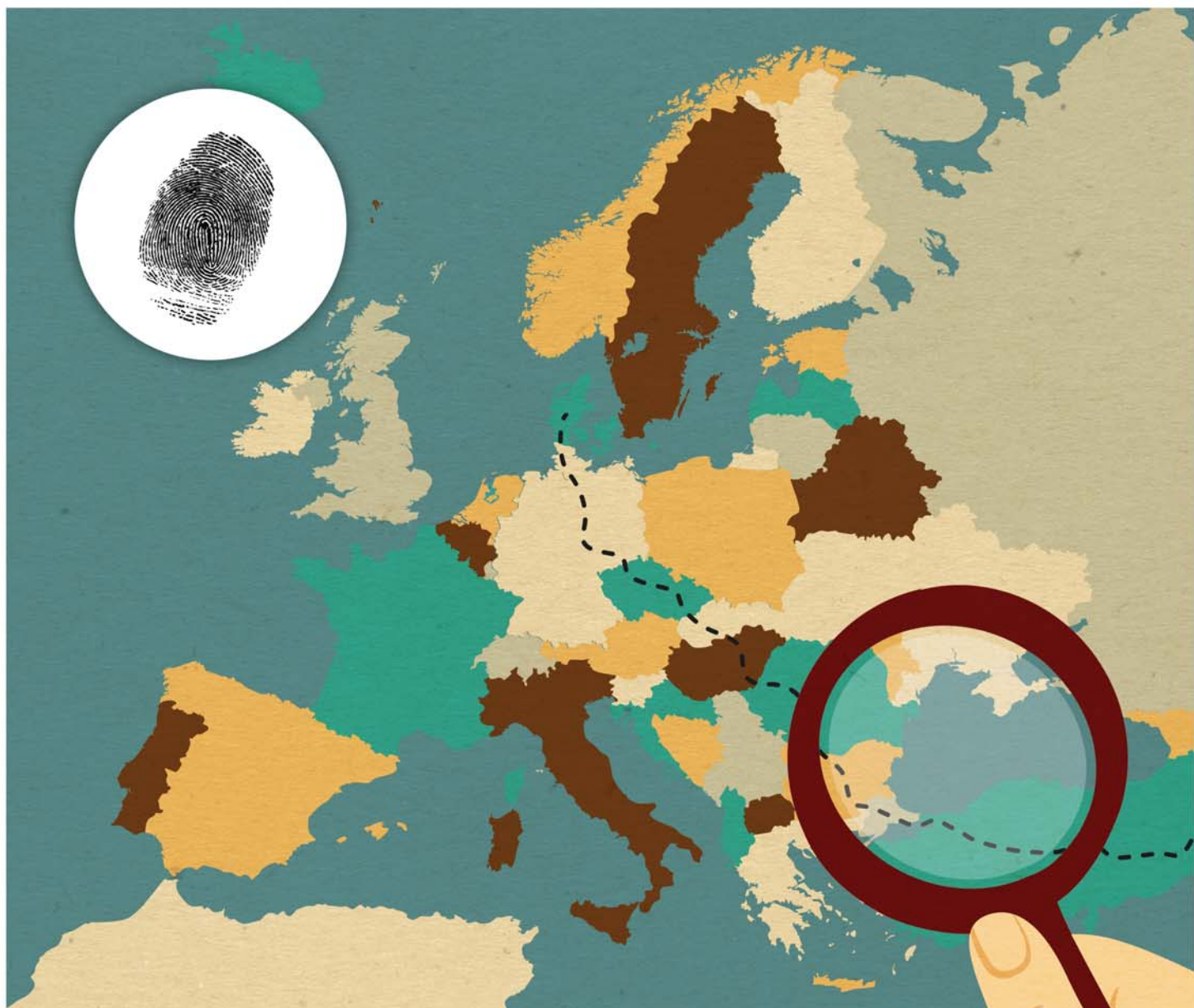




# Cypern

Oversigt over asylsystemet, modtageforholdene og andre forhold af relevans for spørgsmålet om Dublin-overførsel

## CYPERN

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Dansk Flygtningehjælps oversigt over asylsystemet, modtageforholdene og andre forhold af relevans for spørgsmålet om Dublin-overførsel er et uddrag af aktuelle relevante baggrundsoplysninger om det enkelte land. Oversigten er baseret på oplysninger indsamlet af andre aktører og er således ikke et udtryk for Dansk Flygtningehjælps egne oplysninger eller holdninger. Dansk Flygtningehjælp er en privat, humanitær organisation, der arbejder med flygtninge og fordrevne i mere end tredive lande samt med rådgivning af asylansøgere i Danmark.

Indhentelse af oplysninger afsluttet i 12. december 2013.

## 1. Generelle oplysninger

Cypern er delt i to områder, et tyrkisk-kontrolleret område i nord og et område kontrolleret af Republikken Cypern i syd, som af det internationale samfund anerkendes som øens retmæssige regering. Cypern som helhed indtrådte i Den Europæiske Union i 2004, men anvendelsen af EU-lovgivning i den nordlige del af landet er suspenderet, så længe øen ikke er forenet. I det tyrkisk-kontrollerede område er der ingen eksisterende asylpolitik, og der er ikke noget samarbejde om asyl og immigration mellem de to dele af øen.<sup>1</sup> I den nyeste dybdegående rapport om Cypern som modtageland lavet af Kontakt- og Rådgivningscenteret for Flygtninge og Migranter i Berlin (KuB) fremgår det, at EU's formelt bindende minimumsstandarder ikke overholdes, og at *“the deficient state of national legislation on the one hand and the extremely restrictive practices of the Cypriot authorities when detaining asylum seekers on the other have led to widespread human rights infringements.”*<sup>2</sup> Senest har der været rapporter om problemer med modtageforhold for syrere.<sup>3</sup> I en nyhedsartikel fra den 15. november 2013 skriver UNHCR:

*“In Cyprus, UNHCR has received reports of Syrians arriving irregularly by boat in the northern part of the country and being returned to Turkey following a brief detention. In the southern part of Cyprus, Syrians are increasingly facing difficulties with reception and assistance, and UNHCR is in discussion with the authorities over this issue.”*<sup>4</sup>

Antallet af asylansøgninger har været faldende de seneste år, fra 3.160 i 2010 til 1.630 i 2012<sup>5</sup>. Ved udgangen af september havde Cypern modtaget under 400 asylansøgninger i 2013.<sup>6</sup> I tråd med det generelle udviklingsniveau i landets civilsamfund er kun få NGO'er og organer aktive på asylområdet.<sup>7</sup>

## 2. Frihedsberøvelser

Cypriotisk lovgivning tillader ikke, at asylansøgere frihedsberøves alene med henvisning til ulovlig indrejse, så længe asylansøgningen afleveres hurtigst muligt uden 'unødigt forsinkelse' efter ankomsten, og den ulovlige indrejse begrundes. En domstol kan dog idømme frihedsberøvelse i op til i alt 32 dage, når det er nødvendigt at fastlægge personens identitet eller nationalitet, eller når der afventes behandling af nye elementer i en genoptagelsessag fra en ansøger, der står til udsendelse efter afslag på den første ansøgning.<sup>8</sup> Hvis en ansøger ikke er i stand til at fremvise gyldig identifikation i forbindelse med indgivelsen af asylansøgningen er vedkommende således i risiko for at blive arresteret. Disse frihedsberøvelser er udbredte i forbindelse med registreringen af asylansøgningen.<sup>9</sup> KuB skriver, at *“the imprisonment of asylum*

