First Reception Centre. This policy continued throughout 2020 and 2021 with persons remaining in the Centre for periods reaching 5-6 months. At times **Syrian** asylum seekers were allowed to leave, the justification being that they have relatives or friends that could provide accommodation. At other times, and after strong reactions from asylum seekers in the Centre, the Asylum Service started allowing 10 or 20 persons per day to leave, with priority given 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. This policy has been justified by the authorities as part of the measures to address the increase in migrant flows as well as spread of Covid-19, however it has led to severe overcrowding without the infrastructure in place to host such numbers. In many cases the duration of stay reaches 5 months and considering that persons have complete restriction of movement outside of the Centre, the Centre has become *de facto* detention. This has led to demonstrations by the residents nearly on a daily basis, ranging from peaceful to forceful.<sup>43</sup> The situation has also raised concerns among UNHCR,<sup>44</sup> the EU Commission<sup>45</sup> and the Human rights Commissioner of the Council of Europe.<sup>46</sup>

At the time of publication, the number of persons allowed to leave the Centre increased to around 50 persons a day. Furthermore, persons in the Centre who have completed registration are allowed two exits per day from the Centre, in accordance with the measures to address Covid-19 applicable for the general public and exit cards have been issued for this purpose. Nevertheless, there is still severe overcrowding with over 1,500 residents despite the 1,000 official capacity.

According to the 2021 Operating Plan agreed between Cyprus and EASO,<sup>47</sup> as of 2021 all migrants who entered the Country irregularly will be referred to the First Reception Centre in **Pournara**, including for the registration of the asylum application. Overall, the services provided in the Centre include identification, registration, and lodging of asylum applications, as well as medical screening and vulnerability assessments, and when relevant, the full assessment of the asylum application at the new Asylum Examination Centre adjacent to '**Pournara**' First Reception Centre. A "Safe Zone" for vulnerable applicants (specific area should be assigned to persons with special needs and vulnerable applicants) will also become operational in 2021.

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 previously led to delays, however, there has been sufficient improvement in the past year.<sup>48</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. During this time, asylum seekers do not have access to reception conditions or proof of their status in the country. However, there are rarely reports of this leading to arrest. During 2020 there were instances of

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<sup>43</sup> Politis, 'New protest in Pournara - 1600 refugees stacked in a centre of 700 people', 1 February 2021 (available in Greek) available at: <https://bit.ly/2P8pT4x>. See also, DW 'Cyprus: Refugee protests over incarceration conditions', available at: <https://bit.ly/3fmb0EP>.

<sup>44</sup> Kathimerini 'UNHCR: Need to decongest Pournara' 13 January 2021 (available in Greek) available at: <https://bit.ly/3u28Uzt>.

<sup>45</sup> Kathimerini 'Brussels concerned about Pournara' 16 February 2021 (available in Greek) available at: <https://bit.ly/39psaiy>.

<sup>46</sup> Council of Europe, Commissioner of Human Rights, Letter to the Minister of Interior of Cyprus, available at: <https://bit.ly/3mmJiuE>.

<sup>47</sup> EASO Operating Plan 2021, available at: <https://bit.ly/3roXHbg>.

<sup>48</sup> Information provided to the Cyprus Refugee Council on persons who applied for asylum while in prison.

people who had recently arrived irregularly and according to the new policy should have been referred to **Pournara**, the First Reception Centre in **Kokkinotrimithia**. However, due to overcrowding, they were not and were left homeless and unregistered. In an attempt to address this the authorities, set up tents outside the gates of Pournara, where approximately 200 asylum seekers were hosted with extremely limited hygiene facilities. In early 2021, the number remained at 200 people.

In 2020, EASO continued to provide support in registration in four district offices of the Aliens and Immigration Service of the police as well as registration in First Registration Reception Centre in Pournara (as well as in **Nicosia, Paphos, Larnaca and Limassol**). A total of 10 registration assistants were deployed by EASO throughout the year, and there were 3 registration assistants still present as of 14 December 2020, under the coordination of a Team Leader for registration activities. Due to Covid-19 measures, the presence of EASO registration assistants was suspended at times throughout 2020.<sup>49</sup> EASO carried out a total of 5,317 registrations in 2020, mainly concerning nationals from **Syria, India and Cameroon**.<sup>50</sup>

From March to May 2020 and following on from the global escalation of Covid-19, the Aliens and Immigration Unit stopped receiving asylum applications.<sup>51</sup> No official decision or announcement had been made and there was a lack of clarity as to whether this is a measure in response to Covid-19 or the high numbers of applicants. Persons not given access to procedures were left stranded. Among those that approached NGOs for assistance on the issue were also 4 unaccompanied children who were given access after interventions by NGOs.<sup>52</sup> On some occasions, a national passport was requested and at other times the reason for refusal was reported to be lack of capacity at **Pournara** Centre. Although lockdown measures were lifted in May 2020, and overall new arrivals of asylum seekers was at an all time low, access to asylum did not resume normally until August and after repeated interventions toward the authorities.<sup>53</sup>

## 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>54</sup> If an application is not lodged within this time, then the applicant is considered to have implicitly withdrawn or abandoned his or her application.<sup>55</sup> Finally, within three days from lodging the application, a confirmation that an application has been made must be provided.<sup>56</sup>

Fingerprints, according to the law, should be taken when an application is made.<sup>57</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.

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<sup>49</sup> EASO Operating Plan 2021, available at: <https://bit.ly/3roXHbg>.

<sup>50</sup> Information provided by EASO, 26 February 2021.

<sup>51</sup> Cyprus Mail, ‘Coronavirus: ‘Refugees and asylum seekers need accurate information’, many in dire straits’ April 2020, available at: <https://bit.ly/3lgwDZz>.

<sup>52</sup> Information provided by Caritas Cyprus and Cyprus Refugee Council.

<sup>53</sup> Based on interventions carried out by the Cyprus Refugee Council.

<sup>54</sup> Article 11(4)(a) Refugee Law.

<sup>55</sup> Article 11(4)(c) Refugee Law.

<sup>56</sup> Article 8(1)(b) Refugee Law.

<sup>57</sup> Article 11A Refugee Law.

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) formerly in booklet form and, as of 2020, as a 1-page document 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.

For applicants registering their applications at, First Reception Centre **Pournara**, all of the above will be concluded in the Centre, including identification, registration, and lodging of asylum applications as well as medical screenings, vulnerability assessments, and the issuance of the ARC number. Towards the end of 2020, and in early 2021, there were delays in the issuance of the ARC number due to Covid-19 cases in **Pournara** which led to the responsible officers not being present in the Centre.

The issuance of the ARC is at times delayed, sometimes reaching two-three months, and preventing timely access to reception conditions. If an asylum seeker applies for welfare benefits only with the "Confirmation of Submission of an Application for International Protection" he/she is usually granted a part of the foreseen amounts through vouchers, until the ARC number is issued examined (see [Criteria and Restrictions to Access Reception Conditions](#)). In few cases, usually following interventions of NGOs concerning particularly vulnerable persons, an emergency amount in cash might also be provided. In 2020 and currently, asylum seekers are able to issue a hospital card and access basic health care services, without an ARC number. In regard to registration at the Labour Department, an ARC number was required before the outbreak of the pandemic. However, due to Covid-19 measures, the Labour Department has suspended all new registrations of asylum seekers, regardless of whether a person holds an ARC number.

## 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>58</sup>
3. Backlog of pending cases at first instance as of 31 December 2020:
  - ❖ Asylum Service: 19,660
  - ❖ International Protection Administrative Court: 1,100 <sup>59</sup>

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>60</sup> Furthermore, the Asylum Service shall ensure that the examination procedure is concluded within 6 months of the lodging of the application.<sup>61</sup> In instances where the Asylum Service is not able to issue a decision within six months, it

<sup>58</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.

<sup>59</sup> Includes all appeals submitted relevant to the Refugee Law, therefore although the vast majority are appeals related to international protection claims the number also includes appeals against detention orders, family reunification decisions, reception condition decisions etc.

<sup>60</sup> Article 13(5) Refugee Law.

<sup>61</sup> Article 13(6)(a) Refugee Law.

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>62</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>63</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>64</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; and inform the European Commission within a reasonable time of the postponement of procedures for that country of origin.<sup>65</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>66</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>67</sup>

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.

The Asylum Service issued a total of 4,637 decisions concerning 5,394 applicants for international protection in 2020, compared to 2,669 decisions in 2018 and 4,372 decisions in 2019. These decisions are based on a recommendation issued either by Asylum Service caseworkers or EASO caseworkers. In 2020, EASO drafted 500 recommendations.<sup>68</sup> The main nationalities concerned by EASO opinions in 2020 were **Georgia, Syria and Cameroon**.

EASO has recently provided technical support to the Asylum Service in an effort to address the backlog and to speed up the examination of asylum applications. In 2020, the Ministry of Interior also introduced new measures to address migrant flows, including measures specifically targeted at reducing the backlog and examination times of asylum applications. However, during 2020 due to Covid-19, there were periods where the interview for the examination of asylum applications was suspended, which led to further delays and an increase in the backlog. In addition, with the closure of the Refugee Reviewing Authority an additional 432 cases/665 persons were transferred back to the Asylum Service and onto the backlog. As

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<sup>62</sup> Article 13(6)(b) Refugee Law.

<sup>63</sup> Article 13(7) and Article 16 Refugee Law.

<sup>64</sup> Article 13(8) Refugee Law.

<sup>65</sup> Article 13(9) Refugee Law.

<sup>66</sup> Article 13(10) Refugee Law.

<sup>67</sup> Information provided by the Cyprus Refugee Council.

<sup>68</sup> Information provided by EASO, 26 February 2021.

reported in the EASO 2021 operating plan for Cyprus, even though there were sufficiently lesser new asylum applications in 2021, the number of pending cases rose as well as the age of the backlog.<sup>69</sup>

Attempts were made to examine newly arrived asylum seekers residing in **Pournara** during their stay in the Centre by utilising the recently established Asylum Examination Centre adjacent to 'Pournara' First Reception Centre. The Examination Centre examines asylum applications of asylum seekers residing in Pournara, as well as asylum seekers in the community. Priority was given especially to newly arrived **Syrian** nationals who were registered in Pournara, and Syrians living in the community, which had a positive impact on the backlog of pending asylum applications of Syrian nationals.

Overall, the backlog of pending cases has consistently increased since 2017, doubling from 2018 to 2019 and reaching 19,660 cases at the end of 2020.

Backlog of pending cases: 2017-2020			
2017	2018	2019	2020
3,843	8,545	17,171	19,660

## 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>70</sup>

- (a) the application is likely to be well-founded;
- (b) the applicant is vulnerable,<sup>71</sup> or 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 (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 examinations 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>72</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. However, the sharp increase in asylum applications, including vulnerable cases, has affected the impact of such measures. In 2020, due to the pandemic there were periods where the examination of asylum applications was suspended, which led to further delays in the examination of these cases, however efforts continue by the Asylum Service, with support from EASO, to increase the number of caseworkers examining vulnerable cases. In 2020, EASO deployed a total of 3 vulnerability experts and 1 vulnerability assistant in Cyprus. The latter was still present as of 14 December 2020, as well as one vulnerability expert.<sup>73</sup>

<sup>69</sup> EASO, Special support plan to Cyprus 2021 <https://bit.ly/3roXHbg>.

<sup>70</sup> Article 12E Refugee Law.

<sup>71</sup> Within the meaning of Article 9KΔ Refugee Law.

<sup>72</sup> EASO, *Special support plan to Cyprus – Amendment No 4*, December 2017, Measure CY 8.1.

<sup>73</sup> Information provided by EASO, 26 February 2021.



According to information provided by EASO, vulnerability experts support and consult EASO caseworkers during the first-instance asylum examination procedures and refer vulnerable applicants who have not been assessed as vulnerable during the registration phase to the competent authorities for further appropriate actions. In this context, 194 applicants were assessed as vulnerable during the period of May-December 2020.<sup>74</sup>

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>75</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 increased in comparison to previous years, from an average of 12 months to 18 – 24 months. In 2020, attempts were made to speed up the examination of cases of **Syrians** by utilising the newly established Asylum Examination Centre, adjacent to 'Pournara' First Reception Centre, for newly arrived Syrians who were registered in Pournara as well as carrying out interviews in Pournara for Syrians already living in the community.

### 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
4. Can the asylum seeker request the interviewer and the interpreter to be of a specific gender? ☒ Yes ☐ No
  - ❖ If so, is this applied in practice, for interviews? ☒ Yes ☐ No

According to the law, all applicants, including each dependent adult, are granted the opportunity of a personal interview.<sup>76</sup> The personal interview on the substance of the application may be omitted in cases where:<sup>77</sup>

- (a) The Head of the Asylum Service is able to take a positive decision with regard to refugee status on the basis of already 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.

<sup>74</sup> Information provided by EASO, 26 February 2021.

<sup>75</sup> Note that this is also a ground for using the accelerated procedure.

<sup>76</sup> Article 13A(1) Refugee Law.

<sup>77</sup> Article 13A(2) Refugee Law.

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 2020, attempts were made to interview newly arrived asylum seekers residing in Pournara during their stay in the Centre by utilising the recently established Asylum Examination Centre adjacent to 'Pournara' First Reception Centre. In such cases the interview took place soon after the lodging of the asylum application and often close to the vulnerability assessment, with no access, or extremely limited access, to legal advice.<sup>78</sup>

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>79</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>80</sup> No such cases were reported in 2020.

Where simultaneous applications by a large number of third-country nationals or stateless persons make it impossible in practice for the determining authority to conduct timely interviews on the substance of each application by the Asylum Service, the Refugee Law permits 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>81</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>82</sup> EASO presence continued throughout 2018, 2019 and 2020.<sup>83</sup> The presence of the EASO examiners initially sped up the examination of applications but has not impacted the backlog (see [Regular Procedure: General](#)).

In 2020, the International Protection Administrative Court identified a period where there was no Ministerial Decree in force authorising EASO to conduct interviews in the asylum procedures. As a result, the Court determined that all such decisions must be cancelled and re-examined. This has led to the Asylum Service cancelling the negative decisions and informing asylum seekers that their applications will be re-examined and their status as asylum seekers has been reinstated. Regarding positive decisions, these will not be cancelled.

All interviews are carried out at the offices of the Asylum Service by temporary agency workers or EASO experts. EASO caseworkers conducted 730 interviews in 2018, mainly concerning asylum seekers from **Syria, Egypt and Iraq**.<sup>84</sup> In 2020, EASO carried out a total of 917 interviews, mainly of applicants from **Cameroon, Egypt and Georgia**.<sup>85</sup>

### 1.3.1. Quality of interview

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<sup>78</sup> Information provided by the Cyprus Refugee Council.

<sup>79</sup> Information provided by the Cyprus Refugee Council.

<sup>80</sup> Information provided by the Cyprus Refugee Council.

<sup>81</sup> Article 13A(1A) Refugee Law.

<sup>82</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>83</sup> Ministerial Decree 297/2019 pursuant to Article 13A(1A) of the Refugee Law available at <http://bit.ly/3c9bpb7>.

<sup>84</sup> Information provided by EASO, 13 February 2019.

<sup>85</sup> Information provided by EASO, 26 February 2021.



According to the law,<sup>86</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. 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, 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.

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>87</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>88</sup>

In practice the quality of the interview, including the structure and the collection of data, differs substantially depending on the individual examiner.<sup>89</sup> The absence of Standard Operating Procedures and mechanisms for internal quality control to date contribute to the diverse approaches.

In 2020 due to measures taken to address Covid-19, interviews were at times conducted via video conferencing with the interviewer and interpreter being in another location than the asylum seeker. There were cases where the asylum seeker complained that other staff were going in and out of the room while the interview was taking place, which was distracting and affected the sense of confidentiality.<sup>90</sup> Interviews via video conference continue in 2021.

As regards the EASO experts, cases are allocated according to expertise and a standardised interview structure is followed. Based on cases represented by the Cyprus Refugee Council in 2018, there had been issues such as lack of expertise for complex cases<sup>91</sup>, however there has been improvement noted in 2019 and 2020.

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<sup>86</sup> Article 13A(9) Refugee Law.

<sup>87</sup> Article 16(2)(a) and Article 18(3)-(5) Refugee Law.

<sup>88</sup> Article 13A(10) Refugee Law.

<sup>89</sup> Based on review of cases between 2006-2018 by the Cyprus Refugee Council and previously the Humanitarian Affairs Unit of the Future Worlds Centre.

<sup>90</sup> Information provided by the Cyprus Refugee Council.

<sup>91</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>.

Regarding the gender of the examiner<sup>92</sup> and the interpreter,<sup>93</sup> the Law provides that they can be of the same gender as the applicant, if they make such a request. In practice, if a request for specific gender of examiner or interpreter is made (same gender or opposite gender) it is usually granted, 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 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. The language barrier is often visible in the interview transcript and the recommendation, which often have several grammar, spelling and syntax mistakes. As such, statements may be misunderstood or passages are poorly drafted or unclear.<sup>94</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 professionals, often inadequately trained, and do not have a specific code of conduct.<sup>95</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>96</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 comprehension and prefer to proceed with the interview as they feel they have no other choice or are unwilling to wait for a longer period of time (sometimes months) for another interview to be scheduled.<sup>97</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>98</sup> There were no interpreters deployed by EASO in 2020.

### 1.3.3. Recording and transcript

The Refugee Law permits audio/video recordings.<sup>99</sup> However, in practice only a verbatim transcript of the interview is drafted.

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<sup>92</sup> Article 13A(9)(b) Refugee Law.

<sup>93</sup> Article 13A(9)(c) Refugee Law.

<sup>94</sup> Based on review of cases between 2006-2018 by the Cyprus Refugee Council and previously the Humanitarian Affairs Unit of the Future Worlds Centre.

<sup>95</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/1I2c0K3>, 39-40.

<sup>96</sup> Information provided by the Cyprus Refugee Council.

<sup>97</sup> Information from legal advisors of the Cyprus Refugee Council present at the interviews.

<sup>98</sup> Information from legal advisors of the Cyprus Refugee Council on cases represented.

<sup>99</sup> Article 18(2A)(a)(i) Refugee Law.

The law also provides that the examiner must provide the applicant an opportunity 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>100</sup> Furthermore, the legal representative/lawyer can intervene once the interview is concluded,<sup>101</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 for 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 other problems with the examining officer, such as not being appropriately trained. This is particularly the case for the examination of vulnerable persons or sensitive issues, especially for vulnerable cases that were not identified or examined by an examining officer trained to deal with vulnerable cases. Other complaints include examining officers 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 either to the report of the personal interview, the text of the audio, and/or visual recording of the personal interview.<sup>102</sup> When the 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>103</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, without translation/interpretation and without having a right to receive a copy of it, which may also contribute to applicants not being able to access this right.

In the case of a legal advisor/lawyer accessing it prior to the issuance of the decision, very few applicants have a legal advisor/lawyer at the time of the first instance examination, and even if they do, few 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,

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<sup>100</sup> Article 18(2A)(a)(iii) Refugee Law.

<sup>101</sup> Article 18(1A) Refugee Law.

<sup>102</sup> Article 18(2B)(a) Refugee Law.

<sup>103</sup> Article 18(2B)(b) Refugee Law.

trafficking or violence. Interviews may be carried out at the offices of the Asylum Service, as with all asylum seekers or, if detained, in a private room in Menogia Detention Centre by a caseworker of the Asylum Service. If detained in Menogia, the interview usually takes place within 1-2 months. However, if detained in holding cells in a police station, the interview is often delayed with cases in 2020 found to have reached 6 months with no interview.

It should be noted that on account of the global escalation of Covid-19, interviews for the examination of asylum applications were suspended between March and May 2020 and at various other times throughout the year depending on outbreak of Covid-19 cases.

## 1.4. Appeal

### Indicators: Regular Procedure: Appeal

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

❖ If yes, is it	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ If yes, is it suspensive	<input checked="" type="checkbox"/> Judicial	<input type="checkbox"/> Administrative
	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Some grounds <input type="checkbox"/> No
2. Average processing time for the appeal body to make a decision: 6-12 months

### 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 modified the procedure as follows: abolish the RRA, a second level first-instance decision-making authority that examined recourses (appeals) on both facts and law, but was not a judicial body, and instead provide for a judicial review on both facts and law before the Administrative Court. As the Administrative Court has jurisdiction to review all administrative decisions, the asylum decisions contributed sufficiently to a heavy caseload. Therefore in 2018, it was decided that a specialised court would be established to take on the cases related to international protection. A new court was established, named the International Protection Administrative Court (IPAC),<sup>104</sup> and in June 2019, IPAC initiated operations. Furthermore, in July 2019 the RRA stopped receiving new applications and in December 2020 ceased operations.

The IPAC, only examines both facts and law for asylum applications made on 20 July 2015 onwards. For applications made prior to the given date, the IPAC 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.

The IPAC initiated operations in June 2019 and as a result took 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 was not officially confirmed.<sup>105</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 cases faster than Administrative Court. The Court received 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>106</sup> According to EASO, the support provided by the research officers has been rather fundamental, however the progress achieved has been limited given that the backlog has been on the increase, which might further increase because of recent law amendments and the unprocessed workload of the Refugee Reviewing Authority. EASO support will continue and be increased in 2021 and will assist with expanding

<sup>104</sup> Law N. 73(I)/2018 on the establishment of the Administrative Court for International Protection.

<sup>105</sup> Information provided by Cyprus Refugee Council.

<sup>106</sup> EASO Operating Plan 2020, available at: <http://bit.ly/382C6el>.

the structure and assuring tailored technical assistance (case management system, targeted trainings and country briefings among others) with the twin aim to consolidate the structure and process in the IPAC and to reduce the backlog.<sup>107</sup>

The main challenges identified in relation to the IPAC have been 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 2020, the RoC amended the Cyprus Constitution and key legislation in order to reduce time limits to submit an appeal against a decision before the International Protection Administrative Court (IPAC). In view of the amendment which came into force on 12 October 2020 appeal times are reduced from 75 days to 30 days for decisions issued in the regular procedure<sup>108</sup> and 15 days for the following decisions:<sup>109</sup>

- (a) A rejected application which has been examined in accordance with the accelerated procedure under section 12D of the Refugee Law,
- (b) A decision by which an application for refugee status and/or subsidiary protection status is certified as “unfounded”,
- (c) A decision to determine an asylum application as “inadmissible” in accordance with section 12B(fourth) [12Βτετράκις],
- (d) A decision which refers to section 9 of the Refugee Law relating to the grant, withdrawal or reduction of benefits foreseen in any of the provisions of the said Law,
- (e) A decision with is made under the provisions of section 9E (residence and movement) and 9JA(4)(b) [9ΙΑ(4)(β)] (place of residence) of the Refugee Law,
- (f) A decision made under section 16B (implicit withdrawal), 16C (explicit withdrawal), or section 16D(3)(d) (a subsequent application deemed “inadmissible”) of the Refugee Law,

Information on when and where to appeal is included in the first instance decision issued by the Asylum Service. Decisions issued by the RRA can also be appealed before the IPAC, which is again communicated in the negative decision issued by the RRA.

The IPAC examines both facts and points of law. The appeal submitted for decisions issued in the regular procedure has suspensive effect; whereas an appeal for decisions issued in the accelerated procedure, subsequent applications, decisions that determine the asylum application unfounded or inadmissible, decisions related to explicit or implicit withdrawal does not have suspensive effect and a separate application must be submitted before the IPAC requesting the right to remain.<sup>110</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 14 days. The onward appeal before the Supreme Court examines only points of law and does not have suspensive effect. Moreover, this remedy is not communicated in the decision that rejects the appeal before the IPAC.

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<sup>107</sup> EASO Operating Plan 2021, available at: <https://bit.ly/3ekBojo>.

<sup>108</sup> Article 12A (1) Law N. 73(I)/2018 on the establishment of the Administrative Court for International Protection. (IPAC Law).

<sup>109</sup> Article 12A (2) Law N. 73(I)/2018 on the establishment of the Administrative Court for International Protection. (IPAC Law).

<sup>110</sup> Article 8 (1A) Refugee Law.

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>111</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, which is mentioned briefly in the rejection letter. Again, the vast majority of asylum seekers and legal advisors/representatives do not seem to be 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; the copying or scanning of 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.