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<sup>1</sup> ENAR. ENAR Shadow Report - Racism and related discriminatory practices in Cyprus 2011-2012, 2013, s. 25; HUMA Network. Access to healthcare and living conditions of asylum seekers and undocumented migrants in Cyprus, Malta, Poland and Romania, marts 2011, p. 13

<sup>2</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 5

<sup>3</sup> Ibid. s. 10

<sup>4</sup> UNHCR. Denied entry and pushed back: Syrian refugees trying to reach the EU. Nyhedsartikel 15. november 2013

<sup>5</sup> UNHCR. Asylum Trends in 2012- Levels and Trends in Industrialized Countries. 21. Marts 2013, s. 20

<sup>6</sup> UNHCR. Denied entry and pushed back: Syrian refugees trying to reach the EU. Nyhedsartikel 15. november 2013

<sup>7</sup> ENAR. ENAR Shadow Report - Racism and related discriminatory practices in Cyprus 2011-2012, 2013, s. 12

<sup>8</sup> Cyprus Ministry of the Interior, Asylum Service. Guide for asylum seekers and beneficiaries of international protection in Cyprus, 2011, s. 20; Amnesty International. Punishment without a crime – Detention of migrants and asylum-seekers in Cyprus. 19. juni 2012, s. 7

<sup>9</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 8

*seekers and denied asylum applicants, which is illegitimate both in their length and their legal grounds, is a common occurrence. No other alternatives to the implementation of forced departure are taken into account; imprisonment is generally practiced. Zinaida Onoufriou (Ombudsman Office) confirmed the systematic arrests and the lack of examination of alternative measures to imprisonment.”*<sup>10</sup>

Amnesty International skriver, at dette tydeligvis er et brud på menneskerettighederne, og forklarer: *”This pattern of abuse is partly due to inadequate legislation, but more often it is down to the practice of the authorities, particularly when it comes to their failure to examine real alternatives to immigration detention and their disregard of Supreme Court orders to release detainees.”*<sup>11</sup>

KuB: *“If asylum seekers who have entered national territory illegally are arrested in accordance with the Aliens and Immigration Law of the Republic of Cyprus and their application is not accepted in detention, the maximum duration of imprisonment according to Article 7 (6) Refugee Law cannot be applied. The individuals in question are usually detained indefinitely, in most cases until their deportation. Imprisonment is usually justified by the accusation of illegal entry and residence.”*<sup>12</sup>

De som straffes med fængsel i henhold til immigrationslovgivningens bestemmelser om ulovlig indrejse, har ifølge Amnesty ofte siddet 3-4 måneder i fængsel, inden de har fået en administrativ udsendelses- og frihedsberøvelsesordre.<sup>13</sup> KuB skriver: *“In some cases, court rulings that issued for arrests were only shown to those detained months after their imprisonment. There also were reports of imprisoned asylum seekers not being informed of the outcome of their application or only receiving notifications in Greek. This especially affected detainees who were returned to Cyprus according to the Dublin II Regulation and subsequently imprisoned.”*<sup>14</sup>

Amnesty og KuB skriver videre, at i de senere år har de cypriotiske myndigheder i praksis arresteret, frihedsberøvet og i nogle tilfælde udstedt fængselsstraf til personer, som gribes i ulovlig indrejse eller ophold, inden de har indgivet en asylansøgning – selv når disse personer kun har været i landet i få dage. Som udgangspunkt løslades personer, der har indgivet en ansøgning fra fængslet, men ifølge KuB og Amnesty kan selve registreringsproceduren tage dage- eller ugevis. I denne periode forbliver asylansøgerne frihedsberøvet, og der er rapporter om mange sager, hvor personer ikke er blevet løsladt på trods af, at de havde indgivet en asylansøgning fra fængslet.<sup>15</sup>

Cyperns førende asyl-NGO, Future Worlds Center (FWC), KuB og Amnesty International skriver, at mange ’sygner hen’ i frihedsberøvelsen i lange perioder, i nogle tilfælde op til 3 år, f.eks. i sager, hvor hjemlandet ikke har villet samarbejde om hjemrejsen, eller hvor de fornødne rejsedokumenter ikke kan fremskaffes.<sup>16</sup> Lovgivningen fastsætter, at de indsatte i disse sager skal løslades efter senest 6 måneder, med mindre betingelserne for de nærmere fastsatte undtagelser er opfyldt. Der er dog ingen procedure til at bestemme, hvornår disse undtagelser træder i kraft, og løsladelserne sker derfor arbitrært. Der er desuden

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<sup>10</sup> Ibid., s. 31

<sup>11</sup> Amnesty International. Punishment without a crime – Detention of migrants and asylum-seekers in Cyprus. 19. juni 2012, s. 25

<sup>12</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 29

<sup>13</sup> Amnesty International. Punishment without a crime – Detention of migrants and asylum-seekers in Cyprus. 19. juni 2012, s. 7-8

<sup>14</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 30

<sup>15</sup> Ibid., s. 31; Amnesty. Punishment without a crime – Detention of migrants and asylum-seekers in Cyprus. 19. juni 2012, s. 7-8

<sup>16</sup> Future Worlds Centre. Report on the Asylum Procedure in Cyprus – 2012. 27. juni 2012, s. 7-8; Amnesty International. Punishment without a crime – Detention of migrants and asylum-seekers in Cyprus. 19. juni 2012, s. 4; KuB, Berlin. Asylum in the Republic of Cyprus – , 2013, s. 31

ifølge Amnesty og KuB eksempler på, at selvom højesteret har pålagt løsladelse pga. en ulovlig frihedsberøvelse, blev dommen ikke respekteret i praksis, og personerne blev derfor omgående frihedsberøvet igen oven på løsladelsen.<sup>17</sup>

Ifølge udtalelser fra immigrationsmyndighederne til KuB, bliver der afsat en minimal mængde tid til at organisere udsendelser. *"Weeks, months and even years go by until those awaiting deportation are transferred back to their country of origin,"*<sup>18</sup> Ifølge KuB er mange interesseret i at vende hjem til deres oprindelsesland, men er bange for at blive frihedsberøvet i måneds- eller årevis op til deres hjemrejse.<sup>19</sup> Ifølge KuB er Zinaida Onoufriou fra Cyperns Ombudsmandskontor kommet til den konklusion, at fængslingen af afviste asylansøgere *"was one of the greatest problems facing the Republic of Cyprus. She stressed in particular the difficult situation of those being detained, although they currently cannot be deported back to their country of origin. In many cases, they are unsuccessful applicants from Iran or Syria. Likewise, deportations of other third world country citizens are often delayed indefinitely."*<sup>20</sup> Samtidig er der ifølge KuB et andet problem:

*"The Ombudsman Office and the NGO KISA know of several cases where signatures for voluntary departure documents were obtained through physical and psychological violence. One individual reported that authorities had made false statements with regards to the content of voluntary departure documents written in Greek, in order to obtain a signature. The person was told that the document was a medical certificate."*<sup>21</sup>

KuB skriver endvidere, at der ikke i tilstrækkelig grad tages hensyn til familiens enhed i forbindelse med frihedsberøvelse inden udsendelse: *"For this reason, young children are separated from their parents and put into care. Many of the parents interviewed had been threatened with this measure. In future, Cypriot authorities are considering collective imprisonment of families in a new family block in Menogeia."*<sup>22</sup>

Der er ikke noget retsgrundlag, som sikrer de indsatte retshjælp til at appellere afgørelserne om frihedsberøvelser, og der er hverken en klausul eller en systematisk praksis til at garantere, at de informeres om deres rettigheder. Den lokale NGO KISA har fået mange klager fra indsatte, som har anmodet om retshjælp til at prøve frihedsberøvelser og udsendelseskendelser ved Højesteret, men som nægtes adgang til de relevante procedurer. Ifølge KISA hævder politiet, at det ikke er deres ansvar at tage de indsatte til retten, mens domstolssekretæren (the Court Registrar) kræver, at anmodninger indgives personligt, hvis vedkommende ikke er repræsenteret af en advokat.<sup>23</sup> KISA skriver:

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<sup>17</sup> Amnesty International. Amnesty International Report 2013 - The State of the World's Human Rights – Cyprus, 23. maj 2013; Future Worlds Centre. Report on the Asylum Procedure in Cyprus – 2012. 27. juni 2012, s. 7-8; KuB, Berlin. Asylum in the Republic of Cyprus – , 2013, s. 31

<sup>18</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 25

<sup>19</sup> Ibid.

<sup>20</sup> Ibid. s. 29

<sup>21</sup> Ibid. s. 25

<sup>22</sup> Ibid. s. 30

<sup>23</sup> Ibid.; KISA. International Convention on the Elimination of All Forms of Racial Discrimination, Country: CYPRUS - ALTERNATIVE REPORT, august 2013. s. 50

*“As a result, a lot of detainees, who do not have a lawyer to represent them, remain without access to the only remedy they have, which is judicial review before the Supreme Court against detention and deportation orders and/or the decision of the Asylum Service/Refugee Reviewing Authority on their asylum claim.”*<sup>24</sup>

I sagen *M.A. v. Cyprus*<sup>25</sup> ved Den Europæiske Menneskerettighedsdomstol (EMD) blev ansøgeren, en syrisk kurder, frihedsberøvet i forbindelse med irregulær indrejse i Cypern og fik efterfølgende udstedt en udsendelseskendelse på trods af, at han afventede afgørelse i sin asylsag. EMD statuerede brud på den Europæiske Menneskerettighedskonventions (EMRK's) artikel 13 (retten til effektive retsmidler), artikel 2 (retten til liv) samt artikel 3 (forbud mod umenneskelig og nedværdigende behandling) pga. manglen på adgang til en effektiv domstolsprøvelse af udsendelseskendelsen med tilhørende automatisk opsættende virkning. Domstolen fandt også brud på artikel 5, stk. 1 og 4 (retten til frihed og sikkerhed) pga. ulovligheden af ansøgerens frihedsberøvelse og den manglende adgang til at prøve lovligheden af den ved en domstol. Domstolen bemærkede, at udsendelses- og frihedsberøvelseskendelserne var baseret på en fejl fra myndighedernes side, og at det cypriotiske system ikke gav effektive beskyttelsesgarantier mod uretmæssig udsendelse. Kun på grund af en midlertidig foranstaltning udstedt af EMD under *Rule 39*, blev ansøgeren ikke udsendt til Syrien. Ansøgeren blev senere tildelt flygtningestatus.

## 2.1. Forholdene i fængslerne

Der er mindst 9 fængsler til brug for frihedsberøvede asylansøgere og immigranter: Politistationerne i Aradippou, Lakatamia, Larnaca, Limassol, Oroklini og Paphos, Blok 9 og 10 i Nicosia Central Prison og fængselsfaciliteterne i Larnaca International Airport.<sup>26</sup> Amnesty International skriver, at organisationen er *“deeply concerned about the poor conditions witnessed”*, og at de ovennævnte faciliteter ikke er bygget til formålet:<sup>27</sup>

*“In all the facilities visited by Amnesty International delegates, asylum-seekers and irregular migrants are detained in conditions that fall short of international standards. For example, Block 10 of Nicosia Central Prison is a dark and unhealthy facility, with poor natural light, where detainees are forced to spend months in small and often overcrowded cells. In Lakatamia and Limassol police stations, detainees have no access to fresh air. In Limassol, immigration detainees have been held in the same wing as people charged with criminal offences.”*<sup>28</sup>

KuB skriver, at *“[r]esearch visits conducted in the Larnaca Central Police Station and in Oriklini confirmed that international standards of detention could not be met there. Cells are equipped for police custody, i.e. brief detention.”*<sup>29</sup> Det fremgår endvidere: *“If they cannot be deported soon, detainees are often not transferred to pre-deportation detention but remain indefinitely in the local police stations.”*<sup>30</sup> Personer, som overføres til Cypern via Dublin-proceduren, bliver også fængslet her.<sup>31</sup>

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<sup>24</sup> Ibid.

<sup>25</sup> Den Europæiske Menneskerettighedsdomstol. *M.A. v. Cyprus*, Application no. 41872/10, Council of Europe: European Court of Human Rights, 23. juli 2013

<sup>26</sup> Amnesty International. Punishment without a crime – Detention of migrants and asylum-seekers in Cyprus. 19. juni 2012, s. 5

<sup>27</sup> Ibid., s. 22

<sup>28</sup> Ibid., s. 5

<sup>29</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 31

<sup>30</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 31

<sup>31</sup> Ibid.

Frihedsberøvede er berettiget til gratis lægebehandling på offentlige hospitaler eller fra læger, som besøger fængslerne, men ifølge både KuB og the HUMA Network (Health for Undocumented Migrants and Asylum seekers) ydes mange ikke denne ret i praksis. Mange offentlige hospitaler afviser behandling med et krav om at se et sygesikringskort, som de frihedsberøvede i praksis ikke har, eller kræver alternativt fuld brugerbetaling.<sup>32</sup> KuB skriver: *"Interviewees spoke of inexistent or inadequate medical treatment in the detention center as well as a very long waiting time until they are transferred to a hospital or a doctor's surgery. Medical treatment is therefore subject to arbitrary decisions by civil servants in the judiciary sector."*<sup>33</sup>

Ifølge US State Department satte en gruppe frihedsberøvede i Blok 10 i Nicosia Central Prison ild til deres celler 9. juli 2012, og 17. juli samme år gik 15 syrere i Lakatamia i sultestrejke i 7 dage i protest mod varigheden af deres frihedsberøvelse.<sup>34</sup> Adskillige sager om vold, mishandling og racisme fra politiets side er ifølge KISA blevet rapporteret, uden at det har ført til retsforfølgelse af de implicerede.<sup>35</sup> KuB skriver:

*"There are repeated claims of physical and psychological violence towards detainees. Individual interviewees gave accounts of sexualized violence by police officers on guard duty, refusals to provide medical treatment, force-fed medication, insufficient drinking water and detainees being forced to pay for their own prison food. Based on accounts by interviewees and observations made in the Amnesty International report on conditions of detention in Cyprus, it can be assumed that there is a latent threat of degrading treatment during imprisonment in the Republic of Cyprus."*<sup>36</sup>

### 3. Modtageforhold uden for fængslerne

#### 3.1. Indkvartering og understøttelse

Den økonomiske krise på Cypern har haft store konsekvenser for forholdene for asylansøgere og flygtninge. I Future Worlds Centers pressemeddelelse fra 17. maj 2013 fremgår det: *"As the full extent of the crisis is still unfolding, its full impact on the lives of asylum seekers and beneficiaries of international protection remains to be seen; yet it is already evident that their situation is deteriorating daily."*<sup>37</sup> KuB skriver endvidere:

*"It is apparent that the Republic of Cyprus is not fulfilling its duty when it comes to providing an existential minimum for asylum seekers, neither with regards to collective accommodation nor to the necessary support during the search for private accommodation. The authorities' behavior reveals that they knowingly jeopardize the well being of asylum seekers via restrictive measures and failure to pay social benefit in full."*<sup>38</sup>

Der er tre asylcentre på Cypern (Larnaca, Paphos og Kofinou), men i øjeblikket er kun Kofinou, som kan huse 80 personer, i drift. FWC skriver, at de to andre modtagecentre pludseligt suspenderede driften i

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<sup>32</sup> HUMA Network. Access to healthcare and living conditions of asylum seekers and undocumented migrants in Cyprus, Malta, Poland and Romania, marts 2011, p. 28

<sup>33</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 20

<sup>34</sup> United States Department of State. 2012 Country Reports on Human Rights Practices - Cyprus, 19 April 2013.