### **Procedure before the previous appeal body: the RRA**

The RRA continued to examine the backlog throughout 2020 and ceased operations in December 2020. The procedure before the RRA was administrative, not judicial, and applicants had a right to submit an appeal without legal representation. However, without legal representation the chances of succeeding were extremely limited and 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. It was up to the discretion of the RRA to provide for a hearing and in practice, a hearing was 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 could grant refugee status or subsidiary protection to asylum seekers. The average time taken to issue a decision varied depending on the case but often for well-founded cases reached 3-5 years to issue a decision. If rejected by the RRA, an asylum seeker has the right to submit a recourse before the IPAC.

### **Procedure before the current appeal body: the IPAC**

The procedure before the IPAC is judicial. Asylum seekers can submit an appeal without legal representation, however, this is often 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 be able to access this remedy with legal representation. It has also been noted that upon submitting the appeal and during court proceedings, applicants without legal representation rely heavily on court interpreters for assistance, including guidance for hearings and written submissions. As a result, the court interpreters fill the gap created by the lack of legal representation often leading to incorrect advice and guidance and in some instances raising questions of exploitation of applicants. Regarding the procedural rules followed by the Court, these are not considered sufficient, as they are extremely brief and, for most parts, refer to the procedural rules of the Administrative Court which examines only points of law.<sup>112</sup> This has led to important gaps concerning issues related to asylum claims such as the examination of expert witnesses, examination of additional evidence or submissions of additional documents provided by the applicant during the procedures. EASO has identified the need to invest in enhancing the case management system and procedural rules of the IPAC as included in the 2021 operating plan for Cyprus.<sup>113</sup>

Following on from the global escalation of Covid-19, the procedures before all national courts were suspended during the general lockdown (March-May 2020 and late January-February 2021) with the

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<sup>111</sup> Article 18(2B) and (7A) Refugee Law.

<sup>112</sup> International Protection Procedures On The Functioning Of The Administrative Court Regulations Of 2019, available in Greek at: <https://bit.ly/3fpogds>.

<sup>113</sup> EASO Operating Plan 2021, available at: <https://bit.ly/3ekBojo>



exception of urgent cases and/or cases with a deadline set by the Constitution, which includes all asylum related cases. During these periods, the Court Registrar of the IPAC received legal aid applications and appeals against asylum decisions and other related asylum cases (i.e., family reunification) but the proceedings were suspended. Only proceedings on detention orders were considered urgent and were 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?
 

<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 a negative 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

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>114</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 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>115</sup>

According to the law,<sup>116</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 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>117</sup>

In practice, the only free legal assistance available at the first instance examination is extremely limited and under funded projects. Due to the lack of state-provided legal assistance, UNHCR has consistently

<sup>114</sup> Article 17(9) Advocates Law.

<sup>115</sup> Article 18(7Γ)(a) Refugee Law.

<sup>116</sup> Article 18(7Γ)(c) Refugee Law.

<sup>117</sup> Article 18(7Γ)(d) and (e) Refugee Law.

funded the project “Strengthening Asylum in Cyprus”, implemented by the NGO Future Worlds Centre from 2006-2017 and by the Cyprus Refugee Council since 2018 until present.<sup>118</sup> The project provides for three lawyers for all asylum seekers and beneficiaries of international protection in the country and, therefore, concentrates on provision of legal advice to as many persons as possible and legal representation only for selected cases (mostly precedent-setting cases). In 2020, approximately 400 persons received legal advice from the CyRC whereas the number of pending asylum applications are approximately 19,000.

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>119</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 that the state has taken steps to ensure the right to free legal and procedural information. The only reference to the provision of information is mentioned in the 2021 EASO operational plan for Cyprus and only for persons in the First Reception Centre, **Pournara**.

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 into 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>120</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 International Protection Administrative Court (IPAC).<sup>121</sup> The application for legal aid is subject to a “means and merits” test.<sup>122</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.

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>123</sup>

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<sup>118</sup> Available at: <https://cyrefugeecouncil.org/>.

<sup>119</sup> Ministry of Interior, *European Funds*, available at: <http://bit.ly/2mcB4sq>.

<sup>120</sup> Information provided by the Cyprus Refugee Council, which carries out weekly visits to the detention centre.

<sup>121</sup> Article 6B(2) Legal Aid Law.

<sup>122</sup> Article 6B(2)(b)(bb) Legal Aid Law.

<sup>123</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.



Although IPAC initiated operations in June 2019, at the time of publication of this report, no detailed statistics are available. Furthermore, the decisions issued by IPAC, including legal aid decisions, were not published systematically on the online platforms CyLaw,<sup>124</sup> and Leginet<sup>125</sup> as is done with all other Courts in Cyprus. This has made it difficult to observe the number of applications for legal aid and the success rate as statistics are not released.

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 deterrent to lawyers to take up cases under legal aid.

The UN Committee against Torture (UNCAT) has stated in its fifth report on Cyprus of 2019 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>126</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>127</sup>

## 2. Dublin

### 2.1. General

#### Dublin statistics: 2020

Outgoing procedure			Incoming procedure		
	Requests	Transfers		Requests	Transfers
<b>Total</b>	<b>100</b>	<b>47</b>	<b>Total</b>	<b>102</b>	<b>2</b>
<b>Take charge</b>	<b>93</b>	<b>45</b>	<b>Take charge</b>	<b>26</b>	<b>1</b>
Denmark	1	0	Austria	6	1
France	3	2	Belgium	4	0
UK	57	16	Bulgaria	3	0
Finland	25	22	Croatia	3	0
Sweden	4	2	Czech Republic	1	0
Ireland	1	1	France	1	0
Netherlands	2	2	Germany	4	0
-	-	-	Sweden	4	0
<b>Take back</b>	<b>7</b>	<b>2</b>	<b>Take back</b>	<b>76</b>	<b>1</b>
Austria	1	0	Austria	4	1
Greece	1	0	Belgium	3	0
Sweden	1	0	Denmark	4	0
UK	2	1	France	32	0

<sup>124</sup> See <https://bit.ly/3mo8osU>.

<sup>125</sup> Leginet is a subscription-based database for legislation, caselaw and secondary legislation, available at: <https://bit.ly/2WfLqsR>.

<sup>126</sup> UNCAT, Concluding Observations on the Fifth Report of Cyprus, Committee against Torture, December 2019.

<sup>127</sup> UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Cyprus, Twenty seventh session, April 2019.

Germany	2	1	Germany	21	0
-	-	-	Greece	3	0
-	-	-	Italy	1	0
-	-	-	Romania	1	0
-	-	-	Sweden	1	0
-	-	-	UK	6	0

Source: Dublin Unit, Asylum Service

Outgoing Dublin requests by criterion: 2020		
Dublin III Regulation criterion	Requests sent	Requests accepted
<b>"Take charge": Articles 8-15:</b>	<b>693</b>	<b>4</b>
Article 8 (minors)	49	1
Article 9 (family members granted protection)	0	0
Article 10 (family members pending determination)	0	0
Article 11 (family procedure)	0	0
Article 12 (visas and residence permits)	0	0
Article 13 (entry and/or remain)	0	0
Article 14 (visa free entry)	0	0
"Take charge": Article 16	0	0
"Take charge" humanitarian clause: Article 17(2)	44	3
<b>"Take back": Article 18</b>	<b>7</b>	<b>1</b>
Article 18 (1) (b)	7	1
Article 18 (1) (c)	0	0
Article 18 (1) (d)	0	0
Article 20(5)	0	0

Source: Dublin Unit, Asylum Service

Incoming Dublin requests by criterion: 2020		
Dublin III Regulation criterion	Requests sent	Requests accepted
<b>"Take charge": Articles 8-15:</b>	<b>26</b>	<b>15</b>
Article 8 (minors)	2	2
Article 9 (family members granted protection)	1	0
Article 10 (family members pending determination)	0	0
Article 11 (family procedure)	0	0
Article 12 (visas and residence permits)	22	12
Article 13 (entry and/or remain)	0	0
Article 14 (visa free entry)	0	0
"Take charge": Article 16	0	0

"Take charge" humanitarian clause: Article 17(2)	1	1
<b>"Take back": Article 18</b>	<b>76</b>	<b>47</b>
Article 18 (1) (b)	74	45
Article 18 (1) (c)	0	0
Article 18 (1) (d)	2	2
Article 20(5)	0	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>128</sup>

The criteria most frequently used in practice for incoming requests are previous applications for international protection and for outgoing requests, and 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>129</sup> In 2020, 18 take charge requests were made under the humanitarian clause of which 3 were accepted.

## 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>130</sup> There is no specific policy in place for cases where applicants refuse to be fingerprinted, nor have there been cases to indicate such practice.

The Dublin procedure is systematically applied in all cases;<sup>131</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

<sup>128</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>129</sup> *Ibid.*

<sup>130</sup> Article 11A Refugee Law.

<sup>131</sup> Article 11B Refugee Law.

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 and 2020, improvements were noted in issuing requests within the deadline.<sup>132</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>133</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.

During 2020, and despite the measures implemented during Covid-19, transfers were not suspended and had to be carried out within the designated deadline. In the event that the transfer was not executed within the deadline, the responsibility would shift back to Cyprus, however no such cases were reported.<sup>134</sup>

In 2016, Cyprus carried out 62 outgoing transfers. In 2017, it carried out 12 outgoing transfers; in 2018 15 outgoing transfers; in 2019, 8 outgoing transfers; and in 2020, 47 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

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<sup>135</sup> and/or interviewer.<sup>136</sup> Due to Covid-19, teleconferencing was used for the purposes of conducting the personal interview, which was not the case in the past. For the cases of UASC, the child along with their guardian would sit together in the space of the shelter where the child resides, while the interviewer and interpreter were at the offices of the Asylum Service. The minutes of the interview were recorded in writing, sent via e-mail to the guardian who would then print, sign, have the child sign and scan, and return the scanned copy to the Asylum Service via e-mail.

<sup>132</sup> Information provided by cases represented by the Cyprus Refugee Council.

<sup>133</sup> Information provided by the Dublin Unit, July 2017.

<sup>134</sup> Information provided by the Asylum Service.

<sup>135</sup> Article 13A(9)(c).

<sup>136</sup> Article 13A(9)(b).

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 they have applied for asylum in said countries as well as the reasons for applying, the duration of stay along with specific dates of entry, and the 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, and the possibilities and effect on the case.<sup>137</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

☒ Yes

☐ No

❖ If yes, is it suspensive

☒ Judicial

☐ Administrative

☒ Yes

☐ No

The law permits for an appeal against Dublin decisions before the IPAC during which the applicant has a right to remain.<sup>138</sup> The rules and procedure are the same as in the regular procedure (see [Regular Procedure: Appeal](#)).

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.

## 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 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 IPAC.<sup>139</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,

<sup>137</sup> Information provided by testimonies of individuals who have undergone a Dublin interview.

<sup>138</sup> Articles 12A(η) IPAC Law.

<sup>139</sup> Article 68(8) Legal Aid Law.

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 event that they have no place to stay on their own, they are transferred to **Kofinou** Reception Centre, which is an open centre for asylum seekers.<sup>140</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 from where it left off. However, if a final decision was issued, deportation procedures are initiated.

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

Two persons were returned to Cyprus in 2020 and 1 in 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>141</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.

<sup>140</sup> Information provided by the Cyprus Refugee Council which carries visits to Kofinou reception centre.

<sup>141</sup> Article 12B-quater(2) Refugee Law.

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>142</sup>

In 2020, cases were identified where the inadmissibility ground was applied, specifically where another Member State has granted international protection and in cases of subsequent applications where it was deemed that no new elements or findings arose or were presented.<sup>143</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,<sup>144</sup> before a 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. However, in the case of subsequent applications,<sup>145</sup> the Law was amended in 2020 according to which the admissibility of the new elements or findings is examined without conducting an interview.<sup>146</sup> Moreover, and again according to the amendment of article 16D in 2020, when the Head of the Asylum Service is assessing new elements brought forth by the applicant in a subsequent application that was not previously provided to the Asylum Service when examining their claim at first instance, the Head can reject the application as inadmissible if they consider that the applicant has not provided new elements.<sup>147</sup>

### 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?
  - ☒ Yes ☐ No
  - ❖ If yes, is it ☒ Judicial ☐ Administrative
  - ❖ If yes, is it suspensive ☐ Yes ☐ Some grounds ☒ No

The law permits for an appeal against inadmissibility decisions before the IPAC.<sup>148</sup> The appeal does not have suspensive effect and a separate application must be submitted, requesting the right to remain. The rules and procedure are the same as in the [Regular Procedure: Appeal](#).

<sup>142</sup> Article 12B-quater(1) Refugee Law.

<sup>143</sup> Based on information provided by the Cyprus Refugee Council.

<sup>144</sup> Article 12B-quater(3) Refugee Law.

<sup>145</sup> Article 16D(2) Refugee Law.

<sup>146</sup> Article 16D(2) Refugee Law.

<sup>147</sup> Article 16(D)(3)(a) Refugee law.

<sup>148</sup> Articles 12B-quater(1) Refugee Law.





### 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?  
☐ 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 an inadmissibility 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 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](#)). For an appeal before the IPAC an application for legal aid can be submitted, however the success rate of legal aid applications in general are low.

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

- Comes from a country where there is no serious risk of persecution;<sup>149</sup>
- Comes from a safe third country;<sup>150</sup>
- Comes from a safe European third country;<sup>151</sup>
- Comes from a safe country of origin;<sup>152</sup>
- Lodges an inadmissible application;<sup>153</sup>
- Comes from a first country of asylum;<sup>154</sup>
- Meets one of the following criteria:<sup>155</sup>

<sup>149</sup> Article 12A Refugee Law.

<sup>150</sup> Article 12B Refugee Law.

<sup>151</sup> Article 12B-bis Refugee Law.

<sup>152</sup> Article 12B-ter Refugee Law.

<sup>153</sup> Article 12B-quater Refugee Law.

<sup>154</sup> Article 12B-quinquies Refugee Law.

<sup>155</sup> Article 12Δ(4) Refugee Law.

- 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>156</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 for a period that does not exceed two months upon the recommendation of the case examiner and approval by the Director of the Asylum Service.<sup>157</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>158</sup> specifically **Georgian** nationals.<sup>159</sup> In 2020, the procedure was not applied as expected due to measures taken to address Covid-19 and in anticipation of the amendment to the Law<sup>160</sup> in October 2020, which reduced the deadline for appeal in such cases from 75 days to 15 days. At the time of publication of this report, the procedure is still not widely applied.

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

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<sup>156</sup> Article 12B-ter Refugee Law.

<sup>157</sup> Article 12Δ(5)(β) Refugee Law.

<sup>158</sup> EASO and Cyprus 2020 Operational & Technical Assistance Plan, available at: <https://bit.ly/2xAVLFy>.

<sup>159</sup> Ministerial Decision on Safe Countries <http://bit.ly/37YKdbU>.

<sup>160</sup> Article 12A IPAC Law.

## 5.2. Personal interview

### Indicators: Accelerated Procedure: Personal Interview

☒ Same as regular procedure

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

As is the case during the regular procedure, interviews of applicants during the accelerated procedure are to be carried out by the Asylum Service.<sup>161</sup> The personal interview on the substance of the application may be omitted where:<sup>162</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 has not been applied widely, there is no information available 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

An appeal can be submitted before the International Protection Administration Court (IPAC) against a decision issued in the accelerated procedure (see [Regular Procedure: Appeal](#)).<sup>163</sup> The procedure before the IPAC is the same as the procedure against a decision issued in the regular procedure, however the deadline to appeal is 15 days.<sup>164</sup> The appeal does not have suspensive effect, and a separate application must be submitted requesting the right to remain.<sup>165</sup> However, the applicant has a right to remain until the issuance of the decision on their application to remain.

<sup>161</sup> Article 12Δ(2) Refugee Law.

<sup>162</sup> Article 13A(2) Refugee Law.

<sup>163</sup> Article 11 IPAC Law.

<sup>164</sup> Article 12A IPAC Law.

<sup>165</sup> Article 8 (1A) Refugee Law.

As the accelerated procedure was initiated for the first time in late 2019, and not widely applied throughout 2020, 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>166</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>167</sup> These individualised assessments should be performed within a reasonable time period during the early stages of the asylum procedure, 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, which will indicate 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

<sup>166</sup> Article 9KΓ Refugee Law.

<sup>167</sup> Articles 9KΔ(a) and 10A Refugee Law.

report to the 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 to 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 for identifying and addressing in a timely manner the special reception and procedural needs of vulnerable persons and introduce a basic framework of operation, which has also been noted by EASO again in the 2021 operating plan for Cyprus.<sup>168</sup> 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.

In recent years steps are being taken gradually to improve the identification and assessment of vulnerable persons by the Asylum Service with the support of EASO,<sup>169</sup> UNHCR, and the Cyprus Refugee Council, and the results of these efforts are steadily becoming evident. However, the efforts as described below are often fragmented or lack consistency leading to cases still going unidentified, thus confirming the need for a comprehensive and effective mechanism.

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 Plans (see annual plan 2019, 2020 and 2021). 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 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.

In 2019, the Asylum Service carried out screenings of vulnerabilities at the First Reception Centre ‘**Pournara**’ in **Kokknotrimithia**, however these were not full assessments and the results indicated that cases were going unidentified. From March 2019 through to early 2020 and the present moment, the Cyprus Refugee Council carried out vulnerability assessments at the Centre using 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.

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 Reception Centre, **Pournara**, including the development of a common tool to be used for screening and assessment of vulnerable persons, a Standard Operating Procedure, and a team of vulnerability examiners to carry out the assessments. Vulnerability examiners receive training under relevant EASO modules, however there is insufficient supervision and coordination of the team and high turnover of staff. Furthermore, due to the rise in the numbers of new arrivals and then the developments due to Covid-19, these efforts were put on hold from March until October 2020. Efforts resumed in October

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<sup>168</sup> EASO Operating plan 2021: <https://bit.ly/3roXHbg>.

<sup>169</sup> Ibid.

and vulnerability assessments have been taking place by the team. However, due to overcrowding in **Pournara**, as well as measures due to Covid-19, the procedure has yet to be completed.

As part of EASO support to Cyprus, vulnerability experts have been provided since 2018 and will be increased in 2021.<sup>170</sup> 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 interviews, with some cases concerning vulnerable persons identified to have lasted five hours and, in a case of a victim of torture with ongoing physical pain, eight hours. However, there has been improvement noted in this regard in 2019 and 2020.

As already mentioned in **Prioritised examination and fast-track processing**, EASO deployed a total of 3 vulnerability experts and 1 vulnerability assistant in Cyprus in 2020. The latter was still present as of 14 December 2020, as well as one vulnerability expert.<sup>171</sup> According to information provided by EASO, vulnerability experts support and consult EASO caseworkers during the first-instance asylum examination procedures and refer vulnerable applicants who have not been assessed as vulnerable during the registration phase to the competent authorities for further appropriate actions. In this context, 194 applicants were assessed as vulnerable during the period of May-December 2020.<sup>172</sup>

According to EASO operating plan for 2021, a “Safe Zone” for vulnerable applicants (specific area should be assigned to persons with special needs and vulnerable applicants) will also become operational in 2021. Increased focus will be devoted to vulnerability screening in terms of the access to asylum procedure phase to ensure a timely and adequate response to vulnerable applicants’ needs.<sup>173</sup>

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 is limited. In cases of victims of torture or violence, the lack of access to support will often impair the efficient examination of asylum applications as they do not receive prior counselling - psychological or legal - that may assist them to present their asylum claim adequately. However, when persons are identified and referred to caseworkers trained on vulnerable cases, the asylum seeker will receive an appropriate examination of their asylum claim and, in many cases, receive a form of international protection.

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>174</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>175</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 less invasive exams, and carried out by trained professionals in the health sector so as to achieve the most reliable results possible.

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<sup>170</sup> EASO Operating Plan 2021, available at: <https://bit.ly/3roXHbg>.

<sup>171</sup> Information provided by EASO, 26 February 2021.

<sup>172</sup> Information provided by EASO, 26 February 2021.

<sup>173</sup> Ibid.

<sup>174</sup> UNCAT, Concluding Observations on the Fifth Report of Cyprus, December 2019.

<sup>175</sup> Article 10(1Z)(a) Refugee Law.



The Asylum Service also has the obligation to ensure that 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. This should include information on the method of examination, the potential impact of the results of the medical examinations on the examination of their application, and the impact of any refusal of an unaccompanied child to undergo medical examinations. Furthermore, the Asylum Service must ensure that the unaccompanied child and/or representatives 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 examinations 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 is comprised 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 an examination does not seem to be used due to the invasive nature.<sup>176</sup>

The doctors carrying out the dental examinations have been trained by EASO. However, the training of all professionals carrying out age assessments does not seem to be ongoing and it is not clear if any of the doctors have since changed or if there has been further training.<sup>177</sup>

Furthermore, a decision finding an asylum seeker to be an adult cannot be challenged administratively or judicially in itself but can only be challenged judicially when the asylum claim is rejected and as part of the appeal challenging the negative decision of the asylum application. Due to this, the Asylum Service does not provide access to the file and documents relevant to the age assessment and access will be provided only in case of an appeal. Where results confirm the individual to be an adult and these results are communicated orally 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>178</sup> in which she stated that the procedure that had been adopted from 2014 onwards was a positive development.<sup>179</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 independence of both of these roles as they act on behalf of the national authority they represent.

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<sup>176</sup> Commissioner of Children's Rights, *Έκθεση της Επιτροπής 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>177</sup> Ibid, 29.

<sup>178</sup> Ibid.

<sup>179</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.

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. In 2020, 308 UASC applied for asylum; 66 were referred to the Asylum Service for age assessment, out of which 55 were referred for further medical age assessment tests. Of the 50 that completed the assessment, 43 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 for in the Refugee Law throughout the asylum procedures and to make it possible to highlight the elements needed to substantiate the asylum application.<sup>180</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 in 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 to deal with 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 their claim.

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; carrying out the interview in an interrogatory manner; and having a problematic attitude. There is no recourse to address such issues as no complaint 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>181</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.

<sup>180</sup> Article 10A Refugee Law.

<sup>181</sup> Information provided by the Asylum Service, January 2018.

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.

## 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 and is still not widely used and there are no indications as to whether the above is applied in practice.

## 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 other things, 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>182</sup> Such documents would, for example, 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>183</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>184</sup>

<sup>182</sup> Article 18(3) Refugee Law.

<sup>183</sup> Article 9KΔ(3)(b) Refugee Law.

<sup>184</sup> Article 13A(2)(b) Refugee Law.

- ❖ 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>185</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>186</sup>

However, all of the above may not be applied in practice. Overall, there are inconsistencies in the way each officer/caseworker interprets medical reports and in the ways 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 not 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 to be 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, trafficking, and gender-based violence implemented by the Cyprus Refugee Council,<sup>187</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>188</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 respect to the procedures/methodology followed, as well as 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, 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>189</sup>

The UN Committee against Torture, in its 2014 report, noted this insufficient interpretation during the medical assessment, and referred to reports that children of victims of torture assumed the role of interpreters.<sup>190</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 followed after these trainings is closer to the training received and to that described under the Istanbul Protocol.

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<sup>185</sup> Article 15 Refugee Law.

<sup>186</sup> Article 18(7A)(b)(ii) Refugee Law.

<sup>187</sup> For more information, see Cyprus Refugee Council, *Our projects*, available at: <https://bit.ly/2DV3s9c>.

<sup>188</sup> Article 15 Refugee Law.

<sup>189</sup> This is a standard phrase used in individual cases and this information is based on cases represented by the Cyprus Refugee Council.

<sup>190</sup> UNCAT, *Concluding Observations on the Fourth Report of Cyprus*, 21 May 2014.

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 as to the credibility of the applicant, will grant protection without referring to the Medical Board in many cases and tend to refer only cases that are 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>191</sup> Indicatively, in 2018, 2019, and 2020, 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 not to be 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. For instance, throughout 2018 and 2019, the procedure continued to be extremely slow, with most cases taking between 12-18 months to be concluded by the Medical Board alone. From then on, they will require at least another year before the Asylum Service issues a first instance decision on the asylum claim.

In late 2019 and continuing in 2020, the procedure before the Medical Board came to a complete halt in view of the new national health system (GESY), as many state doctors resigned to take up private practices, including doctors who were trained and part of the Medical Board. This resulted in the Medical Board not operating for most of 2020. In early 2021, according to the Asylum Service, the Board resumed operation and referrals are sent. However, there is no information on the doctors on the Board and whether they have been adequately trained. Furthermore, there have been no new decisions on pending cases.

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>192</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 noted physical findings (scars) and that the applicant had symptoms indicating 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 confirmed these. Regardless, the applicant was found to be uncredible 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.

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<sup>191</sup> EASO, Special support plan to Cyprus – Amendment No 4, December 2017, Measure CY 8.1.

<sup>192</sup> UNCAT, *Concluding Observations on the Fifth Report of Cyprus*, December 2019.

#### 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>193</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 the age of 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, either 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 ensures 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>194</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.

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 they 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, according to the Law, 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.

In practice 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. During the interview, the representative is always present, but as they do not have sufficient knowledge or training on legal or asylum issues, they are not in a position to contribute in a substantial way. In all cases monitored by the Cyprus Refugee Council,<sup>195</sup> the representative has never asked any questions or made any comments after the interview. In 2020, there was an increase in the number of Social Welfare Officers assigned as guardians to unaccompanied children. Specifically, 3 guardians are assigned for the UASC in **Nicosia**, 3 in **Larnaca**, 3 in **Limassol**, and 1 in **Paphos**. As such, their involvement with the children has substantially improved as they are in a position to have frequent meetings with them and have a knowledge of each child's history and needs. Issues arising from lack of knowledge on the asylum framework and asylum procedures remain, despite the increased number of Social Welfare Officers acting as guardians.

<sup>193</sup> Article 10 Refugee Law.

<sup>194</sup> Procedural Rules 3/2014, available at: <http://bit.ly/2mKdxvp>.

<sup>195</sup> Information provided by the Cyprus Refugee Council.



In instances where the asylum application is rejected, 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 with selected lawyers on the representation of children in asylum cases from time to time and has set up a list of lawyers who have received relevant training to represent, where needed, unaccompanied children in the judicial proceedings of the asylum procedure. It should be noted, however, that legal representation is not afforded to an unaccompanied child who received a negative decision after they reached the age of majority. When an unaccompanied child receives a negative decision on their asylum claim, the guardian informs the Commissioner for Children's Rights and requests the appointment of a lawyer that would represent the child before the IPAC. The appointed lawyer, along with an officer from the Commissioner for Children's Rights office, have a joint meeting with the child to inform them of the appointment and the procedure to be followed. The representation continues until the case is concluded before the court, regardless of whether the child has reached the age of maturity while the procedure is ongoing.

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.

The legal and policy framework for unaccompanied children has been repeatedly criticised by the national Ombudsman, who has issued two reports on the issue, stating the gaps in both policy and practice.<sup>196</sup>

In 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>197</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 does not foresee who provides such information; the legal representation provided by the Social Welfare Service is problematic; and the dual role of the Social Welfare Service that acts as a guardian and representative is also considered problematic.

There were no developments in 2020 on the legal representation of UASC except for the increase in the number of guardians. In 2019, 535 UASC applied for asylum, of which 203 were referred to age assessment and 194 were found adults. In 2020, 308 UASC applied for asylum; 66 were referred to the Asylum Service for age assessment, out of which 55 were referred for further medical age assessment tests. Of the 50 that completed the assessment, 43 were found to be adults. The number of UASC in the country was 412 until November 2020.

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<sup>196</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>197</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>.



## 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>198</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>199</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>200</sup> This examination used to require an interview, however, the October 2020 amendment to the Law removed this requirement and the examination is now carried out without an interview.<sup>201</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>202</sup>

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.

Regarding the procedure to be followed, the Asylum Service has 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. In early 2021, efforts were being made to reduce the backlog however this also has had an impact on the quality of decisions as cases were identified that had been rejected as inadmissible although new elements had been submitted that justifiably could not have been submitted before. Cases were also identified where the new elements would increase the chances of the applicant receiving international protection but were rejected as inadmissible.<sup>203</sup> In March 2021 the IPAC issued a decision concerning the admissibility procedure followed by the Asylum Service and considered that the Asylum Service had not followed the steps

<sup>198</sup> Article 16Δ Refugee Law.

<sup>199</sup> Article 16Δ(2) Refugee Law.

<sup>200</sup> Article 16Δ(3)(a) Refugee Law.

<sup>201</sup> Article 16Δ(2) Refugee Law.

<sup>202</sup> Article 16Δ(3)(b)(ii) Refugee Law.

<sup>203</sup> Based on cases represented by the Cyprus Refugee Council.

prescribed by the Law, the new element was indeed new and should have been examined and that it did increase the chances of receiving protection.<sup>204</sup>

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 is usually followed by Syrian nationals who were previously in Cyprus as their application for asylum will be treated as a subsequent application regardless of the years that have elapsed since they were last in the country, as well as Iranians, rejected asylum seekers with long-standing (mainly irregular) residence in Cyprus, Muslim born Christian converts from different national backgrounds, and persons attempting to prolong their legal stay in Cyprus.

In 2019, 535 asylum seekers lodged subsequent applications. No data is available on subsequent applications in 2020.

## 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| ❖ Is the safe country of origin concept used in practice?                            | <input checked="" type="checkbox"/> Yes <input 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>205</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>206</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>207</sup> The new list was published in May 2020,<sup>208</sup> increasing the number of safe countries of origin from 1 to 21 countries, with the intention to utilise widely the accelerated procedures. However, in practice it was not used as much as expected.<sup>209</sup>

<sup>204</sup> IPAC, Decision 782/2020 J.Y.v. Republic of Cyprus (Asylum Service), 5 March 2021, available in Greek at <https://bit.ly/3wFjO0g>.

<sup>205</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>206</sup> Article 12Δ(1) Refugee Law.

<sup>207</sup> Ministerial Decision on Safe Countries, available in Greek at: <http://bit.ly/37YKdbU>.

<sup>208</sup> Ministerial Decision on Safe Countries, available in Greek at: <http://bit.ly/37YKdbU>.

<sup>209</sup> Based on information provided by Cyprus Refugee Council.

## 2. Safe third country

The definition of safe third country is provided 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, however in practice it is not used.

## 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, however in practice it is not used.

## 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>210</sup> the Asylum Service shall issue a leaflet (*φύλλαδιο*) in a language which the applicants can 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>211</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 and has not been updated since, regardless of sufficient changes

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

<sup>211</sup> Article 9A(2) Refugee Law.

in the asylum procedures.<sup>212</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 was delayed and at time of publication it had not been updated. According to EASO operating plan for 2021, information provision is one of the priorities.

When lodging an application, applicants are given a leaflet on the Dublin procedure which includes general information on the Dublin procedure, and a separate information leaflet is available specifically for unaccompanied children.<sup>213</sup> The leaflet also includes contact numbers of government and European agencies involved in the Dublin procedure as well as UNHCR.

Other information materials are produced by NGOs or private companies, such as information leaflets, booklets, online platforms, and websites,<sup>214</sup> regarding the asylum procedure, asylum seekers' rights and obligations, and available support services. However, these are not always available nor are they updated consistently since they are often prepared within the framework of various European-funded projects. These leaflets/booklets may be available at various access points for asylum seekers 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>215</sup> The platform is available in English, French and Arabic. The UNHCR online information platform includes specific information for unaccompanied children.<sup>216</sup>

Regarding decisions, in accordance with the law,<sup>217</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](#)).

Regarding the judicial appeal before the IPAC and the application for legal aid, UNHCR has provided information in English, Arabic, and French.<sup>218</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

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<sup>212</sup> Asylum Service, *Information leaflet for applicants for international protection*, available at: <https://bit.ly/33M2ZTm>.

<sup>213</sup> Asylum Service, *Information leaflets on the Dublin and Eurodac Regulations*, available at: <http://bit.ly/2GLI9GJ>.

<sup>214</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.

<sup>215</sup> UNHCR, *UNHCR Help – Cyprus*, available at: <https://bit.ly/3rSAPKs>.

<sup>216</sup> UNHCR, *If you are under 18*, available at: <http://bit.ly/2rsW9IY>.

<sup>217</sup> Article 18(7E) and (7B) Refugee Law.

<sup>218</sup> UNHCR, *UNHCR Help – Cyprus*, available at: <https://bit.ly/3asLcTE>.

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>219</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>220</sup> In practice, detainees are provided with a detention order that includes the articles of the law based on which they are detained and, in brief, the remedies available (see [Detention](#)). 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>221</sup> In 2020 it was disseminated.

According to the Rights of Persons who are Arrested and Detained Law,<sup>222</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. In 2020 due to the measures taken to address Covid-19, access to detention and prison was at times not possible.

## 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, Yemen, 1Pal. Territories (Gaza)
2. Are applications from specific nationalities considered manifestly unfounded?<sup>223</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 aims to examine asylum applications from countries such as **Georgia, India, Bangladesh, Sri Lanka, Pakistan, Philippines** and **Vietnam** soon after they have been submitted. However, due to the backlog this is not always possible. The procedure followed is the regular procedure, and all formalities that apply to the regular procedure, will apply to these cases, including interpretation, deadlines, appeals, and legal representation. In late 2019, accelerated procedures were piloted for the first time for a specific

<sup>219</sup> Information provided by the Cyprus Refugee Council.

<sup>220</sup> Article 95T(8) Refugee Law.

<sup>221</sup> Information provided by Cyprus Refugee Council.

<sup>222</sup> Article 12 Rights of Persons who are Arrested and Detained Law.

<sup>223</sup> Whether under the “safe country of origin” concept or otherwise.

nationality: **Georgians** nationals.<sup>224</sup> In 2020 it was expected that the accelerated procedures would have been utilised widely however this was not the case.

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>225</sup> In 2020, the main 5 nationalities interviewed by EASO were **Cameroon, Egypt, Georgia, Syria and Philippines**.

In cases of asylum seekers from countries that are going through a political or humanitarian crisis, the examinations 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 and Syrian asylum seekers. In both instances, the examination of the asylum applications was on hold for approximately two years, but once examinations resumed, priority was given to these cases.

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; in 2019, 38 persons received refugee status and 1,074 subsidiary protection; and in 2020, 21 persons received refugee status and 1,396 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>226</sup>

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<sup>224</sup> Ministerial Decision on Safe Countries, available at: <http://bit.ly/37YKdbU>.

<sup>225</sup> Information provided by EASO, 13 February 2019.

<sup>226</sup> Statelessness Index, Country Profile Cyprus, available at: <http://bit.ly/2TMRKH2>.



## Reception Conditions

### Short overview of the reception system

2020 was a challenging year for the reception system. The decisions of the authorities pointing towards stringent measures concerning handling of immigration and refugee flows and the outbreak of covid-19 pandemic have impacted the ability of the reception mechanisms to address the needs of newly arrived persons.

In particular, in the beginning of 2020, and before the outbreak of the pandemic, the Ministry of Interior announced the creation of closed reception centres in an effort to discourage migration and refugee flows. **Pournara** First Registration Centre, operating under the Asylum Service and originally meant to receive asylum seekers for a stay of 72 hours for purposes of lodging asylum applications, issuing documents and performing medical screenings, started accommodating all irregularly arriving asylum seekers for indefinite periods often reaching 4-6 months. In the meantime, the measures adopted for tackling the pandemic by the government were used to justify evictions of hundreds of asylum seekers already residing in the community, either in private accommodation which they had secured on their own, or in low budget hotels where they were placed by Social Welfare Services due to being homeless or vulnerable.

Given the existing shortcomings in regard to available services and infrastructure of **Pournara** Centre and despite the reluctant release of individuals from time to time, this practice quickly led to extreme overcrowding and severe deterioration of living conditions for approximately 1,600 residents. It also raised valid safety concerns for vulnerable residents (UASC, traumatised persons, families, women, victims of trafficking etc) which as of today continue to reside under conditions which cannot guarantee their safety and well-being. The situation in **Kofinou** Reception Centre is significantly better, however the movement restrictions imposed due to the pandemic intensified the challenges in facilitating the transition of persons granted international protection into the community.

The Asylum Service, the responsible authority for examination of asylum applications as well as the overall coordination on issues related to asylum, asylum seekers, and persons under international protection in coordination with EASO, UNHCR and CyRC, facilitated the development of a comprehensive vulnerability assessment procedure in **Pournara**, in order to identify vulnerable asylum seekers and determine the special procedural guarantees and reception conditions. However, efforts are still ongoing. Furthermore, the issue of identification, determination and provision of specialised reception conditions for vulnerable individuals in the community remains a challenge, due to lack of an effective mechanism which can provide and safeguard reception conditions that address the needs of vulnerable segments of the population.

Most asylum seekers continue to receive material conditions in the community, by submitting an application to Social Welfare Services, the appointed authority for covering reception needs outside the Centres. Several months of disruptions in the allocation of reception allowances were observed, related to the Labour Department's operation arrangements due to the pandemic and the decision not to carry out new registrations, provide job referrals or renew unemployment cards for asylum seekers. Moreover, the private Banks' unwillingness to open bank accounts for asylum seekers, despite the clear guidelines of the Central Bank, contributed to the disruption of reception allowances, especially after the (long awaited) decision of SWS to abandon the voucher system, which was ineffective and degrading for asylum seekers.

In October 2020 the Social Welfare Services terminated the practice of providing material conditions (food, clothes) in the way of vouchers. This practice had received many complaints by beneficiaries and criticism from NGOs and UNHCR as the system is considered degrading and ineffective. Specifically, the vouchers could only be redeemed at appointed local and usually small shops, often accused of high prices



and there were systematic delays in the issuance of the vouchers leaving asylum seekers with no access to food. The new system replaces the amounts provided with vouchers with cheques but the intention is for these to be replaced by bank transfers and the SWS is currently requesting bank account details for this purpose. For exceptional cases where there is no bank account vouchers may still be issued.

Risk of homelessness remains particularly high because of the high rent prices, the chronic lack of housing schemes and the current practice of SWS to carry out accommodation interventions for very few particularly vulnerable individuals.

The pandemic severely impacted asylum seekers' access to jobs and posed challenges to enjoying health services, due to the fact that asylum seekers (and other TCN) do not participate in the new national health system (GESY), through which Covid-19 related medical advice and guidance was provided to the majority of Cyprus residents.

## 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 of 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 by 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>227</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. The appeal submitted before the IPAC for decisions issued in the regular procedure has

<sup>227</sup> Article 11(B)(2) Refugee Law.

suspensive effect and access to reception conditions until the issuance of the IPAC's decision. Whereas an appeal for decisions issued in the accelerated procedure; subsequent applications; decisions that determine the asylum application unfounded or inadmissible; and decisions related to explicit or implicit withdrawal do not have suspensive effect and a separate application must be submitted before the IPAC requesting the right to remain.<sup>228</sup>

**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 during the admissibility procedure and have access to material reception conditions.

According to the Refugee Law,<sup>229</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>230</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>231</sup> the confirmation that the application has been made is provided three days after the application is actually lodged. Furthermore, the Law allows for six days to elapse between making and lodging an application.<sup>232</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.

From 2019, all persons wishing to apply for asylum who have recently entered the country in an irregular manner are referred to **Pournara** First Registration Centre for registration, lodging of asylum application, and medical and vulnerability screenings. However, in 2020 as asylum seekers were not allowed to exit the Centre, it soon exceeded capacity and the authorities were not able to always refer people to the Centre and as alternative access to asylum procedures was not provided, persons were left unregistered and with no access to reception conditions. This led to persons trying to apply for asylum remaining homeless and sleeping rough near and around the Immigration Unit in **Nicosia** for days, before being sent to **Pournara**, where they were accommodated in tents outside the designated area of the facility. In early 2021, approximately 200 asylum seekers are placed in tents outside the Centre in extremely substandard conditions.

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>233</sup> issued as a Notification by the Council of Ministers.<sup>234</sup> This Notification has always been considered problematic as it sets additional requirements not foreseen in the Law. In addition, the Refugee Regulations afforded to the Council of Ministers the power to determine the conditions and the level of assistance provided.<sup>235</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>236</sup> although the Notification and the relevant application form are no longer in effect, the application and all elements included are still used in practice.

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<sup>228</sup> Article 8 (1A) Refugee Law.

<sup>229</sup> Article 9IA(3) Refugee Law.

<sup>230</sup> The confirmation provided is titled ‘Confirmation of Submission of an Application for International Protection’.

<sup>231</sup> Article 8(1)(b) Refugee Law.

<sup>232</sup> Article 11(4)(a) Refugee Law.

<sup>233</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>234</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>235</sup> Refugee (Asylum Seekers’ Reception Conditions) Regulations 2005-2013.

<sup>236</sup> Note 35(1)(δ) Refugee Law.

The Law provides that material reception conditions are provided to applicants to ensure an adequate standard of living capable of ensuring 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>237</sup>

### 1.1. Sufficient resources

As mentioned above, the eligibility requirements, and the reasons for the termination of material assistance are regulated in the Notification,<sup>238</sup> which, whilst no longer in effect, is still used in practice. This Notification still includes the amounts no longer in effect, which were provided for the coverage of reception conditions.

The Welfare Services require the applicant to submit the number on the Aliens Registration Certificate (ARC) in order to be entitled to all reception conditions (food/clothing allowances, personal expenses, and rent). Delays in the issuance of the ARC impacts timely access to reception conditions. If an asylum seeker applies for welfare benefits without an ARC, he/she is usually granted a part of the foreseen amounts through vouchers, until the ARC number is issued. During 2020, delays in the issuance of the ARC did not emerge as a major obstacle in accessing reception conditions, due to the fact that the majority of asylum seekers who had recently arrived in the country were referred to **Pournara** First Registration Centre. As they were obliged to stay there for long time, often for many months, the ARC was issued during that period and was typically available to those who were permitted to exit the Centre, usually vulnerable persons. However, there were still reports of asylum seekers exiting the Centre, without an ARC which adversely affects their access to reception conditions in the community.

The level of material reception conditions provided to asylum seekers in the community does not provide for a dignified standard living, which has been repeatedly raised in 2019 by NGOs, UNHCR,<sup>239</sup> the Ombudsman's Office,<sup>240</sup> and the Commissioner for Children's Rights.<sup>241</sup> This has led to many asylum seekers, including families with young children, to live in conditions of destitution, relying heavily on charities to cover basic needs such as food. The same applies for housing, as the sharp increase of rent in urban areas in recent years as well as the lack of networking capacity among newcomers has resulted in increased numbers of homeless people.<sup>242</sup>

<sup>237</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>238</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>239</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/2IWKnsM>; UNHCR, 'Homelessness is becoming an increasing issue for asylum-seekers in Cyprus', 23 April 2018, available at: <https://bit.ly/39TtzvR>; 'Asylum-seekers complain to UNHCR about their deteriorating living conditions', 15 December 2017, available at: <https://bit.ly/33mndfZ>; 'Η ζωή αιτητών ασύλου στην Κύπρο - Μαρί \*, μητέρα και μηχανικός αυτοκινήτων', 10 August 2017, available in Greek at: <https://bit.ly/2ILghG1>; '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>240</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>241</sup> See Έκθεση Επιτρόπου, αναφορικά με τις υλικές συνθήκες υποδοχής που παραχωρούνται στους Αιτητές Ασύλου που δεν υπάρχει δυνατότητα φιλοξενίας σε κέντρα υποδοχής και της μεταχείρισης ευάλωτων προσώπων', available at: <https://bit.ly/2walQtx>.

<sup>242</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>.

Even in the cases where asylum seekers 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 childcare 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 for a short period, but reinitiated before the pandemic. Currently, due to Covid-19 related measures, all asylum seekers who either had registered with the Labour Department prior to the pandemic as well as those who wanted to register for the first time, receive reception conditions without submitting/renewing a labour card.

## 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:** For people in the community, if there is no vacancy in the reception centre, which is typically the case, an application form for 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>243</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, following a Ministerial Decision in 2018, 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.<sup>244</sup> In any case, currently, and due to covid-19 measures, newly registered asylum seekers are not required to present a valid labour card to Social Welfare Services for purposes of receiving reception conditions, as the Labour Dept does not perform new registrations of asylum seekers. Social Welfare Services acknowledged this practice and grant reception allowances to those asylum seekers. Also, regarding the confirmation that there is no availability at the reception centre to host the claimant by the Asylum Service, it is often secured by direct telephone communication between Welfare Services and the Asylum Service, or even omitted since 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 approximately 2-3 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

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<sup>243</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>244</sup> Ministerial Decision 308, 26 October 2018.

order for the benefits to be approved every month. Delays in the issuance of the Alien's Registration Certificate (ARC) can contribute to the delays, as persons who do not hold an ARC number are not able to receive reception conditions in the community.

The application for material assistance can be submitted without proof of residential address, however, this process will deprive applicants of rent allowances. In 2020, the authorities moved hundreds of asylum seekers already residing in the community, either in private accommodation which they had secured on their own, or in low budget hotels where they were placed by Social Welfare Services due to being homeless or vulnerable to **Pournara** Camp. For those remaining in the community, or those who, due to vulnerabilities, were allowed to exit **Pournara** and return to the community, housing was a major issue and they often found themselves in destitution. Practical difficulties in obtaining certain requirements such as a rental agreement, a 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 being unwilling to provide housing to asylum seekers are also alarming. The rapid rise in demand for housing in urban areas from 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 to 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 2020, was uniformly applied in all cases, increasing the risk of destitution and homelessness.

For an asylum seeker to receive material conditions they must show to the Welfare that they are actively pursuing employment. 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 Labour Department. 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; and not being able to immediately secure childcare due to lack of funds etc.

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 two-three months before being able to apply again to Welfare Services. The exact waiting time before a new application can be lodged varies between Welfare Officers and the district office where the application is submitted. This is the most common reason for the Welfare Services to terminate material assistance for asylum seekers.<sup>245</sup>

By the end of 2020, the number of wilfully unemployed asylum seekers has been drastically reduced due to the decision of the Labour Department not to carry out new registrations of asylum seekers as part of the measures to address Covid-19 and, therefore, material conditions are provided by the Welfare Services without job referrals. Furthermore, for asylum seekers who had been registered with the Labour Department prior to the pandemic the number of referrals to jobs in 2020 was extremely low due to the pandemic and, again, in such cases asylum seekers received material conditions without having to prove that they are actively pursuing employment. It should be noted that the decision of Welfare Services to grant material conditions to asylum seekers without proof that they are actively pursuing employment came several months after the initiation of Labour Department practice. It was a source of destitution for those asylum seekers who were not permitted to register for the first time in Labour Department as

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<sup>245</sup> Based on information provided by asylum seekers to Cyprus Refugee Council and Caritas Cyprus.

unemployed, but particularly for those who had their labour office files terminated/under review just before the measures were taken, since they could not receive material conditions.

The Labour Department's practice implemented in 2020, by which no new registrations of asylum seekers are carried out, has further impacted the prospect of asylum seekers to secure employment. Such prospects had indeed already deteriorated due to the overall impact of the pandemic on the economy.

## 2. Forms and levels of material reception conditions

### Indicators: Forms and Levels of Material Reception Conditions

- |  |              |
|--|--------------|
| 1. Amount of the monthly financial allowance granted to asylum seekers as of 31 December 2020 (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>246</sup> Material assistance can be provided in kind and/or in vouchers, and if this is not possible, through financial aid, as it is currently the case.<sup>247</sup> In practice, after exiting Pournara First Registration Centre, and if there is no vacancy in the Reception Centre (which is the case most of the time), 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 and since October 2020, the allowances for food, clothing, utility bills, and minor expenses are provided by cheque, sent to the registered address of asylum seekers instead of vouchers as was done before. The rent allowance is payable directly to landlords. Residents of the reception centre are granted two hot meals per day and supplies to prepare breakfast as well as a monthly stipend of €100 for the head of the family and to €50 for every other family member.

Granting material conditions by cheque to an asylum seeker requires a bank account to be opened in his/her name. During the reporting period, a large number of complaints was received concerning the ability of asylum seekers to open an account, and thus their ability to access basic rights. The main issues identified concerned the documents required by banks (such as utility bills in the name of the applicant, rent contracts signed by two Cypriot citizens, police records from country of origin, and passports); significant delays in concluding the procedures; large discrepancies in bank account opening policies between branches/officers and the requirement for the applicant to speak good Greek/English.

In 2017, the Central Bank of Cyprus and the Association of Credit Institutions adopted the law 64 (I)2017<sup>248</sup> which transposed the European Union Directive 2014/92/EU on the comparability of fees related to payment accounts, payment account switching, and access to payment accounts with basic features (Payments Accounts Directive). In February 2019, the Central Bank released the "Directions/Instructions to Credit Institutions in Accordance with the Article 59(4) of the Prevention and Control Revenues from Illegal Activities for 2007-2018)."<sup>249</sup> Articles 16 and 17(4) stress the right of accessing basic bank accounts without any discrimination against consumers legally reside in the European Union including asylum seekers, for reasons such as their nationality or place of residence.