<sup>35</sup> KISA. International Convention on the Elimination of All Forms of Racial Discrimination, Country: CYPRUS - ALTERNATIVE REPORT, august 2013. s. 52

<sup>36</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 32

<sup>37</sup> Future Worlds Centre. Asylum seekers and refugees were already marginalised in Cyprus; now, with the crisis, their situation is deteriorating. Pressemeddelelse publiceret i European Council of Refugees and Exiles' Weekly Bulletin, 17. maj 2013

<sup>38</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 23

foråret 2013, hvorved hundredvis af beboere fik én uges varsel til at finde en ny bolig. De modtog ikke nogen form for støtte og blev efterladt på ubestemt tid uden adgang til ydelser, som kunne sikre dem et sted at bo.<sup>39</sup> Ifølge KuB er Kofinou-centeret hovedsageligt reserveret til enlige kvinder, familier og særligt sårbare asylansøgere, men på grund af pladsmangel, får kun få asylansøgere plads. KuB skriver om centeret:

*“There is mold and rust in the washrooms, the toilets and the kitchen. The containers are minimally furnished with bunk beds, a table, chairs and cupboards. Movement is restricted and hygiene poor when whole families of up to four people are forced to live in a 15m<sup>2</sup> room. This persistent lack of privacy over several years is especially burdening for children and youths. When weather conditions are bad, residents are forced to go about their daily lives collectively in very close quarters since there are barely any other common rooms.”*<sup>40</sup>

KuB skriver endvidere, at Kofinou er placeret et meget isoleret sted, hvilket komplicerer adgangen til tilstrækkelige sundhedsydelser, og at eftersom *“asylum seekers are aware of the living conditions in Kofinou, many choose to get by without official support and seek other sources of income.”*<sup>41</sup> Asylansøgere, som ikke får (eller eventuelt afslår) en plads i Kofinou, overlades til selv at finde bolig og får ikke nogen støtte til det.<sup>42</sup> Det fremgår af en rapport fra KISA, at *“[m]igrants are not covered by any housing schemes as they are excluded on grounds of nationality. As a result of these policies, asylum seekers, migrants and refugees tend to concentrate into low standard, cheap and dilapidated housing facilities, segregated from the rest of the population and also most of the times exploited as they have to pay really high rents for their housing needs.”*<sup>43</sup>

*The Social Welfare Service* er forpligtet til at dække omkostningerne til privat indkvartering, mod dokumentation på en lejekontrakt og betaling af den første måneds husleje. *“This leads to severe complications, since the majority of asylum seekers do not have the means to make this payment,”* skriver KuB.<sup>44</sup> Samtidig anses asylansøgere på grund af deres juridiske status ikke for at være pålidelige lejere, og de får derfor kun sjældent en lejekontrakt.<sup>45</sup> KuB skriver:

*“This situation is often a great strain on the individuals in question. Even when a contract is presented to the Social Welfare Service, applicants only receive their first social benefit payments three to six months after the claim has been made. During this time, asylum seekers have to come up with the rent themselves. This regulation leads them to either borrowing money and possibly getting in debt or seeking informal work.”*<sup>46</sup>

Yderligere kritik rettes mod *The Social Welfare Services* irregulære udbetalinger til at dække omkostningerne til privat indkvartering, som kan ske med 2-3 måneders mellemrum, hvilket gør det umuligt at leje en privat

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<sup>39</sup> Future Worlds Centre. Asylum seekers and refugees were already marginalised in Cyprus; now, with the crisis, their situation is deteriorating. Pressemeldelse publiceret i European Council of Refugees and Exiles' Weekly Bulletin, 17. maj 2013; Future Worlds Centre. Report on the Asylum Procedure in Cyprus – 2012. 27. juni 2012, s. 13

<sup>40</sup> Ibid.. Se også: KISA. International Convention on the Elimination of All Forms of Racial Discrimination, Country: CYPRUS - ALTERNATIVE REPORT, august 2013. s. 41-42

<sup>41</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 18

<sup>42</sup> Ibid., s. 21, 23

<sup>43</sup> KISA. International Convention on the Elimination of All Forms of Racial Discrimination, Country: CYPRUS - ALTERNATIVE REPORT, august 2013. s. 41-42

<sup>44</sup> Ibid. s. 17

<sup>45</sup> Ibid., s. 23

<sup>46</sup> Ibid.



bolig. Ifølge KuB oplyser sagsbehandlerne, at dette skyldes, at de er nødt til at spare.<sup>47</sup> KuB skriver, “[u]nder these circumstances, many asylum seekers are incapable of finding a permanent accommodation and are forced into homelessness.”<sup>48</sup> Samtidig er der yderligere problemer for hjemløse. US State Department skriver: “To obtain welfare benefits, asylum seekers had to have a valid address, which was impossible for many who were homeless.”<sup>49</sup> FWC:

“Homeless asylum seekers are not entitled to apply for welfare benefits, as they are not in the position to include an address in their application. The authorities have explained the obligation to provide an address with their application, as the only way to examine whether the applicant is residing in the areas under the control of the Government of Cyprus, regardless of the fact that asylum seekers are not able to move back and forth freely between the Republic and the occupied areas.”<sup>50</sup>

KISA skriver, at med en ny lov om modtageforhold besluttede regeringen den 18. juli 2013 at sætte de offentlige ydelser til asylansøgere og personer med humanitær opholdstilladelse ned til et betydeligt lavere niveau end dem, der gælder for cyprioter og andre EU-borgere i Cypern. Den maksimale ydelse til asylansøgere til at dække basale behov er mindst halvt eller en tredjedel så stor, som de ydelser, der gives til cyprioter med de samme behov. Dette system erstatter et hidtil ensartet system for alle og betyder, at asylansøgere og personer med humanitær opholdstilladelse kommer til at modtage en stor del af deres ydelser i form af værdikuponer til mad og tøj.<sup>51</sup> KISA skriver, at der er tale om et komplekst system, som ikke er understøttet af de fornødne implementeringsmekanismer og fremfører endvidere, at “the creation of a system for providing and exchanging vouchers to cover the material reception conditions of asylum seekers may lead to the creation of a black market for the purchase of coupons and the increase of corruption”.<sup>52</sup> 1 person får €320 (asylansøgere eller med humanitær opholdstilladelse), 2 personer får €420, 3 får €580 og 4 personer eller flere får €735, uagtet hvor mange de er. Beløbene skal dække omkostninger til såvel bolig som mad, tøj og andre fornødenheder.<sup>53</sup>

Ifølge US State Department har Cyperns Ombudsmand kontinuerligt fået klager om inkonsistens i leveringen af sociale ydelser til asylansøgere og fundet, at klagerne i mange tilfælde er berettigede.<sup>54</sup> EU’s European Asylum Support Office skriver, at “[...] a recent report of the Ombudsman in Cyprus identified a number of flaws in the provision of material reception conditions and access to social welfare including unjustified interruptions and unfavourable treatment.”<sup>55</sup>

### 3.2. Adgangen til sundhedsydelser

Asylansøgere har ret til gratis sundhedsydelser på linje med cyprioter, hvis de kan bevise, at de ikke har tilstrækkelige midler til selv at dække omkostningerne. I så fald ydes Sygesikringskort A, som giver ret til gratis akut lægehjælp, hospitalsbehandling, medicin på recept og behandling af alvorlige

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<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> United States Department of State. 2012 Country Reports on Human Rights Practices - Cyprus, 19 April 2013.