Regarding Asylum Seekers, the above mentioned instructions of the Central Bank set the Alien Registration Certificate and the Confirmation for the submission of an application for International

<sup>246</sup> Article 2 Refugee Law.

<sup>247</sup> Article 91B Refugee Law.

<sup>248</sup> Law Regulating the Compatibility of Fees, Payment Account Switching, and Access to Payment of 2017, available in Greek at <http://bit.ly/3rOCarV>.

<sup>249</sup> «Οδηγία προς τα Πιστωτικά Ιδρύματα σύμφωνα με το αρ.59(4) των Περί της Παρεμπόδισης και καταπολέμησης της Νομιμοποίησης Εσόδων από παράνομες δραστηριότητες Νόμων του 2007 Εως 2018», Φεβρουάριος 2019 available in Greek at: <https://bit.ly/3eVlxXF>.



Protection issued by the Asylum Service<sup>250</sup> as the required documents for opening a bank account. It is also indicated that if a credit institution has valid doubts regarding the originality of the documents, it should not contact any governmental agency or credit institution from the country of origin of the person but an appointed department in Cyprus.

Regarding the verification of the address of an applicant, credit institutions may visit the applicants' residence or use other documents, such as a recent utility bill,<sup>251</sup> documents issued by the State (Confirmation Letter, Alien book) or an affidavit to confirm this.<sup>252</sup>

Following interventions by UNHCR and NGOs, as well as meetings between Central Bank, Asylum Service and Social Welfare Services, the situation was significantly improved. A sector wide Circular/Guidance Note was issued by Central Bank on 12 November 2020, providing clear guidelines to all banks regarding the documentation needed by asylum seekers. Furthermore, the Social Welfare Services began issuing a letter for purposes of opening an account for asylum seekers, confirming that the applicant is a recipient of material reception conditions, while the Asylum Service provides confirmation of residence status for applicants when needed.

Despite the significant improvement, various challenges such as the time needed for processing applications for opening an account, the requirement of a certificate from the (Cyprus) police, and effective communication in Greek or English, remain. It is also important to note that the abovementioned consultations mainly involve the two largest private Banks in Cyprus, which engaged in the dialogue, out of the 29 registered credit Institutions in Cyprus.

In November 2020, SWS sent a form to recipients of MRC asking them to submit their IBAN and authorise SWS to deposit the allowances directly in their accounts rather than by cheques, however this system is not in place yet.

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

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<sup>250</sup> Article 143, «Οδηγία προς τα Πιστωτικά Ιδρύματα σύμφωνα με το αρ.59(4) των Περί της Παρεμπόδισης και καταπολέμησης της Νομιμοποίησης Εσόδων από παράνομες δραστηριότητες Νόμων του 2007 Εως 2018», Φεβρουάριος 2019 available in Greek at: <https://bit.ly/3eVlxXF>; "Αιτητές διεθνούς προστασίας (των οποίων η αίτηση εξετάζεται από τις αρμόδιες κυπριακές αρχές και συνεπώς δεν διαθέτουν την ειδική άδεια διαμονής και το ταξιδιωτικό έγγραφο πρόσφυγα τα οποία ικανοποιούν τα κριτήρια (α) έως (γ) της παραγράφου 133 της Οδηγίας), δύνανται να ζητήσουν το άνοιγμα λογαριασμού πληρωμών με βασικά χαρακτηριστικά, προσκομίζοντας τη βεβαίωση υποβολής αίτησης από την Υπηρεσία Ασύλου του Υπ. Εσωτερικών καθώς και το Δελτίο Εγγραφής Αλλοδαπού.

<sup>251</sup> Article 126, «Οδηγία προς τα Πιστωτικά Ιδρύματα σύμφωνα με το αρ.59(4) των Περί της Παρεμπόδισης και καταπολέμησης της Νομιμοποίησης Εσόδων από παράνομες δραστηριότητες Νόμων του 2007 Εως 2018», Φεβρουάριος 2019 available in Greek at: <https://bit.ly/3eVlxXF>. "Πέραν από την εξακρίβωση του ονόματος, εξακριβώνεται και η διεύθυνση μόνιμης κατοικίας του πελάτη με ένα από τους πιο κάτω τρόπους: (i) επίσκεψη στον τόπο κατοικίας (σε μια τέτοια περίπτωση θα πρέπει να ετοιμάζεται και καταχωρείται στο φάκελο του πελάτη σχετικό σημείωμα από το λειτουργό του πιστωτικού ιδρύματος που πραγματοποίησε την επίσκεψη), (ii) η προσκόμιση ενός πρόσφατου (μέχρι 6 μήνες) λογαριασμού Οργανισμού Κοινής Ωφέλειας (π.χ. ηλεκτρικού ρεύματος, νερού), ή έγγραφο ασφάλειας κατοικίας, ή δημοτικών φόρων ή/και κατάστασης τραπεζικού λογαριασμού. Η διαδικασία εξακρίβωσης της ταυτότητας ενός πελάτη ενισχύεται εάν το εν λόγω πρόσφατο έχει συστηθεί από κάποιο αξιόπιστο μέλος του προσωπικού του πιστωτικού ιδρύματος ή από άλλο υφιστάμενο αξιόπιστο πελάτη ή τρίτο πρόσωπο γνωστό σε προσωπικό επίπεδο στη διεύθυνση του πιστωτικού ιδρύματος. Λεπτομέρειες τέτοιων συστάσεων πρέπει να σημειώνονται στον προσωπικό φάκελο του πελάτη."

<sup>252</sup> Article 136, (i) «Οδηγία προς τα Πιστωτικά Ιδρύματα σύμφωνα με το αρ.59(4) των Περί της Παρεμπόδισης και καταπολέμησης της Νομιμοποίησης Εσόδων από παράνομες δραστηριότητες Νόμων του 2007 Εως 2018», Φεβρουάριος 2019 available in Greek at: <https://bit.ly/3eVlxXF> "Με τη διεύθυνση που αναγράφεται σε ένα από τα επίσημα έγγραφα για τα οποία γίνεται αναφορά στην παράγραφο 133 και που μπορεί να αντιπροσωπεύει ακόμα και την προσωρινή διεύθυνση του προσώπου που αιτείται την έναρξη επιχειρηματικής σχέσης (π.χ. ενός κυβερνητικού κέντρου υποδοχής αιτητών πολιτικού ασύλου ή ενός μη-κυβερνητικού οργανισμού που βοηθά το εν λόγω πρόσωπο). (ii) Με ένορκη δήλωση της διεύθυνσής τους καθώς και της υποχρέωσης να ενημερώσουν το πιστωτικό ίδρυμα, το συντομότερο δυνατόν, σε περίπτωση αλλαγής της διεύθυνσής τους."



to protect their physical and psychological health”.<sup>253</sup> It also provides that the amount of the assistance provided should be in accordance with the amounts granted for securing an adequate living standard to nationals.<sup>254</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>255</sup>

Since 1 June 2019, and following a Ministerial Decision dated 6 May 2019, the amounts granted for covering material reception conditions have been revised upwards but remain low.<sup>256</sup>

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

Number of persons	Food, clothing and footwear	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 disabilities. These are therefore 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.

Currently, the amount to cover basic needs for nationals / EU citizens and beneficiaries of international protection is regulated by the Guaranteed Minimum Income (GMI) law and it is set at €480 (in cash) per month for one person, while the corresponding amount for asylum seekers is €261. The foreseen monthly rent allowance for nationals/EU citizens and BIP 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

<sup>253</sup> Article 9IA(1) Refugee Law.

<sup>254</sup> Article 9IB(2)(a) Refugee Law.

<sup>255</sup> Article 9IB(2)(b) Refugee Law.

<sup>256</sup> Decision of Council of Ministers 87.433.

€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 and 2020, 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 and confirmation from Inland Revenue Department). In the case of nationals, under the new Guaranteed Minimum Income legislation, rent allowance is also paid directly to landlords and the possibility of further adjustments, depending on the needs of the household, is foreseen.

The material assistance was increased in 2019 for the first time since 2013 after repeated advocacy interventions from NGOs, UNHCR, and others about it being far from sufficient to cover the standard cost of living and housing in Cyprus.<sup>257</sup> Such inadequacy still emerges when looking at the difference between the rent allowance amounts for nationals and for asylum seekers and undermines the obligation to ensure dignified living conditions for asylum seekers. Such a 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>258</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>259</sup>

Asylum seekers are not entitled to any other social benefits granted to nationals such as: 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; and care allowance schemes for paraplegic/quadruplegic persons etc.

### 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>260</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 into national legislation.<sup>261</sup> However, there are no guidelines regulating the implementation of that possibility and, in practice, the enjoyment of reception conditions by children is dependent upon their parents' eligibility to access them.

<sup>257</sup> UNHCR, *Living Conditions of Asylum Seekers in Cyprus*, 2018, available at: <https://bit.ly/39oGg0Q>.

<sup>258</sup> RICS, *Cyprus Property Price Index Q2 2018*, available at: <https://bit.ly/2J7cg1k>.

<sup>259</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>.

<sup>260</sup> Article 9KB(1)(a) Refugee Law.

<sup>261</sup> Article 9KB(1) Refugee Law.

Under the Refugee Law, reception conditions may be reduced or – in exceptional and duly justified cases – withdrawn by the Asylum Service, where:<sup>262</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 is immediately terminated without taking into account whether the remuneration is sufficient 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 total lack of transportation to/from the workplace, and an inability to pay for child-care in order to attend work etc.

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>263</sup> In practice, this provision is not implemented. Therefore, vulnerable persons residing in the community may also find themselves without any coverage of reception conditions. By the end of 2020, the number of wilfully unemployed asylum seekers has been drastically reduced due to the decision of the Labour Department not to carry out new registrations of asylum seekers as part of the measures to address Covid-19 and therefore material conditions are provided by the Welfare Services without job referrals. Furthermore, for asylum seekers who had been registered with the Labour Department prior to the pandemic the number of referrals to jobs in 2020 was extremely low due to the pandemic and, again, in such cases asylum seekers received material conditions without having to prove that they are actively pursuing employment.

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<sup>262</sup> Article 9KB(1)(a) Refugee Law.

<sup>263</sup> Article 9KB(2) Refugee Law.

Still, the particular decision of SWS came several months after the initiation of the Labour Department practice. This was a source of destitution for asylum seekers who were not permitted to register for the first time in the Labour Department as unemployed, and particularly for those who had their labour office files terminated/under review just before the measures were taken, since they could not receive MRC.

The partial restriction of reception conditions only applies to persons not residing in a reception centre and, in particular, to 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 and other required information regarding the property they are renting, which currently include (apart from taxation stamps for agreements exceeding €5,000) signatures and ID numbers of two witnesses, as well as copy of the property title. That means that they can receive amounts for covering electricity costs and other 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>264</sup> however as in the asylum procedures (see [Regular Procedure: Legal Assistance](#)) a 'means and merits' test 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".<sup>265</sup> 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. According to the Refugee Law, a dignified standard of living, as well as access to care and support, should be secured for all asylum seekers whose reception conditions have been reduced or withdrawn, including for persons who were evicted by the Reception Centre for breaching its rules of operation.<sup>266</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 Labour Department. It has also triggered a recent announcement of more stringent measures by the Minister of Interior, including, among others, the creating closed-type hosting centres (see above) as well as the transformation of Pournara First Reception Centre into a closed facility.

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<sup>264</sup> Article 6A(6) Legal Aid Law.

<sup>265</sup> Article 6B(2)(b)(bb) Legal Aid Law.

<sup>266</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 RoC.<sup>267</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>268</sup>

Asylum seekers currently reside where they choose, with the exception of Chloraka, in the Pafos district where, according to a Ministerial Decree issued in December 2020, new asylum seekers are no longer allowed to reside.<sup>269</sup> All asylum seekers 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>270</sup> If they fail to do so, they may be considered to have withdrawn their asylum application, although in practice in recent years there have been no indications of this being implemented. There is no legislative differentiation regarding the provision of material conditions based on the area of residence.

Since 2019, newly arrived asylum seekers that present themselves to the Immigration Offices in **Nicosia** are transferred to **Pournara** First Reception Centre to undergo identification, registration and make their application as well as undergo a medical screening and vulnerability assessment. Officially the stay in the Centre is 72 hours during which movement outside the Centre is completely restricted. In practice the stay in the Centre is determined by the time needed for the medical tests (Mantoux test, HIV, and Hepatitis) to be concluded and usually reached 7-10 days. Due to the high numbers of applicants in 2019, and delays in the tuberculosis screening (including need to re-test due to positive results), there were instances where asylum seekers stayed in the Centre for one month. In early 2020, without prior notice, asylum seekers were obliged to remain at the **Pournara** Camp for undefined periods reaching many months and leading to *de facto* detention. Only a small number of asylum seekers were allowed to move out of the Centre, usually due to their vulnerability or ability to secure a valid address in the community.

As far as the situation in the community is concerned, and as of late 2020, the Minister of Interior issued for the first time a Ministerial Decree which prohibits asylum seekers from residing within the administrative boundaries of **Chloraka**, in **Pafos** district.<sup>271</sup> The rationale of the decision includes reasons such as the “massive settlement of International Protection holders” in the area, resulting in “social problems” and “demographic change”. Persons originating mainly from Syria have been residing in the particular area for over 10 years, some even prior to the Syrian conflict. The number of Syrian residents has increased during the last 4 years, as a result of the Syrian crisis. The Decree was issued after demonstrations were held by a number of local actors, which raised concerns over racial alteration of the community due to approximately 20% of the community being Syrians. Following a crime involving a Syrian resident, a public discourse emerged resulting in the stigmatisation of the whole Syrian community

<sup>267</sup> Article 9KB(2) and (4) Refugee Law.

<sup>268</sup> Article 9E(1) Refugee Law.

<sup>269</sup> Ministerial Decree K.Δ.Π. 583/2020 pursuant to Article 9E(1)(a)(ii) of the Refugee Law, available at <http://bit.ly/3tGMgMS>.

<sup>270</sup> Article 8(2)(a) Refugee Law.

<sup>271</sup> Ministerial Decree K.Δ.Π. 583/2020 pursuant to Article 9E(1)(a)(ii) of the Refugee Law, available at <http://bit.ly/3tGMgMS>.

in the area. The Decree that was issued fails to provide informed and relevant reasons for imposing the particular restrictions while it introduces a racially discriminatory rationale, contradicting the provisions of Directive 2013/33, as well as various anti-discriminatory provisions outlined by international and local legal texts.

## 5. Housing

### 1. Types of accommodation

#### Indicators: Types of Accommodation

1. Number of reception centres:<sup>272</sup> 2 + 5 shelters for UASC
2. Total number of places in the reception centres: 1,900 (both Centres) + 90 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: Not available

#### 1.1. First Reception Centre, Pournara

The Emergency Reception Centre (**Pournara**) has been converted into a First Reception Centre. 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 was carried out on one section at a time.<sup>273</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>274</sup>

Currently, approximately 1,600 persons are accommodated. The nominal capacity of the Centre is 1,000 persons, which includes areas without access to an electricity supply, therefore the facility is considered as heavily overcrowded. Residents within the confined areas are accommodated in prefabricated housing units, tents, and refugee house units, which were provided by UNHCR with the purpose to replace tents with more appropriate solutions. Refugee housing units are, however, still used in parallel with tents, due to the authorities' incapacity to upgrade housing infrastructure of the Centre. In addition to the designated areas, approximately 200 persons are accommodated in tents out in the open, next to the Centre, in extremely bad conditions.

There are 11 quarantine sections in **Pournara** camp, and one safe zone intended to accommodate UASC, single women, and families after the quarantine period. In practice, many single women and families are still spread all over the centre, including the quarantine sections, with many persons remaining there for more than 4 months.

Regarding referrals to the Centre throughout 2019, asylum seekers who had recently arrived in the country in an irregular manner and presented themselves to the Aliens and Immigration Unit in Nicosia were referred to the Centre. The services provided in the Centre include identification, registration, and lodging of asylum applications as well as medical screenings and vulnerability assessments. The medical test includes tuberculosis screening (Mantoux test), HIV, and Hepatitis. The movement of asylum seekers were initially restricted within the premises of the Centre for 72 hours, until the results of the tests were

<sup>272</sup> Both permanent and for first arrivals.

<sup>273</sup> Information provided by Asylum Service.

<sup>274</sup> EASO Operating Plan 2020, available at: <http://bit.ly/382C6el>.



concluded, although in practice, their stay would be prolonged according to the time required for completing all tests.

In February 2020, due to the Action Plan to address flows of migrants in the country, and then in March 2020, as part of measure to address Covid-19 and before completion of construction, persons were not allowed to leave the First Reception Centre. This policy continued throughout 2020 and 2021 with persons remaining in the Centre for periods reaching 5-6 months. At times, **Syrian** asylum seekers were allowed to leave on the grounds that they have relatives or friends that can provide accommodation. At other times and after strong reactions from asylum seekers in the Centre, the Asylum Service started allowing 10 or 20 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 already in contact with persons in the community. This policy has been justified by the authorities as part of the measures to address the increase in migrant flows as well as spread of Covid-19, however it has led to severe overcrowding without the infrastructure in place to host such numbers. In many cases, the duration of stay reaches 5 months and considering that persons have complete restriction of movement outside of the Centre, it has become a *de facto* detention. This has led to demonstrations by the residents nearly on a daily basis, ranging from peaceful to forceful.<sup>275</sup> The situation has also raised concerns among UNHCR <sup>276</sup> and the EU Commission.<sup>277</sup>

Furthermore, in early 2021 in a letter addressed to the Minister of Interior of Cyprus, the Council of Europe Commissioner for Human Rights, Dunja Mijatović raised her concerns on the conditions in **Pournara** and called on 'the Cypriot authorities to bring the conditions in reception facilities for asylum seekers and migrants in line with applicable human rights standards and ensure that they enjoy effective access to all necessary services. With particular reference to restrictions on freedom of movement which are applied as a preventive measure against the Covid-19 pandemic to the residents of migrant reception facilities, the Commissioner recalls that rather than preventing the spread of the virus, deprivation of liberty risks endangering the health of both staff and asylum seekers and migrants, as these facilities provide poor opportunities for social distancing and other protection measures. She therefore urges the Cypriot authorities to review the situation of the residents of all reception centres, starting with the most vulnerable. She also emphasises that since immigration detention of children, whether unaccompanied or with their families, is never in their best interest, they should be released immediately.'<sup>278</sup>

In view of the obstacles in identifying accommodation due to covid-19 measures, and the inability for residents to visit the community while residing there, it is extremely difficult to secure a housing contract, unless they are already in contact with persons in the community. This has resulted in many asylum seekers of African countries being disproportionately confined in the Centre as they cannot obtain such a document.

At the time of publication, the number of persons allowed to leave the Centre increased to around 50 persons a day. Furthermore, persons in the Centre who have completed registration are allowed two exits per day, in accordance with the measures to address Covid-19 applicable for the general public, and exit cards have been issued for this purpose.

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<sup>275</sup> Politis, 'New protest in Pournara - 1600 refugees stacked in a centre of 700 people', 1 February 2021, available in Greek at <http://bit.ly/3tDS6yr>. See also: DW, 'Cyprus: Refugee protests over incarceration conditions', available in Greek at <http://bit.ly/3c6pwQC>; Cyprus Mail, 'Migrants at Pournara stage Protest', 27 May 2020, available at <https://bit.ly/3lETkXB>; Dialogos, 'Protestes with tensions at Pournara Reception Centre', 11 June 2020, available in Greek at <http://bit.ly/3vWF5lR>; U.S Department of State, *2020 Country Reports on Human Rights Practices: Cyprus*, available at: <https://bit.ly/3rF00X2>.

<sup>276</sup> Kathimerini, 'UNHCR: Need to decongest Pournara', 13 January 2021, available in Greek at <https://bit.ly/3f2uorE>.

<sup>277</sup> Kathimerini, 'Brussels concerned about Pournara', 16 February 2021, available in Greek at <https://bit.ly/3c8Axk6>.

<sup>278</sup> Council of Europe, Commissioner of Human Rights, Letter to the Minister of Interior of Cyprus Available at: <https://bit.ly/3mmJiuE>.



In respect of Covid-19 measures, it was announced that residents of **Pournara** and **Kofinou** Centres will participate in the national Covid-19 Vaccination Plan.

## 1.2. Reception Centre for Asylum Seekers, Kofinou

The main reception centre is located 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 – it is currently accommodating around 300 persons). The Reception Centre is located in a remote area (roughly 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 connecting transport can be used to reach other destinations.

Regarding the referral criteria of asylum seekers to the **Kofinou** Reception Centre, 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 by 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. Furthermore, during 2020, admissions of single men from **Syria** did take place.

## 1.3. Residing in the Community

With the total number of asylum seekers reaching 19,000 and capacity of Reception Centres limited to around 2,000, most asylum seekers reside in the community in private houses/flats, which they are expected to secure on their own.

As the Reception Centre is at maximum capacity at almost all times, the Welfare Services bears 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 as part of this process.

During 2019, Social Welfare Services engaged in identifying private housing for the homeless beneficiaries (or those at risk of becoming homeless), due to the very high number of persons in that situation. This practice mainly involved Nicosia and not the other districts and, at certain times during the year, was disrupted.

Social Welfare Services' housing arrangements mainly involved newly arrived families with minor dependants. Placements were usually in budget hotels and apartments/houses in both urban and rural areas. Persons were usually placed here 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 low standards or that were unsuitable, especially for families, and had poor infrastructure and a lack of necessary equipment/amenities.

However, in 2020, following the announcement of stringent measures 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 all hotels to close down. A number of those asylum seekers (approximately 860 persons) were moved into **Kofinou** Reception Centre as well as to **Pournara** First Registration Centre. Very few exceptions were made for vulnerable persons, and these were only made following interventions of NGOs. A number of people did not agree to move to Pournara and were deprived of reception conditions for prolonged periods of time.

Currently, usually following the identification of vulnerable cases in **Pournara** Camp and the interventions of NGOs suggesting that particular individuals should not reside in it, a small number of placements can take place. Towards the end of the reporting period, SWS started sending letters to people benefiting from those placements, setting a 3-month limit after the expiration of which, they should leave. Yet, there are no reports of persons actually being evicted.

## 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>279</sup>

The measures announced in early 2020 to address migrant flows, included the following '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.' In practice local authorities were requested to investigate such residences and visits were carried out, however no action was taken. Currently such premises continue to be in use.<sup>280</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. For the most part of 2020, the centre has been operating at full, or close-to-full, capacity.

Initiatives to build coordination between governmental and civil society actors started taking place in 2019, and a coordination meeting was organized. However, due to covid-19 restrictions, those initiatives were postponed throughout 2020.

Regarding the monthly stipend provided to residents, this 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 structures), with rooms designated to accommodate two to 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

<sup>279</sup> Based on reports from asylum seekers to Cyprus Refugee Council social advisors and home visits carried out by the advisors.

<sup>280</sup> Ministry of Interior, Λήψη μέτρων για την ολιστική αντιμετώπιση των μεταναστευτικών ροών, 12 March 2020, available in Greek at: <https://bit.ly/3as04kZ>.

rooms, while single persons do. Single men and single women use separate toilets/bathrooms. Families are placed in containers with two rooms (one for each family) where a common *en-suite* bathroom/toilet is shared. In the case of a family with many members, both rooms (i.e., the whole container) can be allocated.

According to reports of residents to the Cyprus Refugee Council prior to the pandemic, the cleaning of shared toilets/bathrooms had improved. Families must clean their own toilets. Complaints of not having enough hot water throughout the day were also rare. However, the breakout of the pandemic resulted in disruptions to cleaning/maintenance staff engagement, which subsequently resulted in an increased number of complaints regarding common spaces, cleaning, and repairs of infrastructure. Furthermore, reports of insects and snakes appearing in the premises, due to the location of the Centre, continue.

The Reception Centre is located near a unit that processes animal waste as well as a unit for incineration of animal waste. As a result, 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, 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 remains unresolved. The Ombudsman's office issued a relevant report based on the above findings urging for an appropriate solution.<sup>281</sup>

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 typically accommodated.