<sup>50</sup> Future Worlds Centre. Report on the Asylum Procedure in Cyprus – 2012. 27. juni 2012, s. 13

<sup>51</sup> KISA. International Convention on the Elimination of All Forms of Racial Discrimination, Country: CYPRUS - ALTERNATIVE REPORT, august 2013. s. 25-26, 59

<sup>52</sup> Ibid.

<sup>53</sup> Ibid.

<sup>54</sup> United States Department of State. 2012 Country Reports on Human Rights Practices - Cyprus, 19 April 2013.

<sup>55</sup> EASO. Annual Report on the Situation of Asylum in the European Union 2012, 2013, p. 72

infektionssygdomme som HIV. Særligt sårbare personer gives også adgang til psykologhjælp. Kortet udstedes generelt for 6 måneder ad gangen<sup>56</sup>. Børn der er ledsagede af deres forældre kan kun få ret til Sygesikringskort A's ydelser, hvis deres forældre kan bevise, at de ikke har tilstrækkelige midler til at dække omkostningerne selv. Ifølge ENAR (European Network Against Racism) omfattes kravet om beviser bl.a. af, at asylansøgers ejendom også skal dokumenteres.<sup>57</sup> Generelt er det problematisk, at bevisbyrden ligger hos ansøgeren, skriver KuB:

*“Many asylum seekers have trouble providing proof of insufficient financial means. As described in Chapter II, the social support system often leaves individuals unaccounted for. Asylum seekers who do not receive social benefit are usually unable to provide an officially recognized document certifying their low income, which would entitle them to the medical card A.”*<sup>58</sup>

I praksis er der mange klager over både utilstrækkelig og reel mangel på behandling. *“Asylum seekers are often denied treatment or made to bear medical costs even though they have the medical card A,”* skriver KuB.<sup>59</sup> Det tyder ifølge både KuB og HUMA Network på, at en stor andel asylansøgere ikke nyder godt af deres ret til sundhedsydelser på grund af manglende information om deres ret og om adgangen til det påkrævede sygesikringskort. Selv hvis de er i besiddelse af kortet, synes mange at opleve barrierer såsom sprogproblemer, racisme og diskrimination i adgangen til sundhedsydelser.<sup>60</sup>

Efter afslag på en asylansøgning i anden instans har de berørte personer ikke længere ret til lægehjælp, og de forbliver uden adgang til sundhedsvæsenet, selvom de appellerer afslaget til tredje instans, Højesteret. Der er således ikke noget retsgrundlag, som muliggør medicinsk behandling af hverken afviste asylansøgere, personer uden opholdstilladelse eller deres børn.<sup>61</sup> KuB skriver:

*“There is widespread fear that receiving treatment in the hospital could lead to personal information being divulged to the Immigration Office or the police. Out of fear of being deported, many people choose to go without medical treatment even in extreme emergencies. This circumstance exposes pregnant women to great risk. In regular daily care, comprehensive prenatal and postnatal treatments as well as assistance while giving birth are not guaranteed. This can lead to long-term health problems for a mother and child, especially since children without the right of residence are not granted free vaccines.”*<sup>62</sup>

### 3.3. Særligt om forholdene for sårbare grupper

Om den finansielle understøttelse af sårbare personer skriver KuB: *“It is deeply unsettling that the needs of particularly vulnerable applicants are not taken into account in the decision to grant access to social benefit. [...] Many women said they had refused to do hard labor in the agricultural sector because they were pregnant, which lead to them either*

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<sup>56</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 18; HUMA Network. Access to healthcare and living conditions of asylum seekers and undocumented migrants in Cyprus, Malta, Poland and Romania, marts 2011, p. 59

<sup>57</sup> ENAR. ENAR Shadow Report - Racism and related discriminatory practices in Cyprus 2011-2012, 2013, s. 27

<sup>58</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 19

<sup>59</sup> Ibid.

<sup>60</sup> HUMA Network. Access to healthcare and living conditions of asylum seekers and undocumented migrants in Cyprus, Malta, Poland and Romania, marts 2011, p. 60-61

<sup>61</sup> Ibid. s. 19-20

<sup>62</sup> Ibid.

*receiving a reduced amount of social benefit or it being altogether withdrawn. These accounts give grounds to suspect that staff might be dealing inadequately with special needs even when these are explicitly mentioned.”*<sup>63</sup>

Om identifikationsmekanismer og proceduregarantier for sårbare skriver Future Worlds Center: *“At present there is no screening process, or other process in Cyprus, by which to identify vulnerable persons upon application or at an early stage in the procedure. The majority of cases are identified during the interview for the examination of the asylum claim (RSD) which takes an average of 1.5 – 2 years from application. Due to this any special provisions provided in the law for such persons cannot be applied or are applied with great delays.”*<sup>64</sup>

Selv hvis politiet, som er den myndighed, der tager imod asylansøgninger, identificerer en sårbar person, er der ifølge FWC ikke tilstrækkelige procedurer til at visitere dem til de relevante myndigheder med henblik på medicinsk, social, juridisk eller anden assistance.<sup>65</sup> Der er derudover ikke tilstrækkelige procedurer, ressourcer eller faglig ekspertise til at identificere og hensigtsmæssigt håndtere personer med traumer og ofre for tortur, hvilket fører til forsinkelser i rehabilitering, medicinsk og psykologisk assistance og manglende adgang til psykologisk og juridisk støtte i forbindelse med asylproceduren. Det fremgår, at personer med traumer og ofre for tortur, fysisk, psykisk og seksuel vold ofte ikke ydes nogen form for hjælp overhovedet. Ifølge KuB bekræfter de cypriotiske asylmyndigheder manglen på tilstrækkelig identifikation og modtagelse af traumatiserede personer og skriver, at *“trauma frequently remains undetected until a hearing is conducted, in many cases a year and a half or two after arrival.”*<sup>66</sup> KuB skriver:

*“Medical care for particularly vulnerable individuals as prescribed by Article 15 (2) from Directive 2003/9/EC is barely implemented in practice. Basic care for pregnant women, trauma sufferers and victims of torture is insufficient. There is no specific state funded aid for particularly vulnerable individuals. This is a fundamental problem, which becomes clear as soon as an application is made.”*<sup>67</sup>

KuB oplyser, at den utilstrækkelige lægehjælp til sårbare personer også gælder uledsagede mindreårige. Det er ofte ikke muligt for socialarbejderne at ledsage mindreårige til hospitaler eller praktiserende læger eller for tolke at være til stede under besøg, og adgangen til psykologisk bistand bliver ikke implementeret i praksis. Der er i det hele taget mangel på screeningprocedurer, monitorering af og kontrol med, om mindreårige ydes den støtte og pleje, som skal til at for at garantere børns velfærd.<sup>68</sup> KuB skriver:

*“Even if the individuals cooperate in obtaining a passport while they are still minors and support this effort, they can still be accused once they have reached the age of majority of having no real reasons to flee their country of origin, Rafaele Camassa from Hope for Children explained. If there are no documents and an individual’s minority is put in question, there is no standardized procedure to ascertain age via medical or psychological examinations. Cases are known in which doubts about someone’s exact age led to the staff giving them an arbitrary age.”*<sup>69</sup>

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<sup>63</sup> Ibid., s. 18

<sup>64</sup> Future Worlds Centre. Report on the Asylum Procedure in Cyprus – 2012. 27. juni 2012, s. 3