Some complaints regarding quality, quantity and variety of the food are still observed and residents continue to request the option to prepare their own food, in suitable spaces. Plans to convert a kitchen and a dining area in a single dining area, have not yet been materialized. 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 are served.

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 for families. Despite the inability of volunteers to visit the centre, transfer of goods from the community to the Camp for dissemination was taking place during 2020. A new structure to host residents and volunteers in order to carry out activities, operating as an integration hub was developed, however no such activities took place due to the Covid-19 situation.

Prior to the pandemic, residents were allowed to go out when they wished, provided that they would not leave the centre for prolonged periods of time. This was not the case during the pandemic period as residents were not permitted exit unless for very urgent matters, such as health care reasons or meetings related to their asylum claims. The restriction also included attending religious services outside the Centre. At time of publication residents were allowed 2 exits per day, under the same Covid-19 restrictions applicable to all person in Cyprus.

Children in the Centre attend primary and high school in the community. In respect of the primary school, which is 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

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<sup>281</sup> A/Δ4 /2019 & A/Π 1658/2019.

discriminatory incidents were recorded and the integration of minors in schools is reported, overall, as satisfactory by residents. During 2020, and due to covid-19 measures, schools suspended operations for prolonged periods of time (including those attended by children residing in the centre). However, in November to mid December 2020, due to restrictions imposed on Centres for refugees and migrants, children from **Kofinou** were restricted from attending school physically while all other children in the country were able to attend school.

During periods where physical attendance was not allowed, children in the Centre were supported to follow online classes or to access other support provided by the schools and the Centre, using equipment provided by UNHCR.

In respect of Covid-19 related measures, where residents were found to be positive, they were transferred to hotels contracted by the authorities for quarantine purposes. Testing for Covid-19 is being carried out for residents from time to time.

## 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: an NGO providing management services/social support in the Centre with 3 social workers and 6 administrators; 2 social workers from SWS (since October 2020); and support from EASO with 1 induction community link officer, 3 social workers, (with 1 being specialised in vulnerable persons), 4 interpreters (Arabic, Somali, French, Sorani, Kurmanji), and one security officer (responsible for the EASO staff).

Other staff members in the centre include 3 cleaners, 3 maintenance technicians, and 24/7 security officers.

A development, following demands of the residents and as foreseen in the Refugee Law, was the establishment of the "Committee of Resident's Representatives".<sup>282</sup> The Committee carried out weekly meetings with the Director of the Centre, and a Code was signed between the residents and the Centre defining roles and recording procedures. Currently, the committee, though not officially, is inactive.

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, but due to Covid-19 are now providing remote sessions.

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

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.

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<sup>282</sup> Article 9IZ(2) Refugee Law.

### 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. 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. There are no reports of forced eviction.

In light of the centre reaching its maximum capacity and as a way to free up resources, the Asylum Service announced that residents who complete six months of residence in the centre would be given the possibility to apply for reception conditions in the community and to 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 was planned, foreseeing the provision of financial aid/pocket money given directly to the former residents; two-month's rent allowance in advance or the provision of one-week stay in a hotel in case they are not able to find accommodation before leaving the Centre; and informing Social Welfare Services of persons moving in the community. Due to Covid-19 the implementation of the procedure was put on hold and there are no indications when it may be implemented.

## 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 Decree 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>283</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>284</sup>

<sup>283</sup> Article 9Θ(1)(b) Refugee Law; Ministerial Decision 308/2018, 26 October 2018.

<sup>284</sup> Article 9Θ(2)(a)-(b) Refugee Law.

In 2019, additional Orders were issued by the Minister of Labour, Welfare, and Social Insurance affording asylum seekers access to additional employment sectors.<sup>285</sup>

Currently, and according to the above-mentioned Orders, the permitted fields of employments for asylum seekers are the following:

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>
Food Industry	<ul style="list-style-type: none"> <li>-Food Delivery Persons</li> </ul>
Restaurants and Recreation Centres	<ul style="list-style-type: none"> <li>-Kitchen Aides, Cleaners</li> </ul>
Hotels	<ul style="list-style-type: none"> <li>-Kitchen Aides, Cleaners</li> </ul>
Other	<ul style="list-style-type: none"> <li>-Advertising Material Delivery Persons</li> <li>-Laundromat Labourers</li> </ul>

The Labour Department provides job referrals to asylum seekers, usually in a form along with the details of potential employers. Applicants are required to contact them directly, and the employer is expected to

<sup>285</sup> Ministerial Decree 228/2019 pursuant to Article 9Θ(2)(α) of the Refugee Law, see: <https://bit.ly/2IQOEuZ>.

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 and asylum seekers cannot challenge the statements of the employer. This often leads to asylum seekers being considered wilfully unemployed by the Labour Department and the Social Welfare Services, resulting in loss of material reception conditions. Furthermore, there is no effective procedure to challenge the results. Candidates need to report to the Labour Department 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.

During the lockdowns due to the pandemic, the Labour Department started providing services by email. Up to now, new registrations of unemployed persons are possible for Cypriot citizens, European citizens, and IP holders, but not for asylum seekers and other TCN, which are excluded from this process and cannot receive job referrals through this route.

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), they 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, and 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. Currently, due to the measures taken by Labour Department for the pandemic, labour cards are automatically renewed for persons who had an active file in the Labour Department before the pandemic. Asylum seekers who wish to register as unemployed for the first time, or whose files were terminated/under review before the measures were taken and wish to register again, are not able to secure a labour card. For those wishing to register for the first time as unemployed, Welfare Services are currently providing material conditions. Those with a terminated file wishing to register again, were deprived from MRC for prolonged periods of time.

With 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 is compounded by the sharp increase of rent 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 04:00 or 05:00am. Asylum seekers have reported difficulties in commuting to these workplaces using low-cost transportation (e.g., public buses) as public transportation usually starts from around 06:00am and is poorly connected in rural areas. 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 Department and to actively seek employees locally, nationally, or within the EU.<sup>286</sup> As asylum seekers are referred to them by the Labour Department, the employers may try to avoid recruiting them with the hope 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>287</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 workspaces) there is a need for gradual and facilitated transition to employment. Women from Muslim backgrounds wearing visible symbols of their religious identity (for example the *hijab/niqab*) report having faced difficulties accessing the labour market as they were considered, in some cases, as unable to maintain employment due to their attire. 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:** 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 often take two-three months to conclude, which, as a result, is 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.

<sup>286</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>287</sup> See also; Ombudsman, *Report on access of female asylum seekers to employment and social welfare*, 1799/2016, 11 November 2016.

- ❖ **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. Before the outbreak of the pandemic, the public employment service in Nicosia was unable to attend all persons visiting its offices. This had 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 during the day. This situation disrupted access to job referrals and reception conditions, since registration at the Labour Department is a prerequisite.

Since the outbreak of Covid-19, asylum seekers already registered with the Labour Department may scarcely receive job referrals through email and telephone and their access to reception conditions continues. Difficulties in communicating with the Labour Department Officers via email were reported, largely due to linguistic barriers and an unfamiliarity with digital means. The labour Department encouraged job seekers to use an online system for securing job referrals, which is available on their website. However, the unfamiliarity with this system, combined with linguistic barriers, has yielded poor results among the refugee population.

Concerning asylum seekers whose files were 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, access to labour services is not allowed, which effectively deprives them from securing referrals to jobs. This practice adversely affected access to reception conditions for those persons whose files were already terminated before. It did not, however, affect newly arrived asylum seekers, as SWS did take into account the Labour Department's practice and provided those persons with material reception conditions.

Prior to the decision to refer all irregularly arriving asylum seekers to **Pournara** Centre, obstacles that were reported included 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, had prevented persons to register at the Labour Department until they obtained an ARC number.

This is no longer happening due to current situation. New asylum seekers are referred to **Pournara** Camp where the registration process and issuance of ARC number is (usually) completed prior to exiting the Centre. In addition, asylum seekers allowed to exit the Centre will not be able to register with Labour Department, as the latter does not perform new registrations of asylum seekers as per the measures taken due to the pandemic.

According to the Refugee Law,<sup>288</sup> 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, however, there are no professional training schemes available for those specific sectors.

The outbreak of the pandemic has had severe implications on the economy, resulting in a sharp decline of offered positions, as well as termination of employment for many persons. Given the lengthy procedures required for being hired and the inability of many to receive referrals from Labour Department, asylum seekers' access to employment has been particularly impacted.

Asylum seekers are allowed to participate in the support schemes announced by the government for tackling lockdown implications for businesses.<sup>289</sup> Most measures allow a business affected by the lockdown to receive, under certain criteria, a subsidy of the salary paid to its employees, provided that there will be no dismissals. The main issues observed regarding asylum seekers' participation in the support schemes are the following:

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<sup>288</sup> Article 9I(1) and (2), Refugee Law.

<sup>289</sup> Support program for coping with the effects of covid-19, available in Greek at <https://bit.ly/3cMx7mq>.

- b) A lack of information and guidance regarding support measures and procedures to access them. The measures announced involved many different procedures, criteria, and were constantly revised. Given the complexity of the measures, and as a result of linguistic barriers, understanding and accessing the schemes is a challenging task. NGOs try to address the situation by routinely providing information, translated material and advice to asylum seekers, as well as helping them with applications, procedures, document submissions, and communication with employers etc.
- c) Limited access of asylum seekers to bank accounts: employees of companies participating in the support schemes need to present an active bank account to receive the subsidy of their salary. Throughout the reporting period, asylum seekers have been facing considerable difficulties in opening bank accounts in most private banks, which has hindered their access to the support schemes.

In September 2020, the Department of Transportation issued a Circular/Guidance note concerning the criteria and the procedures for obtaining or renewing a driving license in Cyprus.<sup>290</sup> The Circular established additional requirements for non-Cypriot citizens (including asylum seekers), which prevents their access to issuing or renewing driving licenses and, as a result, accessing one of the few allowed and most popular job sectors among asylum seekers, i.e., food delivery. The requirements are considered to be in violation of the Driving License Law<sup>291</sup> that transposes the relevant article of the EU Directive on Driving Licences<sup>292</sup> which requires 6 months residence in Cyprus for an applicant of a driving licence. Specifically, for asylum seekers, the new requirements request a valid residence permit whereas asylum seekers only receive the Confirmation of Submission of an Asylum Application, which acts as a valid residence permit and is accepted by all state agencies, such as the Labour Department, public hospitals, and Welfare Social Services etc. This includes the date of submission therefore verifying the requirement for a 6 month stay in the country.

Following interventions by NGOs, UNHCR, and employers, the issue was brought before the Human Rights Committee of the Parliament in February 2021 for discussion in view of the discriminatory policy and violation of the Law and EU Directive. During the discussion, the Department of Transportation agreed to review the criteria, however at date of publication this had not taken place.

Asylum seekers who have secured work contribute to the National Health System (GESY) by an amount which is proportional to their salary and deducted every month. Still, they are not allowed to access GESY services and receive lower standard health care through the public hospitals.

## 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>293</sup> In practice, the vast majority of children access public education. However, as there is no systematic monitoring of children's registration at

<sup>290</sup> Circular/Guidance Note αρ.32/2020, «Άδειες οδήγησης – Απαιτήσεις για άδεια παραμονής και τεκμήριο για έξι μήνες παραμονής». <https://bit.ly/3cPlonf>.

<sup>291</sup> Article 5, Driving License Law, available in Greek at: <https://bit.ly/2PzdcQg>.

<sup>292</sup> Article 12. EU Directive 2006/126 on Driving Licenses (Recast), "For the purpose of this Directive, 'normal residence' means the place where a person usually lives, that is for at least 185 days in each calendar year, because of personal and occupational ties, or, in the case of a person with no occupational ties, because of personal ties which show close links between that person and the place where he is living".

<sup>293</sup> Article 9H(1) and (3)(a) Refugee Law.

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, and the limited school capacities to accommodate additional students etc. There is also a lack of official data on dropout rates regarding asylum-seeking children.

Children residing in Kofinou Reception Centre attend regular schools in the community. The Refugee Law<sup>294</sup> allows for education arrangements to be provided in the reception centre. Such arrangements took place for high school students from the beginning of 2017 until the end of the school year in June 2017 after the practice was implemented following an incident between students in a local school where residents of Kofinou Centre attend. This practice has not been repeated since then and all children attend schools in the community.

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 the integration of minors in schools is reported, overall, as satisfactory by residents.

During 2020, and due to Covid-19 measures, schools suspended operations for prolonged periods of time (including those attended by children residing in the centre). From November to mid December 2020, due to restrictions imposed on Centres for refugees and migrants, children from **Kofinou** were restricted from attending school physically when all children in the country were attending. During the periods where physical attendance was not allowed, children in the Centre were supported to follow online classes or received other support by the schools and the Centre, using equipment provided by UNHCR.

Children in the First Reception Centre, **Pournara**, do not attend school regardless of the period they remain in the Centre. Prior to 2020, this was not considered an issue as the majority of persons exited the Centre within 7-10 days. However, throughout 2020 the period of stay was on average 4 months with no facilitation of any form of education for children. At time of publication, there were 129 children in the Centre, 66 UASC of which 33 have been there for over 3 months.

The right of enrolled students to attend secondary education is not affected by reaching the age of 18.<sup>295</sup> However, (and as the last three years of secondary education being non-obligatory) 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's interventions for specific cases have resulted in enrolment but the overall situation remains.

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 secondary education. 23 gymnasiums and 3 lyceums offer classes of 16 hours of Greek per week as well as extra classes for maths, physics, and biology. A smaller number of hours of Greek is offered in 6 more Gymnasiums and 2 lyceums. Classes take place in appointed public schools in each district. Greek classes tailored to the needs of non-Greek speakers are mostly offered separately while 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.

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<sup>294</sup> Article 9H(1) Refugee Law.

<sup>295</sup> Article 9H(2) Refugee Law.

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 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.

At the time of the publication, additional measures for reinforcing non-Greek speaking students' learning were announced.<sup>296</sup> Further monitoring of their implementation is required.

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 in collaboration with KASA, a private educational organisation, concluded a Memorandum of Understanding to jointly work on the protection of refugee children in the Republic of Cyprus by ensuring them access to quality learning, education, and skill-building opportunities.<sup>297</sup> Under this agreement, KASA offered places to refugees and asylum seekers who wished to obtain a high school diploma. Interested individuals aged 16 years or above with a good command of English are eligible to apply and, if selected, attend the programme – following a test and interview. The duration of the programme is a minimum of three years of study leading to a recognised high school diploma. This program continued in 2020. It is the only programme offering free classes leading to high school diploma available to adult refugees.

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); and 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.

Throughout the Covid-19 pandemic, schools remained closed for prolonged periods. Classes are systematically delivered online for the last three year groups in elementary education, in high School, and Lyceums. For the first three years of elementary schools, classes usually involve some days of online teaching depending on each schools' arrangements. Asylum seeking children, especially those in the first classes or recent arrivals, face significant obstacles in effectively accessing education during this time, mainly due to linguistic barriers, unfamiliarity with online learning, an inability to access the necessary

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<sup>296</sup> Συνέντευξη Τύπου για την Πολιτική του Υπουργείου Παιδείας για Βελτίωση της Εκπαίδευσης και της Ένταξης των Μαθητών και Μαθητριών με Μεταναστευτική Βιογραφία στα Σχολεία <https://bit.ly/3vCRk6K>.

<sup>297</sup> UNHCR, *UNHCR and the KASA High School join forces for refugee education*, available at <https://bit.ly/2VSw6PD>.

digital means (tablets were provided by the Ministry of Interior but households often do not have internet connection), and the lack of adequate familiarisation with Cypriot education system.

### 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>298</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 who do not receive welfare assistance is not specified.

Until recently, free access to health care was granted upon the presentation of a “Type A” Hospital Card, issued by the Ministry of Health. This document was provided to all residents of the Kofinou Reception Centre, while for persons residing in the community, a welfare dependency report indicating the lack of resources was required by the Ministry of Health. The fact that many asylum seekers were not receiving welfare assistance created difficulties in securing free access. Still, the majority of asylum seekers were able to receive a hospital card which grants them access to public health institutions (with some charges), and 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.

Since November 2020, a positive development was observed. The Ministry of Health grants all asylum seekers with free access to hospitals, regardless of whether one receives MRC by Social Welfare Services. Asylum seekers now need to submit a new simplified application in order for the Ministry of Health to confirm their residence status. Hospital cards are then sent to beneficiaries by post and are typically valid for one year.

As of the 1 June 2019, a 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. In June 2020, a number of private hospitals joined the new health system for purposes of in-hospital treatment. For the most part of the population (Cypriots, EU citizens, IP beneficiaries) in Cyprus, health services are now provided almost exclusively under the new health system.

Asylum seekers, along with other parts 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 same applies for asylum seekers who are working, despite the fact that since the implementation of

<sup>298</sup> Article 91Γ(1)(a) Refugee Law.



GESY, obligatory monthly contributions apply to all employed persons with the purpose of contributing (and accessing) GESY services.

The transition to the new health system impacted access of asylum seekers to those services as, until 18 December 2019 when a relevant decision by the Council of Ministers was issued, there were no official decisions on the exact procedures regarding asylum seekers' access to health services.<sup>299</sup>

The transition to the new system created vast confusion among medical and hospital staff regarding 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, had joined GESY were cancelled and access to particular medicine was also restricted. During 2020, the situation was somewhat improved, however, due to the vast majority of public health services including medicine prescriptions, being delivered under GESY, asylum seekers enjoy a bare minimum of health services and often need to pay for medicines not offered through the hospitals.

The transition to the new health system is particularly relevant in view of the measures for tackling Covid-19. 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, UNHCR, and volunteers in the community try to address this gap and facilitate access to information for asylum seekers in respect of Covid-19 by translating and disseminating important Covid-19 related announcements in the most widely used refugee languages and by providing advice and guidance.

Asylum seekers residing both in **Kofinou** and **Pournara** Centres as well as the community, will participate in the National Covid-19 Vaccination Plan.<sup>300</sup> Due to the fact that asylum seekers are not covered by GESY, participation in the program for those residing in the community will be granted with the submission of an application form, accompanied with a copy of a valid hospital card.<sup>301</sup>

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. Such reports continued in 2020.

### 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>302</sup> The Refugee Law incorporates the provision of the recast Reception Conditions Directive in relation to identifying and addressing special reception needs, including for victims of torture. In practice, the identification of vulnerabilities is conducted mainly in the camps from appointed professionals, albeit not without gaps.

<sup>299</sup> Απόσπασμα από τα Πρακτικά της Συνεδρίας του Υπουργικού Συμβουλίου Ημερομηνίας 18/12/2019, available in Greek at: <https://bit.ly/2TRello>.

<sup>300</sup> Ministry of Health, National vaccination plan for COVID 19, 2020, available at: <https://bit.ly/3lpBJCY>.

<sup>301</sup> Document for the registration of citizens who are not GHSY beneficiaries, to the Cyprus portal for Covid-19, available at <https://bit.ly/3cOkSa4>.

<sup>302</sup> Article 9ΙΓ(1)(b) Refugee Law.



The situation is much more challenging in the community due to the lack of a specific mechanism and procedures to timely identify and address those needs. In addition, 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 and gender-based violence, operating through the funds of United Nations Voluntary Fund for the Victims of Torture (UNVFVT) and the EU.<sup>303</sup> During 2020, 120 persons received relevant services.

## 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>304</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 which 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>305</sup> These individualised assessments should be performed within a reasonable time 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 Reception Centre, Pournara. 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 using relevant UNHCR tools and through this process identified a significant 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, this has not led to an assessment and provision of any special receptions needs.

From mid-2019 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 Reception Centre including the development of a common tool to be used for screening and assessing vulnerable persons and a standard operating procedure.

During 2020, efforts were made to set up a comprehensive vulnerability assessment procedure in Pournara Centre by the Asylum Service, EASO, UNHCR, and CyRC. New referrals to the Centre are screened against vulnerabilities, and relevant reports are shared with the Asylum Service and Social Welfare Services. Vulnerability assessments are currently conducted in the Centre by 6 professionals, deployed by UNHCR (1), CYRC (1), and Talos (3) (sub-contractor of Asylum Service). Moreover, EASO

<sup>303</sup> For more information see Future Worlds Center, *UNVFVT*, available at: <http://bit.ly/1HQVYfJ>.

<sup>304</sup> Article 9KΓ Refugee Law.

<sup>305</sup> Articles 9KΔ(a) and 10A Refugee Law.

deployed a total of 3 vulnerability experts and 1 vulnerability assistant in Cyprus in 2020. The latter was still present as of 14 December 2020, as well as one vulnerability expert.<sup>306</sup>

Due to the facility being heavily overcrowded and people not allowed to exit, the conditions are unsuitable to address the needs of vulnerable individuals. Many single women and families are still scattered all over the centre, including the quarantine sections, with many persons remaining there for more than 4 months. Identification of vulnerable cases is a time-consuming process, and there are still no official guidelines for effectively attending the needs of the identified individuals both inside and outside the Centre. From time to time, usually following interventions of vulnerability assessment staff, identified persons, such as pregnant women, traumatized individuals, and families were allowed to exit after providing an address. Still, handling of those cases in the community is problematic and varies greatly, since no defined procedure to guaranty effective support, is followed. Currently, around 50 persons are allowed to exit per day from Pournara Camp.

Concerning Kofinou Centre, families, single women, and traumatised people are placed there under the same conditions applicable to all other residents. From 2018 onwards, 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, efforts are made to keep families together. When it comes to welfare services and reception centres, families are treated as an entity.

In relation to preventing gender-based violence in Kofinou 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>307</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 light 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 Centre (HfC) following the relevant agreement between the State and the organisation. The latter has been running the Nicosia male Youth Home since 2014 and in 2019 took over the management of two more shelters in Larnaca. It should be noted that in 2020 due to structural concerns surrounding the building of one of the male youth centres operated by HfC, the children residing there were transferred to the other male shelter operated by HfC, which has consequently limited available spaces in shelters. Efforts are underway to identify a building to house the shelter.

The actual number of unaccompanied children hosted in each shelter as of the end of 2020 is shown in the table below:

Unaccompanied children in shelters in 2020			
Shelter	City	Number of residents	Capacity

<sup>306</sup> Information provided by EASO, 26 February 2021.

<sup>307</sup> Article 9IΔ(7) Refugee Law.

Male Youth Home (HfC)	Nicosia	35	42
Male Youth Home (HfC)	Larnaca	25	25
Male Youth Home (HfC)	Larnaca	Not operating	20
Female	Larnaca	19	20
Female	Limassol	11	20

All UASC are placed in the shelters according to their available space 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 children spend excessive periods of time (up to 3 months in some cases) in Pournara, 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 with 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.

In addition to the shelters, the Social Welfare Services, IOM, and HfC run a semi-independent living programme for unaccompanied children. The Social Welfare Services scheme for semi-independent living is run solely by the SWS. In such cases, an adult, usually familiar to the child, is appointed as a focal point for the child and undertakes their day-to-day care. In all three cases, the guardianship of the child remains with the Social Welfare Services but the day-to-day care of the child is undertaken by the organization that implements the programme or the adult that is considered the focal point of the child.

The IOM and HfC programmes are addressed to children over 16 aiming at facilitating the transition into adulthood. Both programmes have the option for the children to benefit from it until the age of 21. The IOM programme was launched on 10 April 2020. A total of 16 children, all males, have benefited for the period of April 2020 to January 2021.<sup>308</sup> The housing units that host the children are located in a rural area of the Limassol District and the children are offered legal advice, psychological support, social counselling, access to education and vocational training, and rehabilitation services.<sup>309</sup> Similar services are offered to the children that are placed in the semi-independent programme of HfC. The HfC housing units are in an urban area in the Nicosia district. For 2020, 18 children, all male, have benefited from the programme. The programme has been running since 2017.<sup>310</sup>

HfC also runs a foster care programme that is addressed to all children including unaccompanied children. For foster children, the guardianship remains with the Social Welfare Services, and HfC and the Social Welfare Services undertake the monitoring and support of the family. For the year 2020, a total of 81 unaccompanied children benefited from the programme, of whom 20 were female and 61 male.<sup>311</sup>

The transition to adulthood is also reported to be problematic. The Commissioner for the Rights of the Child published a report expressing concern over the lack of measures to support unaccompanied migrant

<sup>308</sup> Information provided by IOM Officer at EMN Cyprus, EMN Greece, EMN Italy, and EMN Luxembourg, "Young migrants in transition to adulthood" on 28 January 2021.

<sup>309</sup> IOM press release, 'IOM Supports the Transition to Adulthood of Unaccompanied Migrant Children in Cyprus', 14 April 2020, available in English at <https://bit.ly/3r3tOw4>.

<sup>310</sup> Consultation with HfC.

<sup>311</sup> Consultation with HfC.

children who turn 18 to access suitable accommodation, education, training, employment, information and social, psychological and mental health support.<sup>312</sup>

When children reach the age of maturity at 18 years old, they are requested to leave the shelters. In rare cases, the stay can be prolonged due to humanitarian or other extraordinary reasons (such as serious health concerns, if leaving the shelter will interfere with education, and other serious vulnerability). The shelter staff undertake the preparation of children for the transition into adulthood in terms of securing accommodation, finding employment, or applying for material reception conditions. In many cases where accommodation had not been secured, the Social Welfare Services financed the stay of the young adults in temporary hotels or hostels. HfC has an internal policy to follow up on the young adults for a period of 6 months in order to ensure smooth transition and wellbeing of the former UASC.

In 2020, unaccompanied children were referred to the **Pournara** First Reception Centre. The length of stay in many instances was reported to exceed 2 months, while the children were placed in areas with adults to whom they were not related. There were significant delays from the Social Welfare Services in coming into contact with the Children. Incidents of sexual abuse were reported by the children.<sup>313</sup>

At the end of 2020, a safe zone area was set up in **Pournara** Centre. The safe zones were designed to host families with children and unaccompanied children, in different areas.<sup>314</sup> The placement of an UASC in one of the shelters will only take place after the conclusion of the age assessment procedures. However, prior to being transferred to the safe zone area, the children were placed in the quarantine areas along with adults, not related to them.<sup>315</sup> Furthermore, in November 2020, by way of a Ministerial Decision, the **Pournara** Reception Centre was turned into a closed centre which hindered the transfer of children to shelters due to requirements to complete quarantine and registration. To add to this, the shelters had positive Covid-19 cases among the children and were in effect not in a position to receive new arrivals, following instructions from the medical team overseeing the situation.

## 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, and 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 information available and provided to asylum seekers is that described in the section [Information for Asylum Seekers and Access to NGOs and UNHCR](#) of this report. 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

<sup>312</sup> Ombudsman Report on the procedures for the transition of UASC at age of majority. Έκθεση της Επιτρόπου, αναφορικά με τις διαδικασίες μετάβασης στην ενηλικίωση των ασυνόδευτων ανηλίκων αιτητών ασύλου, available at: <https://bit.ly/2UthBEa>.

<sup>313</sup> Phileleftheros, 'Pournara: When I was leaving they begged me to stay' «Πουρνάρα: Όταν έφευγα παρακαλούσαν να μείνω» available in Greek at <http://bit.ly/3r6ZiBK>, also see Phileleftheros 'Children harassed in Pournara Centre' «Παρενόχλησαν παιδιά στο κέντρο Πουρνάρα» available in Greek at <http://bit.ly/3s5To50>.

<sup>314</sup> Ombudsman Report on the conditions in Pournara Reception Centre, Εθνικός μηχανισμός προληψης των βασανιστηριων και αλλων μορφων σκληρης απανθρωπησης και εξευτελιστικης μεταχειρισης ή τιμωριας - Εθνικη ανεξαρτητη αρχη ανθρωπινων δικαιωματος, Έκθεση αναφορικά με την επίσκεψη στο Κέντρο Προσωρινής Υποδοχής και Φιλοξενίας Μεταναστών «Πουρνάρα» στην Κοκκινότριμιθιά, ημερομηνίας 4 Δεκεμβρίου 2020, page 6, available in Greek at <https://bit.ly/3c8OrTB>.

<sup>315</sup> Information provided by resident to Cyprus Refugee Council.

user-friendly and has not been updated since regardless of sufficient changes in the asylum procedures.<sup>316</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 was delayed and at time of publication it had not been updated. According to the EASO operating plan for 2021, information provision is one of the priorities.<sup>317</sup>

Residents of **Kofinou** Reception Centre are provided with leaflets on various topics, such as the Centre's standard operation procedure, medical coverage rights, volunteer services, vital information about Cyprus and services in the community, and information on Covid-19.

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>318</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 advisors, representatives of UNHCR and formally operating NGOs to communicate with the residents of the reception centre.<sup>319</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 was prohibited for prolonged periods of time.

Asylum seekers residing in the reception centre communicate with the aforementioned actors either via phone calls 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.

Due to Covid-19 restrictions in 2020, access to Reception Centres was prohibited for certain periods.

## F. Differential treatment of specific nationalities in reception

No differences in treatment, based on asylum seekers' nationality, are generally observed. However recently in **Pournara** First 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 regarding migration flows, it was observed that persons coming from African countries were either 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. Throughout 2020, this trend continued, primarily due to the Syrians' closer relations with friends and relatives in the community, which enabled them to secure

<sup>316</sup> Asylum Service, *Information leaflet for applicants for international protection*, available at: <https://bit.ly/33M2ZTm>.

<sup>317</sup> EASO Operating Plan to Cyprus 2021, available at <https://bit.ly/2P8eMYK>.

<sup>318</sup> Ministry of Labour and Social Insurance, *Employment of Asylum Seekers*, available at: <https://bit.ly/39ZtDuk>.

<sup>319</sup> Article 9IΔ(6) Refugee Law.

accommodation and gather the necessary documents, more easily than the residents originating from African countries.

## Detention of Asylum Seekers

### A. General

#### Indicators: General Information on Detention

1. Total number of asylum seekers detained in 2020:	Not available
2. Number of asylum seekers in detention as of the end of 2020:	82
3. Number of detention centres:	1
4. Total capacity of detention centres:	128 in Menogia, and 167 in holding cells

In Cyprus, most asylum seekers are not systematically detained. Asylum seekers who are detained are, for the most part, persons who have submitted an asylum application after they were 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 even where the persons have recently entered the country (see [Grounds for Detention](#)). In many such cases, persons have been arrested for an irregular stay in the country 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 arriving in the country, even though they presented themselves to the authorities to apply for asylum.

Asylum seekers can be detained in the Detention Centre **Menogia**, which is a pre-removal detention center and the only detention center currently in the country, with a capacity of 128 persons or they may be detained in holding cells in Police stations across the country. There are 18 such police stations with facilities for detention and the total capacity is 167 persons.<sup>320</sup>

There are no official numbers available for the total number of asylum seekers who are detained. Based on monitoring visits carried out by the Cyprus Refugee Council, the average number of detained asylum seekers detained in the main Detention Centre **Menogia** at any given time has risen from 40 persons in 2017, to an average of 70 persons in 2020. Furthermore, in 2020 there was an increase in the number of persons including asylum seekers, detained in holding cells in police stations throughout the country.<sup>321</sup> In December 2020, there were a total of 169 persons detained, 115 of which were in **Menogia** and 54 in holding cells. Of the 169 persons, 82 are asylum seekers.<sup>322</sup> There has been no official justification for the increased use of police holding cells, however it seems to be due to the lack of space in **Menogia** Detention Centre. Furthermore, Menogia should only be used to detain persons who are in removal procedures. Therefore, persons who have applied for asylum whilst in a holding cell, and while the detention order is issued based on the Refugee Law, should not be transferred to Menogia. The conditions of detention in police holding cells vary between different police stations, however they are all below standards.<sup>323</sup>

In respect of persons detained for the purposes of removal, in **Menogia** Detention Centre and holding cells, whilst removal procedures had in practice been suspended between March and June 2020 due to Covid-19, no steps had been taken to release asylum seekers and other third-country nationals (TCN) in detention.

In early 2020, due to the rise in numbers of asylum seekers, the Council of Ministers of Interior had announced stringent measures, including creating more closed centres. At the time, measures were also being taken due to Covid-19. As a result, and before completing ongoing constructions of the First

<sup>320</sup> Information provided by Cyprus Police.

<sup>321</sup> Information based on monitoring visits carried out to Menogia Detention Centre by the Cyprus Refugee Council.

<sup>322</sup> Information provided by the Cyprus Police.

<sup>323</sup> Based on information from cases represented 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://bit.ly/3cF4WXC>.



Reception Centre, **Pournara** all new arrivals in the country are now referred to the Centre (see [Registration](#)). The stay at the Centre is supposed to be for 72 hours and for the purpose of registration, lodging asylum applications, and medical and vulnerability screenings. Instead, throughout 2020, persons have remained for much longer periods in many cases ranging between 3-5 months. Furthermore, the terms for release are often unclear, change arbitrarily or impossible to be met, such as requesting a rental agreement. The situation has led to a significant rise in the number of persons in the Centre, initially from 350 to 700. Within the same year and following limited increase in infrastructure the capacity of the Centre has been declared to be 1000, however it currently holds over 1,500 persons, with an additional 200 persons living in tents outside the fences of the Centre. The situation has led to severe deterioration of living conditions as there is no infrastructure in place to host such numbers, especially for a long duration and where such persons are being *de facto* detained.

The situation in the Centre throughout 2020 and with regard to it becoming a closed Centre can be observed in three phases: from February 2020 to June 2020; from June 2020 to November 2020; and from mid-November until present. Regarding the first phase in February 2020, there were signs of the irregular use of the Centre, such as asylum seekers not being released even though they had completed all the registration procedures. By March 2020, the practice of not allowing asylum seekers to exit the Centre increased and indications that the Centre was changing from “open” to “closed” was reinforced by the fact that the authorities started transferring, without prior notice, asylum seekers who had been living in hotels or apartments sponsored by the state, to the Centre. The treatment of asylum seekers during the first period was heavily criticised by civil society and had led to protests both inside the Centre by asylum seekers, as well as outside from organised groups.<sup>324</sup> In May 2020, when the majority of restrictions regarding the spread of Covid-19 were lifted, the Centre remained closed as it was declared an “infested area” due to a few incidents of scabies among residents (reports refer to 5-10 cases).<sup>325</sup> This decision led to further criticism as the measure was considered disproportionate to the situation.

From June to November 2020, 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. However, in view of the obstacles in accessing reception conditions, identifying accommodation is extremely difficult unless they are already in contact with persons in the community, which made it difficult for persons to meet the terms. In November 2020, with the second wave of Covid-19 cases in the country, a Ministerial Order was issued with measures to address the pandemic, including a complete restriction on exits or entries in any Reception/Detention Centre.<sup>326</sup> Entry/exit is only allowed for work, humanitarian, or other urgent reasons. Children residing in **Kofinou** Reception Centre who attend schools in the community were prohibited from attending school. Up to March 2021, entry/exit from the Centres had to be approved by the Minister of Interior. The conditions have been criticised by the National Ombudsperson (who acted as the National Preventive Mechanisms Against Torture and the National Commissioner for the Protection of Human Rights),<sup>327</sup> as well as the Commissioner for the Rights of the Child.<sup>328</sup>

In early 2021, the situation has led to daily protests in the Centre by asylum seekers, most times peaceful, but at times clashes between residents broke out or damage was caused. During one of these protests, protesters broke the gates of the Centre and walked out in demonstration. Nevertheless, they all decided

<sup>324</sup> Phileleftheros ‘Demonstration in favor of immigrants in Pournara (Video)’ available at <http://bit.ly/3c8FLfX>; See also, Cyprus Refugee Council Common Statement by NGOS, ‘Cyprus Refugee Council and Caritas Cyprus: Inhumane conditions in Kokkinotrimithia for asylum seekers’, 5 April 2020, available at <https://bit.ly/2OTcOvu>.

<sup>325</sup> Kisa, ‘The government prolongs the arbitrary detention at Pournara camp under the pretext of scabies’ May 2020, available at: <https://bit.ly/3qWDJgR>; See also, DW, ‘Cyprus: Anti-immigration scourge on the occasion of the pandemic’, available in Greek at <http://bit.ly/3cdjNZn>.

<sup>326</sup> Ministerial Decree No 52 to combat Covid-19 ‘ο περί Λοιμοκαθάρσεως (Καθορισμός Μέτρων για Παρεμπόδιση της Εξάπλωσης του Κορωνοϊού COVID-19) Διάταγμα (Αρ. 52) του 2020’ available in Greek at <https://bit.ly/3vNh6Fw>.

<sup>327</sup> Ombudsman Report on Conditions in Pournara, 9 December 2020, available in Greek at <https://bit.ly/3tG3VEs>.

<sup>328</sup> Commissioner for the Rights of the Child, *Report on Conditions in Reception Centres for asylum seekers*, 18 January 2021, available in Greek at <http://bit.ly/3f3uiAc>.

to return in the Centre after negotiations were made with the authorities and due to concerns it will affect their asylum applications.<sup>329</sup>

At the time of publication, the number of persons allowed to leave the Centre increased to around 50 persons a day. Furthermore, persons in the Centre who have completed registration are allowed two exits per day, in accordance with the measures to address Covid-19 applicable for the general public and exit cards have been issued for this purpose. Despite the above changes, there is still severe overcrowding with over 1,500 residents which is still above the 1,000 official capacity.

In early 2021 in a letter addressed to the Minister of Interior of Cyprus, the Council of Europe Commissioner for Human Rights, Dunja Mijatović raised her concerns on the conditions in **Pournara** and called on 'the Cypriot authorities to bring the conditions in reception facilities for asylum seekers and migrants in line with applicable human rights standards and ensure that they enjoy effective access to all necessary services. With particular reference to restrictions on freedom of movement which are applied as a preventive measure against the COVID-19 pandemic to the residents of migrant reception facilities, the Commissioner recalls that rather than preventing the spread of the virus, deprivation of liberty risks endangering the health of both staff and asylum seekers and migrants, as these facilities provide poor opportunities for social distancing and other protection measures. She therefore urges the Cypriot authorities to review the situation of the residents of all reception centres, starting with the most vulnerable. She also emphasises that since immigration detention of children, whether unaccompanied or with their families, is never in their best interest, they should be released immediately'.<sup>330</sup>

## 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: Not available
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>331</sup> and also prohibits detention of child asylum applicants.<sup>332</sup> Detention of asylum seekers under the Refugee

<sup>329</sup> Alpha News, 'Incidents of stone throwing and fires in Pournara', available in Greek at <http://bit.ly/2OOFZQC>.  
<sup>330</sup> Council of Europe, Commissioner of Human Rights, Letter to the Minister of Interior of Cyprus, available at: <https://bit.ly/3mmJiuE>.

<sup>331</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>332</sup> Article 9ΣΤ Refugee Law.

Law is based on an administrative order and not a judicial order,<sup>333</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 18ΟΓ up 18ΠΘ of the Aliens and Immigration Law, in order to prepare the return and / or carry out the removal process, and the Minister substantiates on the basis of objective criteria, including the fact that the person has already had the opportunity of access to the asylum procedure, that there are reasonable grounds to believe that the person is submitting the application for international protection merely in order to delay or frustrate the enforcement of the return decision;
- (e) where necessary to protect national security or public order;
- (f) in accordance with Article 28 of the Dublin III Regulation.

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 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; the provision of false or misleading information; previous expulsion or return; false statements on the person's address of usual residence; previously absconding; abandonment of a reception centre; unfounded statements in the course of the Dublin interview; deliberate destruction of identity or travel document; and failure to cooperate with the Cypriot authorities with a view to establishing identity or nationality.<sup>334</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 before detention is ordered (see [Alternatives to detention](#)).

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>335</sup>

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<sup>333</sup> *Ibid.*

<sup>334</sup> Article 9ΣΤ-bis Refugee Law, inserted by Law No 80(I)/2018 of 12 July 2018.

<sup>335</sup> Article 6(1)(θ) Aliens and Immigration Law.

- (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>336</sup>
- (c) Where a person is considered a prohibited immigrant based on the provisions of the Aliens and Immigration Law.<sup>337</sup>
- (d) Whichever person who, without being granted a pardon, has been convicted for murder or criminal act for which the sentenced has been imposed for any time period and who, because of related instances is considered by the Director as a “prohibited migrant”.<sup>338</sup>

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 (approximately €8,500), or to both imprisonment and a fine.<sup>339</sup> The Law also foresees the offences of entering the RoC on a temporary permit and remaining beyond the expiration of that permit;<sup>340</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>341</sup> and violating a condition or restriction imposed by the Aliens and Immigration Law or the Refugee Law.<sup>342</sup>

In the past, asylum seekers were mostly detained as a “prohibited immigrant”. However, from late 2017 onwards, the practice changed: 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>343</sup> The change in practice was also noted in the recent CAT report on Cyprus.<sup>344</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>345</sup> for the purpose of return, although the return order is suspended until the asylum application has been decided on. From late 2017 onwards, 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 or necessary to protect national security or public order and detention is thereby justified for the protection of Public Order.

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>346</sup>

Asylum seekers are mainly detained on the territory and rarely 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 presently, 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**

<sup>336</sup> Article 6(1)(κ) Aliens and Immigration Law.

<sup>337</sup> Articles 6(1) and 14(1)(μ) Aliens and Immigration Law.

<sup>338</sup> Article 6(1)(δ) Aliens and Immigration Law.

<sup>339</sup> Article 19(2) Aliens and Immigration Law.

<sup>340</sup> Article 19(λ) Aliens and Immigration Law.

<sup>341</sup> Article 19(κ) Aliens and Immigration Law.

<sup>342</sup> Article 19(v) Aliens and Immigration Law.

<sup>343</sup> Article 9ΣΤ (2)(δ) Refugee Law.

<sup>344</sup> UNCAT, *Concluding Observations on the Fifth Report of Cyprus*, Committee against Torture, December 2019.

<sup>345</sup> Article 18ΠΣΤ Aliens and Immigration Law.

<sup>346</sup> Based on information from cases represented by the Cyprus Refugee Council.

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>347</sup>

From April 2017 onwards, 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>348</sup>

The vast majority of asylum seekers enter Cyprus through the territories in the north (see section on [Access to the Territory](#)) and then cross the “green line” into the areas under the effective control of the RoC in an irregular manner. The “green line” is not considered a border, and even the crossing points are not considered 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>349</sup> In practice, if a person arrives in Cyprus and there is a possibility that another Member State is the responsible for examining their request, 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>350</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>351</sup>

The Refugee Law includes a non-exhaustive list of recommended alternatives to detention:<sup>352</sup>

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

<sup>347</sup> See KISA, ‘The imprisonment of refugees is a crime’, 15 November 2016, available at: <http://bit.ly/2kABSTr>.

<sup>348</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>349</sup> Article 9(1)(b) Refugee Law.

<sup>350</sup> Information based on monitoring visits carried out by the Cyprus Refugee Council to the Kofinou Reception Centre.

<sup>351</sup> Article 18ΠΣΤ Aliens and Immigration Law.

<sup>352</sup> Article 9ΣΤ(3) Refugee Law.



The CRMD is responsible for assessing whether alternatives to detention may be applied. 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 an individualised assessment and the CRMD states that such assessments are indeed carried out, no cases have been identified to confirm such practice.<sup>353</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>354</sup> This applies to all detainees, including asylum seekers, whose cases may still be 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>355</sup> These decisions related to appeals challenging the detention based on article 9ΣΤ (2)(δ) of the Refugee Law.<sup>356</sup> In both decisions, the IPAC mentioned the lack of assessment of any objective criteria that would justify the applicant's detention. It 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 IPAC 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>357</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 2019 report by the Committee Against Torture (CAT) on Cyprus, it was mentioned that 'the Committee remains concerned by the criminalisation 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>358</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

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<sup>353</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://bit.ly/3cJ2v6C>.

<sup>354</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>355</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>356</sup> *Ibid.*

<sup>357</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>358</sup> UNCAT, *Concluding Observations on the Fifth Report of Cyprus*, Committee against Torture, December 2019.

residing in Cyprus, put in place alternatives to long-term detention of asylum seekers, including those whose request for asylum has been rejected'.<sup>359</sup>

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, 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.<sup>360</sup> 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.

During Spring 2020, all deportations had been suspended due travel limitations throughout the world. Following the recommendations of the Commissioner for Human Rights of the Council of Europe,<sup>361</sup> the Cyprus Refugee Council recommended that detainees under removal procedures be released as removal was not possible. However, no detainees were released during the lockdown which lasted from March until the end of May 2020. Furthermore, in April 2020, the CRMD started releasing detainees from **Menogia** by ordering alternatives to detention. However, the alternative was to move them to **Pournara**, the First Reception Centre which has been operating as a closed Centre from February 2020.

In July 2020, an asylum seeker from **Gaza** who had been detained in **Menogia** and later transferred to the **Pournara** Centre, launched an application requesting legal aid in order to challenge the decision that ordered him to stay there as an alternative to detention.<sup>362</sup> The success of a legal aid application for the purposes of challenging a decision ordering alternatives is subject to a 'means and merits test', 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". The applicant's main claim was that the alternative used in his case was disproportionate: it was imposed on him without a prior individualised assessment and mainly, the alternative itself constituted *de facto* detention and therefore it was not less coercive. Indeed, at the time, asylum seekers detained in **Mennoyia** were afraid to be transferred to the **Pournara** Centre, since the living conditions there, are much worse than **Mennoyia**. The legal aid was successful and a few days after the decision of the Court, all detainees that

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<sup>359</sup> UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Cyprus*, Twenty seventh session, April 2019.

<sup>360</sup> Implemented by FWC from March 2017-December 2017.

<sup>361</sup> Council of Europe, COVID-19 pandemic: urgent steps are needed to protect the rights of prisoners in Europe, April 2020, available at: <https://bit.ly/3rPOadE>.

<sup>362</sup> Article 9ΣΤ(3)(γ) Refugee Law.



had been ordered to stay in **Pournara** Centre as an alternative to detention were released into the community with reporting conditions.<sup>363</sup>

In October 2020, the CRMD appointed an officer to examine the use of alternative measures to detention. The officer performs visits to places where undocumented migrants or asylum seekers are being detained and carries out screening interviews. A report is prepared based on the interview, which recommends whether alternatives to detention should be used or not. The CRMD has been in communication with CyRC when setting up this new procedure and has shown progress since the beginning. Nevertheless, the assessment only included persons already in detention and it therefore can be seen as “alternative to release” and not “alternative to detention”.

Overall, “alternatives to detention” are examined after detention is ordered and not prior. Throughout 2020, any asylum seeker released from detention was released with a decision ordering alternatives to detention based on the Refugee Law.<sup>364</sup> The only instance where alternatives/conditions are not ordered are in cases of detainees who have challenged their detention order in Court successfully. As such, the Court orders their immediate release without imposing any conditions.

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>365</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>366</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 usually in an attempt to leave the country with these documents. In such instances, they are detained as adults. From 2016 onwards, such cases are often released when they state that are in fact under 18, especially if an NGO intervenes.<sup>367</sup> In 2020, an asylum seeker in detention claimed to be under 18 and was detained throughout the age assessment procedures, which showed him eventually to be above 18.

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

<sup>363</sup> The decision has not been published. The applicant is a beneficiary of CyRC and had been assisted throughout the legal aid application.

<sup>364</sup> Article 9ΣΤ(3)(γ) Refugee Law.

<sup>365</sup> Article 9ΣΤ(1) Refugee Law.

<sup>366</sup> Article 18ΠΓ(1) Aliens and Immigration Law.

<sup>367</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.

identification mechanism, lack of individual assessment, and a reluctance to implement alternatives to detention, vulnerable asylum seekers are often identified while 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>368</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?	4+ 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 in 2018, from a previous average of 45 asylum seekers at any time to 70-75 asylum seekers at any time. Moreover, an increase in the duration of detention was noted, reaching an average of 5-6 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>369</sup>

In 2019, the number of asylum seekers in detention at any time reduced and was approximately 45.<sup>370</sup> The duration of detention also reduced, and asylum seekers were released on average following one and a half to two months of detention, with the exception of asylum seekers who were detained for “national security reasons” or “public safety”.<sup>371</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>372</sup>

<sup>368</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://bit.ly/3cJ2v6C>.

<sup>369</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>370</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://bit.ly/3cJ2v6C>.

<sup>371</sup> Article 9ΣΤ(2)(ε) Refugee Law.

<sup>372</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://bit.ly/3cJ2v6C>; For more information see: <https://bit.ly/2w90nT3>.

In 2020, there was a substantial deterioration in the duration of detention for asylum seekers, from around 1-2 months in 2019, to indefinite detention. Once detained, an asylum seeker will only be released if they are granted international protection. For asylum seekers detained in **Menogia** Detention Centre, the duration of examination of the asylum application is on average 2 months, whereas if detained in a holding cell it will take much longer, often reaching 6 months.