<sup>65</sup> Ibid. s. 4

<sup>66</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 19, 37

<sup>67</sup> Ibid. s. 19

<sup>68</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 35, 37

<sup>69</sup> Ibid. s. 35

KuB skriver, at ifølge oplysninger fra asylmyndighederne (Asylum Service) er der særligt uddannet personale til at tage sig af uledsagede mindreårige, men *“according to concurring reports by UNHCR Cyprus, Future Worlds Center and the Asylum Service, this staff is currently inactive since hearings with minors have been altogether halted.”*<sup>70</sup> Der er forsinkelser og mangel på særlige proceduregarantier i behandlingen af deres sag:<sup>71</sup>

*“The asylum claim remains in limbo until an applicant has reached the age of majority and is then processed in accordance with national legislation without consideration of child-specific reasons for fleeing. Since 2009, over 50 minors were denied a timely examination of their asylum claim and with that the right to international protection and legal representation during the application procedure. This practice is in absolute breach of the “best interest of a child”- principle and was therefore strongly criticized by UNHCR Cyprus before the Ombudsman and other authorities. The Ombudsman then condemned this practice as an infringement not only against child welfare but also against the principles of antidiscrimination. [...] UNHCR Cyprus confirmed the stop in processing asylum applications made by minors since 2009 and added that a delay in examining asylum claims can have grave consequences on unaccompanied minors.”*<sup>72</sup>

Leveforholdene for uledsagede mindreårige på Cypern er ifølge KuB karakteriseret ved *“isolation and insecurity”*, og NGO'er har ifølge KuB beskrevet integrationen af unge i skolesystemet som *“deficient”*. Der er særlige centre indrettet til uledsagede mindreårige, men ifølge KuB's oplysninger bliver cypriotiske børn og unge ofte indlogeret sammen med de mindreårige på grund af pladsmangel.<sup>73</sup> Selvom mindreårige ifølge Cyperns flygtningelovgivning under ingen omstændigheder må arresteres, er der ifølge KuB gentagne tilfælde, hvor uledsagede mindreårige bliver fængslet. KuB skriver:

*“This mostly occurs when they do not register as asylum seekers immediately after their arrival and are caught by the police or the Immigration Office and imprisoned as illegal immigrants. In these cases, civil servants often fail to see that they are minors; further proof of the inadequate mechanisms for detection of particularly vulnerable individuals. Even if minors make an asylum claim immediately after their arrest they usually remain in custody on grounds of illegal entry. According to Nicoletta Charalambidou, this situation renders the legal regulation regarding their need for protection inefficient.”*<sup>74</sup>

KISA oplyser endvidere at have beskæftiget sig med mange sager vedrørende gravide kvinder og kvinder med børn under tre år, som er blevet frihedsberøvet med retskendelser.<sup>75</sup> I et dokument fra august 2012 skriver FN's Committee on the Rights of the Child, at *“the Committee remains deeply concerned about the situation of asylum-seeking and refugee children in the State party, particularly with regard to:*

*a) Persisting and serious ambiguity on the interpretation and implementation of the provisions of Section 10 of the State party's Refugee Law relating to the representation of unaccompanied and separated children in the asylum process, resulting in unaccompanied asylum-seeking children remain without representation since 2009;*

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<sup>70</sup> Ibid. s. 9

<sup>71</sup> Future Worlds Centre. Report on the Asylum Procedure in Cyprus – 2012. 27. juni 2012, s. 12

<sup>72</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 36

<sup>73</sup> Ibid., s. 37

<sup>74</sup> Ibid., s. 37

<sup>75</sup> KISA. International Convention on the Elimination of All Forms of Racial Discrimination, Country: CYPRUS - ALTERNATIVE REPORT, august 2013. s. 50

b) Section 8 of the State party's Refugee Law limiting asylum-seekers' right to remain to the administrative examination stage of their claim, resulting in asylum-seeking children awaiting adjudication of their asylum claims by the Supreme Court being automatically considered illegal migrants, depriving them of access to reception conditions, including welfare assistance and medical care; and increasing their vulnerability to detention and deportation;

c) Denial of sponsored specialized medical care abroad to refugee and asylum-seeking children, even in cases where permanent disability is a foreseen risk and the frequent denial of special needs benefits;"<sup>76</sup>

### 3.4. Særligt om adgangen til arbejdsmarkedet og krav om beskæftigelse

For at bibeholde retten til at få sociale ydelser, skal asylansøgere efter 6 måneders ophold på Cypern bruge en erklæring fra Arbejdsformidlingen på, at der ikke er ledige job:

*"Six months after their arrival in Cyprus, the District Labor Office has to make a ruling for asylum seekers not to be voluntarily unemployed. If this certificate is not given, which frequently occurs as a result of the previously stated practices of the District Labor Office, social benefit is cut. Many interviewees said their social benefit payments were halted on these grounds. This circumstance is especially tricky in the case of mothers and families whose children could be taken away by force. A renewed benefit claim usually entails a several month-long wait."*<sup>77</sup>

Ifølge KuB træffes der ofte afgørelser om selvforskyldt arbejdsløshed på urimeligt grundlag. F.eks. fordi ansøgere har afslået job med dårlige arbejdsvilkår, eller at arbejdsgivere ikke har villet udstede skriftlige afslag på deres ansøgninger.<sup>78</sup> KuB skriver, at "[t]his can cause existential problems for asylum applicants since their social status during this period is legally ambiguous and neither the District Labor Office nor the Social Welfare Service feel responsible for them".<sup>79</sup> I situationer som disse kan der ifølge KuB opstå store problemer hos the Social Welfare Service.

*"The following accounts of three women with children are particularly unsettling. The staff threatened to take their children away by force if they did not voluntarily leave the Republic of Cyprus. Two of the women had already made asylum applications and the third had repeatedly attempted to make an asylum claim, to no avail. Asylum seekers awaiting a verdict from the appeal trial usually steer clear of the Social Welfare Service since it became known that its staff had worked in close contact with the Immigration Police on several occasions and had people arrested in their offices."*<sup>80</sup>

I de første 6 måneder, efter de har indgivet deres ansøgning om asyl, er det ikke tilladt for ansøgere at arbejde. Herefter er de kun tilladt arbejde i specifikke sektorer som f.eks. landbrug, fiskeri, affaldshåndtering og rengøring, men ENAR skriver, at "[d]espite their limited access to certain employment areas such as agriculture and farming, asylum seekers were either routinely not referred to employment positions by the Labour Offices or rejected by employers solely on grounds of their asylum status."<sup>81</sup> Ifølge KuB er asylansøgere afhængige af arbejdsformidlingens allokering af job. Hvis en person selv finder job i de nævnte sektorer, kan

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<sup>76</sup> UN Committee on the Rights of the Child. Consideration of reports submitted by States parties under article 44 of the Convention - Concluding observations: Cyprus. 10 August 2012. pkt 46

<sup>77</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 18

<sup>78</sup> Ibid. s. 15

<sup>79</sup> Ibid. s. 15

<sup>80</sup> Ibid. s. 18

<sup>81</sup> ENAR. ENAR Shadow Report - Racism and related discriminatory practices in Cyprus 2011-2012, 2013, s. 17

sagsbehandleren forbyde ansættelsen uden yderligere begrundelse. Samtidig kan de kun få job, hvis det kan bevises, at det ikke sker på bekostning af cyprioter eller EU-borgere, og arbejdsformidlingens sagsbehandlingstid med hensyn til de nødvendige tilladelser er lang.<sup>82</sup> Afvises asylansøgningen i anden instans bortfalder retten til at arbejde og modtage sociale ydelser.<sup>83</sup>