Moreover, in 2020 after a series of *Habeas Corpus* applications before the Supreme Court, 4 detainees who had been detained for reasons of “national security” were released due to their prolonged detention.<sup>373</sup> In July, the Court ordered the release of a **Syrian** detainee after 16 months of detention for “national security reasons”.<sup>374</sup> The Supreme Court decided that the applicant’s detention was in violation of the Refugee Law because the applicant was not held for the shortest period possible and because of the administrative delays as no steps had been taken for his removal although the application for asylum had been rejected.<sup>375</sup> The Court also commented that the state, as well as European Union institutions, need to identify solutions with regards to detention of third-country nationals who are considered as a threat to national security. In September 2020, the Supreme Court ordered the release of an asylum seeker of **Egyptian** origin who was also detained for reasons of national security.<sup>376</sup> The first time the detainee had applied for *Habeas Corpus* was five months after being detained and the application failed. The applicant was eventually detained for 19 months and was suspected of being a member of a terrorist organisation, without any evidence that he was active in any way. The Court found that the administration had made no attempt to assess the reason for detention and, therefore, the element of “necessity” for his detention was not satisfied.

In early 2021, another decision was issued by the Supreme Court on a *Habeas Corpus* application of a **Syrian** national who was detained for reasons of “national security”.<sup>377</sup> The applicant had been detained for 21 months during which his asylum application had been examined and he had been excluded from Subsidiary Protection as he was considered to be a threat to national security due to his participation in a terrorist group. As he has appealed the exclusion decision, which is still pending, he is still considered to be an asylum seeker. The Court ordered his release stating that since he could not be returned to **Syria**. The criminal investigation of his case was concluded on 3 February 2020: no criminal proceedings were ordered, and no other actions have been taken in relation to the terrorist charges his detention can no longer be justified.

The above-mentioned court decisions have not had an impact on the policies or practices followed with regard to the length of detention which continues to be indefinite in 2021.

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<sup>373</sup> Supreme Court, Application 4/2020, 24 February 2020, available in Greek at: <https://bit.ly/3qO3o1h>; Supreme Court, Application 64/2020, 9 July 2020, available in Greek at: <https://bit.ly/2OoatZv>; Supreme Court, Application 28/2020, 28 July 2020, available in Greek at: <https://bit.ly/2PVWJFw>; Supreme Court, Application 56/2020, 15 September 2020, available in Greek at: <https://bit.ly/3eFI77O>.

<sup>374</sup> Supreme Court, Application 64/2020, 9 July 2020, available in Greek at: <https://bit.ly/30NIBkU>.

<sup>375</sup> Article 9ΣΤ(4)(α) and (β) Refugee Law.

<sup>376</sup> Supreme Court, Application 56/2020, 15 September 2020, available in Greek at: <https://bit.ly/3qRRZxw>.

<sup>377</sup> Supreme Court Application 177/2020, 24 February 2021 available in Greek at: <https://bit.ly/316sMoA>.

## 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>378</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. There are 18 such police stations with facilities to detain and the total capacity is 167 persons.<sup>379</sup> In recent years and due to recommendations from monitoring institutions, the majority of detained asylum seekers were usually transferred within two-three days to Menogia, however as reported by the Ombudsman's Office in April 2018, there were cases where the stay reached eight days.<sup>380</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 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>381</sup>

<sup>378</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>379</sup> Information provide by the Cyprus Police

<sup>380</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>381</sup> ECtHR, *Haghilo v. Cyprus* (47920/12), 26 March 2019, available at: <https://bit.ly/2Uru0Zh>.

In 2020, there was a substantial rise in the use of holding cells. There has been no official justification for the increase of use of police holding cells, however it seems to be due to the lack of space in Menogia Detention Centre. Furthermore, Menogia should only be used to detain persons who are in removal procedures. Therefore, persons who have applied for asylum whilst in a holding cell and the detention order is issued based on the Refugee Law should not be transferred to Menogia, although in practice this does happen. The national Ombudsman as National Preventive Mechanism of Torture, raised the issue in a report in September 2020, based on a monitoring visit of a Pafos police station.<sup>382</sup> The report states, among other things, that holding cells are not used for purposes of immigration detention and that persons are moved to Menogia within 48 hours.

## 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 2020, 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. The staff of Menogia Detention Centre is comprised of 80 full time and 15 part time police officers as well as a 13-person cleaning crew. Furthermore, an RSD examiner, a full-time doctor and a mental health nurse are appointed to Menogia and work on site. There are also service providers such as a dance teacher, an art teacher, and a gym instructor that visit the centre once every one or two weeks. During 2020, activities were suspended due to measures to address Covid-19.

In recent years, there have been sufficient improvements to the conditions in **Menogia**,<sup>383</sup> following recommendations made by the CPT, the Committee against Torture (CAT),<sup>384</sup> and the national Commissioner for Administration and Human Rights' (Ombudsman) 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>385</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>386</sup> This leads to high levels of stress, and has resulted in several hunger strikes in Menogia in recent years, mostly by irregular migrants and rejected asylum seekers, along with a few asylum seekers.<sup>387</sup>

<sup>382</sup> Ombudsman, Report on Police Holding Cells in Pafos, 1 September 2020; Έκθεση Επιτρόπου Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων ως Εθνικός Μηχανισμός Πρόληψης των Βασανιστηρίων, αναφορικά με την επίσκεψη που διενεργήθηκε στα Αστυνομικά Κρατητήρια Πάφου την 1η Σεπτεμβρίου 2020, available at: <https://bit.ly/3cD8ycF>.

<sup>383</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>384</sup> CAT, *Concluding Observations on the Fourth Report of Cyprus*, 21 May 2014, available at: <http://bit.ly/2jEBJOC>.

<sup>385</sup> CoE Commissioner for Human Rights, *Cyprus report*, 31 March 2016, para 1.3.2.

<sup>386</sup> *Ibid.*

<sup>387</sup> See KISA, 'Abuse of power is leading detained migrants to desperate acts', 5 April 2016, available at: <http://bit.ly/2jmsIOB>.

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>388</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 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.

Detainees in **Menogia, including asylum seekers** 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>389</sup>

Regardless of the increase in the number of detainees in Menogia in 2020, there were no indications of overcrowding or deterioration of conditions.

Conditions in the **holding cells** of the various police stations vary but are overall considered to be sub-standard. 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>390</sup>

A similar report was issued in September 2020, again by the Ombudsman's Office, based on a monitoring visit of a **Pafos** police station.<sup>391</sup> The recommendations include not using holding cells for purposes of immigration detention and moving persons to **Menogia** within 48 hours. Furthermore, increasing access to telephone and online communication; fixing doors to cells to ensure privacy; posting in every cell the rights of detainees; creating an entertainment area; and improving/fixing infrastructure on hygiene facilities. Finally, the report states that the practice of making detainees clean hygiene facilities must be terminated.

There is no information available whether the above recommendations have been implemented. In a visit carried out by CyRC to the Police Station in **Lakatamia** (suburb of **Nicosia**), all detainees mentioned that they each have a private cell with a shower and toilet. They also reported that the living space is clean and the building is cleaned by personnel hired specifically for this reason. However, detainees also reported that they usually spend 23 hours per day closed in their cells. Furthermore, one of the detainees complained that since there is no washing machine for their clothes, they have to wash them in the shower with body soap, which he stated led to a skin infection for which he was provided with medication.

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<sup>388</sup> Information based on monitoring visits carried out by the Cyprus Refugee Council.

<sup>389</sup> Information based on monitoring visits carried out by the Cyprus Refugee Council.

<sup>390</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>391</sup> Ombudsman, Έκθεση Επιτρόπου Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων ως Εθνικός Μηχανισμός Πρόληψης των Βασανιστηρίων, αναφορικά με την επίσκεψη που διενεργήθηκε στα Αστυνομικά Κρατητήρια Πάφου την 1η Σεπτεμβρίου 2020, ΕΜΠ 2.15, 24 Σεπτεμβρίου 2020, available in Greek at: <https://bit.ly/3dFJ9yz>.



Regarding access to open-air spaces for detainees in **holding cells**, the situation varies. 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>392</sup>

## Food

In **Menogia**, detainees mentioned that pork is not included in the menu and the meat provided is mainly chicken.<sup>393</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. In 2020, there were increased complaints regarding food, with reports of finding insects in the salad or tiny stones in dishes with beans. After voicing complaints, the issue was raised with the catering company and in early 2021 detainees noted improvements.

Some detainees drink tap water that is available at the centre (safe to drink in Cyprus), however the majority prefer to purchase water from the water dispenser machine located in the centre yard; at approximately €1 for 20lt, or from a mini market close to the Centre. There are also vending machines available in every wing of the detention centre. They are in the process of installing water fountains with filters to encourage use of tap water. For purchases outside the Centre, there is a procedure to order items and the costs are covered by the detainees.

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 holding cell to another. During a visit carried out by the CyRC to the Police Station in Lakatamia, detainees mentioned that they each have a bottle/cup for drinking water. When it runs out, they have to ask the police officers to refill their bottle/cup. This means they either have to shout out to a police officer or ring a buzzer that is supposed to alert police officers. All detainees mentioned the practice as problematic, while some mentioned that sometimes it takes the officers a long time to come and take the bottle/cup or to bring it back filled.

## 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 only in English. Detainees have access to computers in the communal areas.<sup>394</sup> As of the end of 2016, detainees have access to internet via free WiFi through their mobile phones.<sup>395</sup> Access to WiFi is only available in communal spaces and not in the detainees' cells. 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 a lack of motivation or interest to attend. In any case, such activities were suspended in 2020 due to Covid-19.

In **holding cells** there are no entertainment facilities, no reading materials, computers, or televisions and in most cases no internet access. Detainees are only allowed to use their phones when they are taken out of their cells which in certain Police Stations may be 2 times per day, one hour each. However, there are instances where detainees have reported being 23 hours in their holding cells.

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<sup>392</sup> ECtHR, *Haghilo v. Cyprus* (47920/12), 26 March 2019, available at: <https://bit.ly/2Uru0Zh>.

<sup>393</sup> *Ibid.*

<sup>394</sup> KISA, 'Improvements regarding detention conditions – significant problems regarding detention and deportation practices', 29 January 2017, available at: <http://bit.ly/2jJhL82>.

<sup>395</sup> *Ibid.*



### 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>396</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, abused the right to medical examinations, treatment and monitoring by requesting it without suffering from a health complication requiring medical examination, treatment or monitoring.<sup>397</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 07:30am to 15:00pm, 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 emergencies, 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 on the necessity of this measure. Depending on the examining doctor, they may also be handcuffed during the medical examination, 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>398</sup> Based on the testimonies of detainees, due to the lack of interpreters available during the medical examination, other detainees are requested to serve as interpreters.<sup>399</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 regard 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 in Greek or English, or who are illiterate, will ask a fellow detainee or an officer to fill this request for them.<sup>400</sup>

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<sup>396</sup> Article 23 Rights of Persons who are Arrested and Detained Law.

<sup>397</sup> Article 30 Rights of Persons who are Arrested and Detained Law.

<sup>398</sup> Articles 18 and 25 Rights of Persons who are Arrested and Detained Law.

<sup>399</sup> Information based on monitoring visits carried out by the Cyprus Refugee Council.

<sup>400</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>401</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>402</sup> These are held in the presence of the 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 (indefinitely), in order to facilitate better 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

<sup>401</sup> Article 12 Rights of Persons who are Arrested and Detained Law.

<sup>402</sup> Article 16 Rights of Persons who are Arrested and Detained Law.

information exchange.<sup>403</sup> The Cyprus Refugee Council carries out regular monitoring visits to Menogia, at least once a month, mainly to identify and screen vulnerable persons and provide information on asylum procedures to detainees. The police in Menogia is notified beforehand of the visits.

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>404</sup> however in most cases the documents are sent out.<sup>405</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.

Since March 2020, with the outbreak of Covid-19, several restrictions have been imposed regarding access of detainees to either their lawyer, NGOs, or family and friends. **During** the first lockdown, from the end of March until the end of May 2020, nobody was permitted to visit Menogia, including lawyers. The measure had been applied for the First Reception Centre, **Pournara** and the Reception Centre Asylum Seekers in **Kofinou**. From May 2020, a restriction with regard to family members and friends continued, however, NGOs, and lawyers had access to the **Menogia**, but access remained restricted for the First Reception Centre, **Pournara**. From November 2020 until present, and based on a Ministerial Decree, no person can enter or exit migrant reception and/or detention centres without prior authorisation by the Minister of Interior.<sup>406</sup> This restriction does not apply to new arrivals and people having to enter/exit for work related reasons or humanitarian reasons.

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<sup>403</sup> Information based on the Cyprus Refugee Council's access to Menogia within the scope of a pilot project on alternatives to detention.

<sup>404</sup> KISA, *Detention conditions and juridical overview on detention and deportation mechanisms in Cyprus*, January 2014.

<sup>405</sup> Information based on monitoring visits carried out by the Cyprus Refugee Council.

<sup>406</sup> Ministerial Decree based on the Quarantine Law, Cap 260, available at: <https://bit.ly/31DiVH9>.

## 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.

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>407</sup> They also include a brief description of the right to challenge the order by recourse before the Administrative Court or the International Protection 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.

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>408</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>409</sup> little improvement has been made and the situation, as reflected in older reports, remains.<sup>410</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**, however since the copies were exhausted it has not been reprinted by the authorities.

Detainees in **Menogia** have access to courts with no delays. In 2020 as part of the measures taken to address Covid-19, any exit from all detention/reception centres, had to be authorised by the Minister of Interior. This has led to delays in accessing courts, which at times required interventions to ensure timely access to court.<sup>411</sup> Combined with the shorter deadline to challenge detention (reduced from 75 days to 15 days), the measure has had a direct impact on effective access to legal remedies.

Regarding detainees in **holding cells**, access to court is problematic, as there are no clear procedures on how to request access to judicial procedures and no instructions for the police officers to respond to such requests. Practice varies widely between police stations.

<sup>407</sup> Information based on monitoring visits carried out by the Cyprus Refugee Council.

<sup>408</sup> *Ibid.*

<sup>409</sup> *Ibid.*

<sup>410</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>411</sup> Information based on cases represented by the Cyprus Refugee Council.

According to national legislation, there are two legal remedies available to challenge detention for immigration purposes, whether detained under the Refugee Law or under the Aliens and Immigration Law for immigration/return purposes.<sup>412</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>413</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>414</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>415</sup>

If detained under the Aliens and Immigration Law, the deadline to submit an appeal is 75 days upon receiving notification of the decision. If detained under the Refugee Law, the deadline to submit an appeal was reduced from 75 days to 15 days in 2020.<sup>416</sup>

When detention is ordered under the Aliens and Immigration Law, 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. The decision whether to expedite judicial examination, remains at the Court’s discretion, with many cases taking more than 3 months to be examined. It should also be noted that examination of detention based on the *Aliens and Immigration Law* does not examine the substance of the case but only the legality of the decision.<sup>417</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>418</sup> Throughout 2019, the majority of cases where the applicant applied for legal aid were released before the applicant reached the Court, however the four-week deadline seems to be observed.<sup>419</sup> In 2020, this practice did not continue and detainees were not released upon submitting legal aid applications leading to a rise in the number of asylum seekers in detention as well as the length of detention. Regarding the length of the examination of cases, these often passed the 4-week time limit and were examined on average within 8 weeks.

The submission of recourse does not have suspensive effect on the return/deportation decision, 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 first instance administrative examination of the asylum application. For the judicial examination of the asylum application, the deportation order is suspended for asylum applications examined under the regular procedures. As of 2020, the deportation order is not suspended for asylum applications examined under the accelerated procedures, as well as for unfounded and inadmissible decisions; subsequent applications; and implicit and explicit withdrawals. A separate application requesting the right to remain must be submitted before the IPAC. If the recourse is successful, the detention order will be annulled.

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<sup>412</sup> Article 9ΣΤ(6)(a) Refugee Law.

<sup>413</sup> Article 14 Aliens and Immigration Law.

<sup>414</sup> Article 18ΟΓ & Article 18ΠΣΤ(3) Aliens and Immigration Law.

<sup>415</sup> Article 9ΣΤ(2) & Article 9ΣΤ(6)(α) Refugee Law.

<sup>416</sup> Article 12Α(2)(θ) IPAC Law.

<sup>417</sup> ECtHR, *M.A. v. Cyprus*, Application No 41872/10, 23 July 2013, para 167.

<sup>418</sup> Article 9ΣΤ(6)(b)(i) Refugee Law.

<sup>419</sup> Information provided by the Cyprus Refugee Council.

In November 2019, the IPAC issued two positive decisions on appeals challenging the detention based on article 9ΣΤ (2)(δ) of the Refugee Law.<sup>420</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 2021, in *B.F. v. The Republic*,<sup>421</sup> regarding an asylum seeker who had recently entered the country and was detained under the Refugee Law, the IPAC took into account that the applicant had applied for asylum before he was never notified of any deportation orders against him and therefore the justification that he had applied just to frustrate the return procedures was unfounded. The Court also rejected the Attorney General's position that the applicant had enough time to apply for asylum before he was apprehended by the police, since the applicant had entered the Republic and immediately attempted to travel to the U.K on forged travel documents in order to apply for asylum there. The Court also took into consideration that the authorities did not initiate the examination of his asylum application while he was serving a prison sentence for using forged documents but only 10 months later while in detention. Furthermore, the Court also found that the assessment of whether to detain the applicant was problematic and that disproportionate weight was given to certain facts of the case, therefore the necessity and proportionality element was not satisfied. Finally, the Court found that instead of examining any alternatives to detention, the authorities decided to impose detention as a first instead of a last resort.

## 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 referring to this remedy in the articles transposing the Returns Directive and in the Refugee Law.<sup>422</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 relevant circumstances arise, or when new elements arise which may affect the legality of the duration of detention.<sup>423</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

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<sup>420</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>421</sup> *B.F. v. The Republic*, DK25/20 (22/2/2021) not available online.

<sup>422</sup> Article 18ΠΣΤ(5) Aliens and Immigration Law; Article 9ΣΤ(7)(a)(i) Refugee Law.

<sup>423</sup> Article 9ΣΤ(7)(a)(ii) Refugee Law.



but during the entire period of detention, and should be examined when detention exceeds reasonable time limits.<sup>424</sup>

In early 2020, the Supreme Court delivered a positive decision on a *Habeas Corpus* application.<sup>425</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 regard to the legality of detention and, furthermore, since it was shown that there were delays (on the Attorney General's part) in the Court procedures regarding 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 may 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>426</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 to three months. 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>427</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>428</sup>

The submission of a *Habeas Corpus* application does not have suspensive effect on the return/deportation decision, 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 first instance administrative examination of the asylum application. For the judicial examination of the asylum application the deportation order is suspended for asylum applications examined under the regular procedures. As of 2020, the deportation order is not suspended for asylum applications examined under the accelerated procedures, as well as for unfounded and inadmissible decisions; subsequent applications; implicit and explicit withdrawals and a separate application requesting the right to remain must be submitted before the IPAC.

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<sup>424</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>425</sup> Khalid Alaoui Mhammedi v. Chief of Police and Minister of Interior, 4/2020 (24/2/2020).

<sup>426</sup> Supreme Court, *Azar v Republic of Cyprus*, Case No 54/2016, 22 August 2016, EDAL summary available at: <http://bit.ly/2jmoP73>.

<sup>427</sup> Article 9ΣΤ(7)(b)(i) Refugee Law.

<sup>428</sup> Supreme Court, Application 1/2019, 24 January 2019.



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 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, which was again confirmed in 2020.<sup>429</sup>

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>430</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>431</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. In 2020, the Republic is still under review by the Committee of Ministers of the CoE with regard to the general measures required to satisfy compliance with the judgment.

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*, 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.<sup>432</sup> 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 had been improvements in recent years regarding the detention of asylum seekers who had 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 2020

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<sup>429</sup> Based on information from cases represented by CYRC as well as other cases communicated by lawyers to CYRC.

<sup>430</sup> Supreme Court, *Nessim v. Republic of Cyprus*, Case No 66/2016, 24 August 2016, EDAL summary available at: <http://bit.ly/2ka8UwE>.

<sup>431</sup> ECtHR, *M.A. v. Cyprus*, paras 169-170.

<sup>432</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/1lxXROy>.

amendments to the Law limited the right to remain as the deportation order is not suspended for asylum applications examined under the accelerated procedures, as well as for unfounded and inadmissible decisions; subsequent applications; and implicit and explicit withdrawals. In such cases a separate application requesting the right to remain must be submitted before the IPAC.

Furthermore the 2020 amendments significantly reduced the deadline to challenge a detention order under the Refugee Law from 75 days to 15 days, during which time legal aid must be requested and approved. This has rendered access to an effective remedy against detention problematic. Since the amendments, detainees reported that they had missed the 15-day deadline which raises questions on access to adequate information and facilitation to access remedies in time. Moreover, the number of asylum seekers detained under the Refugee Law, which carries no limitation in duration, has increased and therefore 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’.

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’. It recommended that ‘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>433</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>434</sup> When detention is ordered under the Aliens and Immigration Law transposing the Returns Directive,<sup>435</sup> legal aid is available to challenge return, removal, and entry ban decisions but not deportation or detention decisions.<sup>436</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.

As mentioned above, for detention orders under the *Refugee Law*, a detainee has a 15 day deadline to challenge detention whereas the procedure to examine a legal aid application often requires more than

<sup>433</sup> CAT, *Concluding Observations on the Fifth Report of Cyprus*, December 2019. See further: <https://bit.ly/2UQ75pw>.

<sup>434</sup> Article 9ΣΤ(2) Refugee Law.

<sup>435</sup> Article 6Γ Legal Aid Law.

<sup>436</sup> Administrative Court, *Yilmaz*, Application 2/2019, 23 January 2019, available in Greek at: <https://bit.ly/2Gx123s>.

this time.<sup>437</sup> The decrease in the deadline from 75 to 15 days is undoubtedly an obstacle to access judicial remedies. The number of judges has been increased on the IPAC. However, no other measures have been taken by the RoC to ensure effective access and the timely examination of legal aid applications. Since the amendments, detainees reported that they had missed the 15 day deadline which raises questions on access to adequate information and facilitation to access remedies in time. In addition, the measures taken to address Covid-19 have added an additional obstacle for detainees to access the Courts. Specifically, the Minister of Interior must approve all requests to exit immigration detention, for all purposes including access to Court.

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>438</sup> but not when detention is ordered under the articles of the Aliens and Immigration Law transposing the Returns Directive,<sup>439</sup> or when detained as a “prohibited immigrant”.<sup>440</sup>

Legal aid is 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, regardless on the legal basis.

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 of those submitted were granted.<sup>441</sup> Throughout 2019, the majority of asylum seekers in detention, regardless of the initial basis for detention, once they had applied for asylum were issued a detention order under the Refugee Law, including persons with criminal convictions. This led to a higher number of detainees applying for legal aid and in the majority of cases they were released before the legal aid application was examined.<sup>442</sup> In 2020, this practice did not continue, and detainees were not released upon submitting legal aid applications leading to a rise in the number of asylum seekers in detention as well as an increase in the length of detention.

The newly established IPAC to date has not released statistics, including statistics on legal aid applications. However, all decisions published on the Leginet Portal<sup>443</sup> and CyLaw Database<sup>444</sup> concerning legal aid applications for the purpose of challenging detention under the Refugee Law in 2019 and 2020 were successful.

Even when a legal aid application is successful there are additional issues such as the detainee not being notified of the decision,<sup>445</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

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<sup>437</sup> Based on cases brought before the Court by the Cyprus Refugee Council. The time required to examine legal aid cases can also be derived from the date of application and date of issuance of legal aid decisions as seen on the database of cases published by the Court available at: <https://bit.ly/3lbnacX>.

<sup>438</sup> Article 6B(7)(b) Legal Aid Law.

<sup>439</sup> Article 6Γ Legal Aid Law.

<sup>440</sup> Article 6B and 6Γ Legal Aid Law.

<sup>441</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.

<sup>442</sup> Information based on monitoring visits carried out by the Cyprus Refugee Council.

<sup>443</sup> Leginet is a subscription-based database for legislation, caselaw and secondary legislation, available at: <https://bit.ly/3dBpMFV>.

<sup>444</sup> CyLaw Database, IPAC decisions available at <https://bit.ly/3wu2nzp>.

<sup>445</sup> Information based on monitoring visits carried out by the Cyprus Refugee Council.

and €800 for a *Habeas Corpus* application. As a result of the long delays in 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 short deadline for challenging a detention order, during which legal aid must be applied for; 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. Judicial review requires court expenses of approximately €140 and €800 for a *Habeas Corpus* application, which often the NGO or the detainee are not in a position to provide. NGO lawyers may provide assistance to prepare legal aid applications,<sup>446</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>447</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>448</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 the 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.

## 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>449</sup>

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<sup>446</sup> Administrative Court, *Alashkham*, Legal Aid Application 15/2018, 17 July 2018, available in Greek at: <https://bit.ly/2UTZUuT>.

<sup>447</sup> Article 8(3)(b) Rights of Persons who are Arrested and Detained Law.

<sup>448</sup> Information based on monitoring visits carried out by the Cyprus Refugee Council.

<sup>449</sup> Information based on monitoring visits carried out by the Cyprus Refugee Council.

### 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>450</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 including spouses, underaged children, children who came of age as refugees in Cyprus regardless of the years they had already been in the country. This left them without status and full access to rights. Throughout 2020 and continuing in 2021, the CRMD instructs in such cases the beneficiaries of international protection (recognised refugees and subsidiary protection) to proceed to the Asylum Service to receive a decision on whether the family members should receive the status of the beneficiary. The Asylum Service has set up a procedure by which they assess the protection needs of family members and if it is decided that there are protection needs a new decision is issued granting international protection which includes the names of the family members. However, in practice such decisions have been issued only for minor children of beneficiaries of protection and not for spouses or adult children, leaving them without status, residence permits, and access to rights. This has led to persons who have been living for many years in the country to lose their employment and other rights. According to the CRMD, spouses will receive a humanitarian status without defining if they will have access to rights; humanitarian status as it currently stands provides a right to remain but no access to rights (exceptionally the right to labour may be provided). At the time of publication, the issue remains unresolved.<sup>451</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>452</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. The issues mentioned above regarding family members also apply for beneficiaries of subsidiary protection, however as most are Syrian nationals the family members will be granted protection on their own right. The cases that are affected by this policy are mixed marriages of Syrians with third country nationals where again the CRMD refuses to provide a status with rights.

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>453</sup>

<sup>450</sup> Article 18A Refugee Law.

<sup>451</sup> Based on information from the representation of beneficiaries of International Protection by the Cyprus Refugee Council.

<sup>452</sup> Article 19(4) Refugee Law.

<sup>453</sup> Articles 18A and 19(4) Refugee Law.

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 residence permit. From the submission of the application for the residence permit, four to 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 certain rights. However, there are rights that cannot be accessed or are problematic to access such as access to the health system and opening of bank accounts which also impacts employment as employers request a bank account to transfer salaries and may refuse to hire or proceed to terminate employment. During 2020, there were further delays due to Covid-19, however in early 2021, there were indications that the issuance of residence permits is speeding up.<sup>454</sup>

## 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>455</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 €60 (until 2019 was €150).<sup>456</sup>

A birth certificate is required in order to enjoy various rights, such as access to medical care, registration in school, and access to benefits such as child allowance, single parent allowance, and 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 2020: | Not available |
|---|---------------|

The criteria for applying for long-term resident status for all eligible persons, including persons under refugee status and subsidiary protection, are the following:<sup>457</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:
  - 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;

<sup>454</sup> Based on information from beneficiaries/cases represented by the Cyprus Refugee Council.

<sup>455</sup> Article 8 Civil Registry Law.

<sup>456</sup> Article 16 Civil Registry Law.

<sup>457</sup> Article 18Θ Aliens and Immigration Law.



- 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>458</sup>
  4. Adequate health insurance covering the risks that are usually covered in insurance contracts involving Cypriot citizens;<sup>459</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.

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

<sup>458</sup> Article 18Θ(2) Aliens and Immigration Law.

<sup>459</sup> A valid medical card issued by the Health Ministry can be considered as adequate health insurance.

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, with no progress in 2020.

#### 4. Naturalisation

Indicators: Naturalisation	
1. What is the waiting period for obtaining citizenship?	5 years
2. Number of citizenship grants to beneficiaries in 2020:	Not available

The requirements for applying for naturalisation under the Civil Registry Law are as follows:<sup>460</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 to 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>461</sup> with the intention of speeding up the process. Currently an application takes two to 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 from 2018 until present, provided by 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. Also, if the person is a recipient of state benefits, including persons with special needs, disabilities, and survivors of torture etc, they will most probably be rejected. In the decision it is cited that they are a 'burden on the state'.<sup>462</sup>

<sup>460</sup> Table III (Article 111) Civil Registry Law, available at: <http://bit.ly/2IN0nAD>.

<sup>461</sup> The backlog is estimated to be between 5,000 and 6,000 applications.

<sup>462</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>463</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>464</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 they have changed to such a degree that protection is no longer required.<sup>465</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>466</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>467</sup> or in a written statement, reasons as to why international protection should not be withdrawn.<sup>468</sup>

<sup>463</sup> Article 6 Refugee Law.

<sup>464</sup> Article 6(1A-bis) Refugee Law.

<sup>465</sup> Article 19(3) Refugee Law.

<sup>466</sup> Article 6(1B) Refugee Law.

<sup>467</sup> Articles 13A and 18(1), (2), (2A), (2B) Refugee Law.

<sup>468</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>469</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>470</sup> considers that one of the cessation grounds is substantiated, a decision is issued in writing and the person concerned is notified.<sup>471</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>472</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>473</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 International Protection Administrative Court.<sup>474</sup> The appeal examines both substance and points of law and the persons 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 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 International Protection Administrative Court.<sup>475</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.

## 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

<sup>469</sup> Article 6(1Δ) Refugee Law.

<sup>470</sup> Article 13 Refugee Law.

<sup>471</sup> Article 6(2) Refugee Law.

<sup>472</sup> Article 6(2) Refugee Law.

<sup>473</sup> Article 6(3) Refugee Law.

<sup>474</sup> Article 11 IPAC Law.

<sup>475</sup> Article 6B(3) Legal Aid Law.

According to the Refugee Law, the Head of the Asylum Service withdraws **refugee status** if it is found that:<sup>476</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 and 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>477</sup>

The same procedure as that for **Cessation** is followed.

There is no available data on the number of withdrawals of international protection, however there are no indications that any withdrawals took place in 2020. 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

The Refugee Law provides the right to family reunification only to **refugees**.<sup>478</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 to three cases) has such a request been granted on humanitarian grounds. In 2019 or 2020, no such cases were identified.<sup>479</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, in particular Articles 8 and 14, as well

<sup>476</sup> Article 6A Refugee Law.

<sup>477</sup> Article 19(3A) Refugee Law.

<sup>478</sup> Article 25(5)-(19) Refugee Law.

<sup>479</sup> IOM, 'IOM Helps Syrian Girl Reunite with Family in Cyprus', 23 February 2016, available at: <http://bit.ly/2IHbEQ8>.

as the United Nations Convention on the Rights of the Child. The Commissioner recommends an amendment to the Law, however, there have been no such developments.<sup>480</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>481</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 were talks about introducing a fee, 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. 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.

According to the Law, 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>482</sup>

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>483</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>484</sup>

In practice, the procedure and requirements are constantly changing. Specifically, up to 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 2017, the CRMD started requesting original

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<sup>480</sup> See: <https://bit.ly/3apHev6>.

<sup>481</sup> Article 25(6) Refugee Law.

<sup>482</sup> Article 25(7)-(11) Refugee Law.

<sup>483</sup> Article 25(12) Refugee Law.

<sup>484</sup> Article 25(13) Refugee Law.



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, leading to many complaints. As a result, 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 in a timely manner.<sup>485</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. In 2020, the EU Commission requested information from the CRMD on the procedures and cases and at time of publication the inquiry had not been concluded. Throughout 2020, cases were not being decided on and the examination of cases has once again become slow with cases pending up to three years.

According to the Law, 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>486</sup> However, there have been cases where a positive decision has been issued by the CRMD but the Ministry of Foreign Affairs via the consular authorities have refused to facilitate the issuance of visas. A relevant case is currently pending before the International Protection Administrative Court.

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 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>487</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, including family members that arrived via family reunification procedures. 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 set up a procedure by which they assess the protection needs of family members and if it is decided that there are protection needs a new decision is issued granting international protection, which includes the names of the family members. However, in practice such decisions have been issued only for minor children of beneficiaries of protection and not for spouses or adult children, thus leaving them without status, residence permits, and access to rights. This has led to persons who have been living for many years in the country to lose their employment and other rights. According to the CRMD spouses will receive a humanitarian status without defining if they will have access to rights:

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<sup>485</sup> Based on information from cases represented by the Cyprus Refugee Council.

<sup>486</sup> Article 25(14)(a) Refugee Law.

<sup>487</sup> Article 25(14) Refugee Law.

humanitarian status as it currently stands provides a right to remain but no access to rights (exceptionally the right to labour may be provided). At the time of publication, the issue remains unresolved.<sup>488</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>489</sup> Other third-country nationals who are resident in Cyprus either as visitors or under some form of residence, employment, or student permit have the right to visit the areas in the north.

The law also permits dispersal schemes, but these have never been implemented.<sup>490</sup>

### 2. Travel documents

Convention Travel Documents are issued to persons granted **refugee status** with a three-year validity.<sup>491</sup> The only limitation to the areas of travel is the country of origin of the refugee. Up to 2020, the Convention Travel Documents issued did not meet the requirements of the International Civil Aviation Organisation and, although it was not in most cases an obstacle for refugees to travel to the Schengen Area, which is the most common destination, there were often complaints of being stopped by various airport immigration authorities, at times for hours, due to the travel document. In 2020 new travel documents were issued which comply with the requirements.

Up to 2020, beneficiaries of **subsidiary protection** were issued with one-page travel documents valid for a one-journey trip (*laissez passer*), which are very problematic as the vast majority of countries did not accept these, including the Schengen Area. The Civil Registry and Migration Department had stated since early 2016 that they were 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. In mid-2020, the Department announced the issuance of the travel documents which led to high demand by Syrian nationals holders of subsidiary protection as the vast majority of Syrian nationals receive subsidiary protection and had been waiting for many years for the travel document in order to visit relatives mainly in the EU. Due to an influx of requests, the Department announced that travel documents will only be issued for SP holders who do not have access to a national passport and a preliminary examination will be carried out to examine this prior to issuing travel documents. To date no travel documents have been issued by the CRMD for beneficiaries of subsidiary protection but are expected to be issued in 2021.

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<sup>488</sup> Based on information from the representation of beneficiaries of International Protection by the Cyprus Refugee Council.

<sup>489</sup> Article 18A and 19(4) Refugee Law.

<sup>490</sup> Article 21(1Γ) Refugee Law.

<sup>491</sup> Article 22 Refugee Law.

## 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 2020 | Approx. 20    |

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 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.

Following a roundtable consultation between the Ministry of Interior, the Ministry of Labour, UNHCR and the Future Worlds Centre, 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 would be prioritised. Although efforts have been made, in practice, several months elapse before people were able to move out of the Reception Centre. This is partly because 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 addition, the breakout of the pandemic and the measures imposed did not allow for transitions to take place.

In 2020, a procedure to accommodate the transition of persons receiving international protection from the Reception Centre into the community was proposed, which included the provision of financial aid/pocket money given directly to the persons; two-month's rent allowance in advance; the provision of accommodation for one week in a hotel in case they are not able to find accommodation before leaving the Centre; and informing the Social Welfare Services of the persons moving into the community so as to monitor their integration. Although there were some advances in 2020 regarding the proposed transitional procedure, due to Covid-19, it has not been implemented to date.

There have been no cases of people being evicted out of the Reception Centre without any housing arrangement. However, there is always a number of persons with international protection residing in Kofinou Reception Centre, indicating that transitioning out of the centre remains one of the greatest challenges. At the end of 2020, out of the total number of residents, approximately 20 have 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 2020, securing private accommodation remains difficult for refugees who have recently been granted protection as well as refugees living in the community. 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. Although instances of homelessness are much more frequent among asylum seekers, beneficiaries of International Protection also face such risk and often assistance and guidance is required in order to secure shelter.

## 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>492</sup> Recognised refugees and subsidiary protection holders have access to the labour market under the same conditions.

Beneficiaries have the right to register at the Public Employment Service (PES) offices for purposes of seeking employment. Due to covid-19 restrictions, Public Employment Service stopped requiring job-seekers to attend in person, including beneficiaries of International Protection. New registrations of unemployed persons continued through email and registration of those who were already in the PES system prior to the pandemic measures, is automatically renewed every month. The number of referrals to jobs is drastically less due to the overall impact of Covid-19 in the economy.

In 2020, the Civil Registry and Migration Department (CRMD) continued to refuse to issue residence permits for family members including spouses; underage children; and children who came of age as refugees in Cyprus regardless of the country of origin of the spouses, or the years they had already been in the country. This left them without status and full access to rights. This has led to persons who have been living for many years in the country to lose their employment and other rights.

Beneficiaries of International Protection have the right to participate in vocational trainings offered by the competent state institutions. Access to such vocational training is very limited due to language barriers since courses are taught predominately in Greek, and a lack of information and guidance. During 2020, due to the Covid-19 restrictions, a significant drop in the number of job-related trainings was observed. Some courses, mainly from EU-funded sources were available online, however overall participation was low, due to unfamiliarity of the population with online training means.

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 familiarized 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 familiarize employers with beneficiaries' rights of full access to the labour market.<sup>493</sup>

According to the Refugee Law, the state authorities should facilitate for beneficiaries of international protection, who cannot provide substantiated evidence of their qualifications, full access to appropriate programs for the evaluation, validation, and certification of their previous learning.<sup>494</sup> In practice, accreditation of academic qualifications is possible through the same procedures available to nationals, with no special facilitation considering the circumstances for persons of international protection. Due to this, the following obstacles and/or limitations often prevent persons from accreditation:

- Unavailability of original academic titles/documentation needed to undergo accreditation procedures;
- The high cost of official translation of titles/documents before submitting them to the appointed authority (KYSATS);
- A lack of information regarding accreditation procedures;
- Long waiting times for the process to conclude, especially when KYSATS needs to consult with the corresponding authorities of other countries;

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<sup>492</sup> Article 21A Refugee Law.

<sup>493</sup> See <https://bit.ly/3dJjp9>.

<sup>494</sup> Article 21(1A) Refugee Law.

- Cost and difficulties for acquiring full correspondence of a title with the titles offered by the local public institutions.

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>495</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.

In September 2020, the Department of Transportation issued a Circular/Guidance Note concerning the criteria and the procedures for obtaining or renewing a driving license in Cyprus.<sup>496</sup> The circular established additional requirements for non-Cypriot citizens including beneficiaries of International Protection, which prevents their access to issuing or renewing driving licenses and as a result accessing professions that require them. Also, the requirement of holding a valid residence permit excluded Beneficiaries of International Protection who had their residence permit under issuance or renewal, a process which typically requires many months of waiting. However, in October 2020, the Department of Transportation issued an updated circular clarifying that, due to a temporary technical problem with the issuance of the residence permits at that time, they would accept a certificate issued by the CRMD instead of the residence permit.<sup>497</sup> In practice, this has not solved the issue as access to the CRMD in late 2020 and continuing in 2021 has been limited due to Covid-19 measures as well as the department moving location.

Still, the requirements are considered to be in violation of the Driving License Law<sup>498</sup> which transposes the relevant article of the EU Directive on Driving Licences<sup>499</sup> and following interventions by NGOs, UNHCR, and employers the issue was brought before the Human Rights Committee of the Parliament in February 2021 for discussion in view of the discriminatory policy and violation of the Law and EU Directive. During the discussion, the Department of Transportation agreed to review the criteria, however at date of publication this had not taken place.

## 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>500</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

<sup>495</sup> Article 21(1)(b)(iΓ) Refugee Law.

<sup>496</sup> Circular/Guidance Note αρ.32/2020, «Αδειες οδήγησης – Απαιτήσεις για άδεια παραμονής και τεκμήριο για έξι μήνες παραμονής» available in Greek at <https://bit.ly/3cPlonf>.

<sup>497</sup> Circular/Guidance Note αρ.32/2020 (Clarification), «Αδειες οδήγησης – Απαιτήσεις για άδεια παραμονής και τεκμήριο για έξι μήνες παραμονής» available in Greek at <https://bit.ly/3cMo9Xr>.

<sup>498</sup> Article 5, Driving License Law, available in Greek at: <https://bit.ly/2PzdcQg>.

<sup>499</sup> Article 12. EU Directive 2006/126 on Driving Licenses (Recast), "For the purpose of this Directive, 'normal residence' means the place where a person usually lives, that is for at least 185 days in each calendar year, because of personal and occupational ties, or, in the case of a person with no occupational ties, because of personal ties which show close links between that person and the place where he is living".

<sup>500</sup> Article 21(1)(b)(i) and (iB) Refugee Law.

institution in Cyprus and abroad. This is particularly relevant to beneficiaries who, due to language barriers or an 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.

## **F. Social welfare**

International protection beneficiaries, both recognized refugees and subsidiary protection holders 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 terminated 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 to 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.

During 2020, and in order to provide rent allowances, GMI has been requiring a copy of the property title by the owner, rental agreements containing taxation stamps if the amount exceeds €5000, and two witnesses signing the agreement as well as providing their ID numbers and an electricity utility bill in the name of the tenant. Transfer of the electricity bill in the tenant's name costs €50 provided that the person's name is included in the catalogues of GMI recipients sent to the Electricity Authority by the GMI Services, otherwise the cost is €300. Due to delays in examining the GMI applications, a beneficiary of international protection who will be eventually approved will not be included in those catalogues before several months elapse. Therefore, transfer of the account on his/her name will take place afterwards, which results in additional delays in receiving rent allowances.

During the reporting period, an increased number of complaints was received concerning the ability of beneficiaries of international protection to open/maintain an account which affected their ability to access basic rights, including GMI. The main issues identified involve documents required by banks, (utility bills in the name of the applicant, rent contract signed by two Cypriot citizens, police record from country of origin, passport), significant delays in concluding the procedures, the large discrepancies in bank account opening policy between branches/officers, and the requirement for the applicant to speak good Greek/English.

Additionally, it was observed that banks are limiting the number of accounts owned by beneficiaries of international protection to one per person. Although one bank account is sufficient for receiving GMI, it is disruptive for disabled persons. The reason is that disabled beneficiaries of international protection who are dependent on other persons (typically children but also adults not in a position to act independently)



have a separate GMI file and a joint bank account is required, with co-owners being the disabled person and the carer. In those situations, the banks typically ask existing clients to close their personal account before opening a joint one, which is a source of additional delays as it often requires resubmission of documents, and re-examination of the applicants details.

Regarding the verification of identity and residence for international protection holders, the Central Bank of Cyprus and the association of credit institutions adopted the law 64 (I)2017 which transposed the European Union Directive 2014/92/EU on the comparability of fees related to payment accounts, payment account switching, and access to payment accounts with basic features (Payments Accounts Directive). In February 2019, the Central Bank released the “Directions/Instructions to Credit Institutions in Accordance with the Article 59(4) of the Prevention and Control Revenues from Illegal Activities for 2007-2018”.<sup>501</sup> Articles 16 and 17(4) stress the right of accessing basic bank accounts without any discrimination against consumers legally reside in the European Union, for reasons such as their nationality or place of residence.

It is also indicated that if a credit institution has valid doubts in regard to the originality of the documents, it should not contact any governmental agency or credit institution from the country of origin of the person but an appointed department in Cyprus.

In regard to the verification of the address of an applicant, credit institutions may visit the applicants’ residence, or use other documents, such as a recent utility bill,<sup>502</sup> documents issued by the State or an affidavit.<sup>503</sup>

Following interventions by UNHCR and NGOs, as well as meetings between Central Bank, Asylum Service, and Social Welfare Services, the situation was improved. Despite this, issues such as time needed for processing applications for opening an account, the requirement of certificate from the (Cyprus) police, effective communication in Greek or English and a requirement for a valid residence permit remain. The frequency of the occurrence of those obstacles still depends heavily on the branch or the Bank officer handling the individual claim and calls for more efforts towards a comprehensive and uniform Bank practices. It is also important to note that the abovementioned consultations mainly involve the two largest private Banks in Cyprus, which engaged in the dialogue, out of the 29 credit Institutions registered in Cyprus.

<sup>501</sup> «Οδηγία προς τα Πιστωτικά Ιδρύματα σύμφωνα με το αρ.59(4) των Περί της Παρεμπόδισης και καταπολέμησης της Νομιμοποίησης Εσόδων από παράνομες δραστηριότητες Νόμων του 2007 Εως 2018», Φεβρουάριος 2019 <https://bit.ly/3eVlxXF>.

<sup>502</sup> Άρθρο 126, «Οδηγία προς τα Πιστωτικά Ιδρύματα σύμφωνα με το αρ.59(4) των Περί της Παρεμπόδισης και καταπολέμησης της Νομιμοποίησης Εσόδων από παράνομες δραστηριότητες Νόμων του 2007 Εως 2018», Φεβρουάριος 2019. <https://bit.ly/3eVlxXF> “Πέραν από την εξακρίβωση του ονόματος, εξακριβώνεται και η διεύθυνση μόνιμης κατοικίας του πελάτη με ένα από τους πιο κάτω τρόπους: (i) επίσκεψη στον τόπο κατοικίας (σε μια τέτοια περίπτωση θα πρέπει να ετοιμάζεται και καταχωρείται στο φάκελο του πελάτη σχετικό σημείωμα από το λειτούργη του πιστωτικού ιδρύματος που πραγματοποιήσει την επίσκεψη), (ii) η προσκόμιση ενός πρόσφατου (μέχρι 6 μήνες) λογαριασμού Οργανισμού Κοινής Ωφέλειας (π.χ. ηλεκτρικού ρεύματος, νερού), ή έγγραφο ασφάλειας κατοικίας, ή δημοτικών φόρων ή/και κατάστασης τραπεζικού λογαριασμού. Η διαδικασία εξακρίβωσης της ταυτότητας ενός πελάτη ενισχύεται εάν το εν λόγω πρόσωπο έχει συστηθεί από κάποιο αξιόπιστο μέλος του προσωπικού του πιστωτικού ιδρύματος ή από άλλο υφιστάμενο αξιόπιστο πελάτη ή τρίτο πρόσωπο γνωστό σε προσωπικό επίπεδο στη διεύθυνση του πιστωτικού ιδρύματος. Λεπτομέρειες τέτοιων συστάσεων πρέπει να σημειώνονται στον προσωπικό φάκελο του πελάτη.”

<sup>503</sup> Άρθρο 136, (i) «Οδηγία προς τα Πιστωτικά Ιδρύματα σύμφωνα με το αρ.59(4) των Περί της Παρεμπόδισης και καταπολέμησης της Νομιμοποίησης Εσόδων από παράνομες δραστηριότητες Νόμων του 2007 Εως 2018», Φεβρουάριος 2019. <https://bit.ly/3eVlxXF> “Με τη διεύθυνση που αναγράφεται σε ένα από τα επίσημα έγγραφα για τα οποία γίνεται αναφορά στην παράγραφο 133 και που μπορεί να αντιπροσωπεύει ακόμα και την προσωρινή διεύθυνση του προσώπου που αιτείται την έναρξη επιχειρηματικής σχέσης (π.χ. ενός κυβερνητικού κέντρου υποδοχής αιτητών πολιτικού ασύλου ή ενός μη-κυβερνητικού οργανισμού που βοηθά το εν λόγω πρόσωπο). (ii) Με ένορκη δήλωση της διεύθυνσής τους καθώς και της υποχρέωσης να ενημερώσουν το πιστωτικό ίδρυμα, το συντομότερο δυνατόν, σε περίπτωση αλλαγής της διεύθυνσής τους.”

## 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 most 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 situation has been improved during 2020. The most prominent obstacle still present is the fact that persons who received international protection and whose residence permit is under issuance are not able to access GESY services. This creates serious obstacles due to the long waiting times needed for the issuance/renewal of a residence permit. Delays in the issuance of the ARC number, particularly in Nicosia, also contribute to difficulties/delays in obtaining a residence permit and access to GESY.

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>504</sup>

Beneficiaries of International Protection participate normally in the National Covid-19 Vaccination Plan.

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<sup>504</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)