Generelt vurderer FWC og KuB, at mulighederne for beskæftigelse er dårlige, og situationen forværres af den aktuelle økonomiske krise og arbejdsløsheden, som er den største nogensinde på Cypern.<sup>84</sup> De systemiske restriktioner på adgangen til arbejdsmarkedet, resulterer ydermere i, at de fleste asylansøgere og anerkendte flygtninge er afhængige af et velfærdssystem, som i praksis er dysfunktionelt.<sup>85</sup>

#### 4. Særligt om personer overført via Dublin-proceduren

I KuB's rapport fra 2013 fremgår det:

*“All people transferred back to Cyprus according to Regulation (EC) No.343/2003, the so-called Dublin II Regulation, are arrested upon their arrival on the legal basis of the Aliens and Immigration Law and imprisoned as “prohibited immigrants”. If they cannot be deported immediately, these people may be legally detained for six to eighteen months. Those relocated based on the Dublin II Regulation are imprisoned if their asylum application is denied in the first instance, if they have left the Republic of Cyprus without valid travel documents or if they resided in the Republic of Cyprus without the relevant legal documents.”*<sup>86</sup>

Ifølge KuB bekræftes det af alle organisationens kilder, at *“every person who was returned to Cyprus from another EU or Schengen state was imprisoned at least for a short amount of time.”*<sup>87</sup> KuB skriver endvidere:

*“According to the Asylum Service, the asylum application procedure can be resumed after relocation and a rejection in the first instance. This is possible providing that the appeal deadline has not passed and if it can be proven that the applicant was officially informed of the prior decision. If an individual departs from the Republic of Cyprus to an EU or Schengen state after a refusal by the Reviewing Authority, hence in the second instance, this almost certainly results in long-term imprisonment according to the Aliens and Immigration Law upon the individual's return.”*<sup>88</sup>

I teorien er en person med en status som nævnt i citatet stadig berettiget til en appel ved Højesteret og kan kræve, at ansøgningsproceduren genoptages. Ifølge KuB bliver den dog i praksis sjældent genoptaget, fordi personen ikke får nogen rådgivning og sjældent har de økonomiske midler til at hyre en advokat. Ydermere forhindrer fængslingen de berørte personer fra at komme i kontakt med de relevante myndigheder med henblik på at få asylproceduren genoptaget eller kræve en undersøgelse af arrestordren

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<sup>82</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 18

<sup>83</sup> ENAR. ENAR Shadow Report - Racism and related discriminatory practices in Cyprus 2011-2012, 2013, s. 16

<sup>84</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 15; Future Worlds Centre. Asylum seekers and refugees were already marginalised in Cyprus; now, with the crisis, their situation is deteriorating. Pressemeldelse publiceret i European Council of Refugees and Exiles' Weekly Bulletin, 17. maj 2013

<sup>85</sup> Ibid.

<sup>86</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 34

<sup>87</sup> Ibid. s. 31, 34

<sup>88</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 34

af Højesteret. “Amongst those interviewed by the documentation team, no one had their application reprocessed after they were transferred back to Cyprus according to the Dublin II Regulation”, skriver KuB<sup>89</sup> og tilføjer:

“At this point, it should be stressed that the Republic of Cyprus has a visible lack of options when dealing with those transferred back according to the Dublin II Regulation. Alternative strategies to detaining those sent back were nowhere to be found. Furthermore, it became clear that the period of detention prior to deportation could last for weeks, months or even years for those concerned.”<sup>90</sup>

## 5. Asylsystemet i Cypern

### 5.1. Kort gennemgang af Cyperns asylprocedure

Asylproceduren i Cypern består af en behandling i første instans af the *Asylum Service*, som er en administrativ afdeling af det cypriotiske indenrigsministerium, og en behandling i anden instans af the *Reviewing Authority of Refugees* (RRA), som tilsvarende er en administrativ appelinstans. Flygtningelovgivningen giver RRA kompetence til at fungere som et domstolslignende organ, der kan foretage undersøgelser og høringer af vidner, men ifølge ngo'en Future Worlds Center er disse beføjelser aldrig blevet brugt i praksis af RRA. Afgørelser truffet af Asylum Service eller RRA kan indbringes til retslig prøvelse for højesteret. En sådan klage har ikke opsættende virkning.<sup>91</sup>

### 5.2. Retssikkerhedsproblematikker i asylproceduren

Ifølge såvel FWC som Amnesty International er der store problemer med kvaliteten af asylproceduren på Cypern, og KuB skriver, at “[t]he country’s asylum admission procedure can generally be described as structurally deficient and in many cases unlawful. The Republic of Cyprus does not guarantee either a comprehensive asylum procedure or humane living conditions.”<sup>92</sup> US State Department skriver i sin rapport fra 2012:

“During the year a lawyer representing asylum seekers claimed in reports to Amnesty International and the European Commission that the government arrested and deported asylum seekers before final adjudication of their cases. The lawyer asserted that the government was acting in violation of the relevant EU directives. The NGO Action for Equality, Support, Antiracism (KISA) voiced similar concerns in previous years. KISA and the ombudsman also reported complaints from asylum seekers concerning difficulties in accessing the asylum application procedure and delays in the examination of their applications.”<sup>93</sup>

Hjemløse har problemer med at få adgang til asylproceduren, fordi der skal opgives en adresse.<sup>94</sup> Det cypriotiske indenrigsministerium, skriver i sin guide til asylansøgere:

“***It is very important to give your address correctly. Your application could be rejected if the Authorities cannot find you in the given address. If you change address at any time you MUST inform your District Immigration***

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<sup>89</sup> Ibid. s. 34

<sup>90</sup> Ibid. s. 34

<sup>91</sup> Future Worlds Centre. Report on the Asylum Procedure in Cyprus – 2012. 27. juni 2012, s. 6

<sup>92</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 5

<sup>93</sup> United States Department of State. 2012 Country Reports on Human Rights Practices - Cyprus, 19 April 2013.

<sup>94</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 21

*Office immediately and not later than **three days** after **the change**, otherwise your application will be rejected and/or your file might be closed and consequently you will no longer be considered an asylum seeker. You should inform the police officer in case you are homeless, **so that necessary measures regarding your accommodation** can be taken.”*<sup>95</sup>  
[Ministeriets egne fremhævninger]

KuB skriver, at eftersom mange asylansøgere hverken får plads i et center eller i en privat bolig i begyndelsen af deres ophold på Cypern, men i stedet ofte flytter sig blandt bekendte, har de for det meste ikke nogen personlig adresse. *“For this reason, information relevant to the asylum process often reaches applicants too late, if at all. This very often leads to problems in the completion of the asylum process since the authorities accuse applicants of a lack of cooperation.”*<sup>96</sup> Ifølge KuB fremhæver asylmyndighederne, at processen kan genoptages, hvis der er bevis for, at manglen på samarbejde var ufrivillig. Bevisbyrden ligger dog hos ansøgeren.<sup>97</sup>

Ifølge KuB's oplysninger fra ansøgere varierer sandsynligheden for, at en ansøgning overhovedet bliver accepteret, meget mellem forskellige kontorer. Oplysningerne tyder på, at det er særligt svært at indgive en ansøgning i Nicosia og Limassol, og der er lange ventetider fra ankomsten til kontoret til ansøgningen reelt accepteres. *“This was said to increase the risk of arrest due to missing registration documents or for failing to apply earlier,”* skriver KuB.<sup>98</sup>

FWC skriver: *“The vast majority of cases are rejected based on procedural issues or credibility and the Reviewing Authority merely re-examines and usually reconfirms the first decision without carrying out its own examination (limited second interviews and research).”*<sup>99</sup> De mange afvisninger af ansøgninger skyldes ifølge FWC, at ansøgerne ikke får tilstrækkeligt information om procedurerne og de tilhørende rettigheder og pligter.<sup>100</sup> Samtidig rapporteres der fra såvel KuB som FWC om årelange sagsbehandlingstider i både 1. og 2. instans-behandlingerne.<sup>101</sup> FWC skriver: *“There are extremely long delays in cases that have merit; this delay has often reached 5-8 years (in some cases just for the 1st instance decision), which is mirrored in the extremely low recognition rate.”*<sup>102</sup>

Anerkendelsesraten redegøres der for i Asylum Information Databases rapport fra september 2013: *“According to Eurostat data, the overall protection rate at first instance in the EU 27 was at 28.2% (a total of 77,295 positive decisions granting a protection status—refugee status, subsidiary protection status or humanitarian protection status). [...] Among those countries, recognition rates at first instance are very low in Greece (0.9%), Luxembourg (2.5%), and in Cyprus (7.9%)”*<sup>103</sup> Amnesty International skriver, at *“the numerous complaints from individuals whose claims were dismissed in the course of the clearance exercise, as well as the exceptionally low recognition rates, give rise to concerns over the quality of the asylum system in Cyprus.”*<sup>104</sup>

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<sup>95</sup>Cyprus Ministry of the Interior, Asylum Service. Guide for asylum seekers and beneficiaries of international protection in Cyprus, 2011, s. 6

<sup>96</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 21

<sup>97</sup> Ibid.

<sup>98</sup> Ibid., s. 8

<sup>99</sup> Future Worlds Centre. Report on the Asylum Procedure in Cyprus – 2012. 27. juni 2012, s. 4

<sup>100</sup> Ibid.

<sup>101</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 8, 9, 12;

<sup>102</sup> Future Worlds Centre. Report on the Asylum Procedure in Cyprus – 2012. 27. juni 2012, s. 5

<sup>103</sup> Asylum Information Database. Annual Report 2013 – Not There Yet: An NGO Perspective on Challenges to a Fair and Effective Common European Asylum System, 6. September 2013, p. 15

<sup>104</sup> Ibid. s. 6



Amnesty International har kontinuerligt modtaget klager over asylsystemet, særligt med hensyn til den dårlige kvalitet af asylinterviewene,<sup>105</sup> og FWC skriver om tolkebistanden: *“The interpretation services (at RSD and in other asylum related sectors) remain unprofessional (no examination/accreditation, no comprehensive training and accountability systems). Due to this the quality of the examination of asylum claims is questionable and is often raised in the second examination at the level of the Refugee Reviewing Authority of the case, and has often been pointed out in appeals prepared by FWC. To date this argument has not been accepted by the RRA.”*<sup>106</sup> KuB har fået oplysninger om, at tolke i nogle tilfælde hentes fra det respektive lands ambassade.<sup>107</sup> Asylum Services afgørelser kritiseres endvidere som *“inconsistent and dependent on the qualifications of individual hearers”*.<sup>108</sup>

Adgangen til sagsakterne for både ansøgere og de juridiske repræsentanter er begrænset. Der tillades f.eks. ikke adgang til hverken interview-transskriptioner eller den Country of Origin-information, der er blevet brugt i sagsbehandlingen, skriver FWC.<sup>109</sup> Samtidig er muligheden for at yde retshjælp begrænset. *“For the procedures before the Asylum Service and Reviewing Authority, the only legal aid in the country at this moment is facilitated by the two legal advisors of FWC,”* skriver FWC.<sup>110</sup>

Ifølge oplysninger til KuB fra Future Worlds Center, bliver asylansøgninger fra syrere i øjeblikket ikke behandlet. Det fremgår også af oplysninger fra Amnesty International.<sup>111</sup> De, som har indgivet deres ansøgning, har gennemgået samtaler, men alle yderligere beslutninger er sat på hold. Ifølge KuB bekræftes disse oplysninger af adskillige organisationer, herunder Ombudsmanden.<sup>112</sup> KuB skriver:

*“The situation is particularly difficult for applicants who have already filed a subsequent claim following a rejection by the second administrative instance, the Reviewing Authority. Cypriot refugee law lacks the legal implementation of Article 32 from Directive 2005/85/EC about the approach to subsequent asylum claims. Despite the current situation in their country of origin, these people are in imminent danger of being arrested or are currently being detained despite the Ministry of Interior’s measures to stop expulsions towards Syria. Likewise, Syrians whose asylum claims have been dismissed in the past are also faced with this problem when reentering Cyprus. In this case, the likelihood of imprisonment on the grounds of unauthorized entry according to the Aliens and Immigration Law is very high.”*<sup>113</sup>

Ifølge FWC er der generelt et problem med at få adgang til genoptagelse af en sag. Asylansøgere, som er frihedsberøvede, når de anmoder om genoptagelse, fordi de venter på udsendelse, løslades ikke, mens sagen pågår.<sup>114</sup> I modsætning til oplysningerne fra KuB og Amnesty International om syrernes situation fremgår det af US State Departments rapport fra april 2013:

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<sup>105</sup> Amnesty International. Punishment without a crime – Detention of migrants and asylum-seekers in Cyprus. 19. juni 2012, s. 6

<sup>106</sup> Future Worlds Centre. Report on the Asylum Procedure in Cyprus – 2012. 27. juni 2012, s. 4

<sup>107</sup> Ibid.

<sup>108</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 9

<sup>109</sup> Ibid. s. 5

<sup>110</sup> Ibid. s. 7

<sup>111</sup> Amnesty International. Amnesty International Report 2013 - The State of the World's Human Rights – Cyprus, 23. maj 2013

<sup>112</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 10

<sup>113</sup> Ibid.

<sup>114</sup> Future Worlds Centre. Report on the Asylum Procedure in Cyprus – 2012. 27. juni 2012, s. 8

*“On December 5 [2012], the Ministry of Interior announced that a special residency status for citizens or residents of Syria entering the country “legally or illegally” would be provided. The same “humanitarian status” would be offered to asylum seekers from Syria already in Cyprus, even if their applications had been rejected in the past. All persons seeking such status would be required to provide a Syrian passport or other identification.”*<sup>115</sup>

## 6. Forholdene for personer med asyl/opholdstilladelse

Selvom den økonomiske recession har påvirket hele Cypern, har den ifølge UNHCR haft *“a seriously detrimental and disproportionate effect on the quality of life of those with International Protection (IP). For those who remain in employment insecure, low paid jobs are the norm. [...]the material conditions of life have seriously deteriorated for many. This is particularly the case for family households in general and single parent families specifically. There is evidence of some adults and children experiencing relative poverty which appears to be of little concern to the relevant state authorities.”*<sup>116</sup>

Personer med subsidær beskyttelsesstatus får en opholdstilladelse i et år, som kan udvides, hvis der er forhindringer for udrejse. I det første år har de i lighed med asylansøgere adgang til afgrænsede sektorer på arbejdsmarkedet, hvorefter de som udgangspunkt tildeles samme frie adgang som anerkendte flygtninge.<sup>117</sup>

I praksis er adgangen til specifikke professioner imidlertid ikke den samme som for cyprioter og EU-borgere. Det skriver både ENAR og UNHCR.<sup>118</sup> FWC skriver, at *“recognised beneficiaries of international protection, who are legally permitted to work freely in all sectors, are trapped in the same dependency cycle [as asylum seekers] because the Labour Office appoints them to seek employment in these limited fields, while Cypriots are prioritized more than ever, followed by EU nationals, in better-paid sectors.”*<sup>119</sup> UNHCR skriver:

*“Discriminatory attitudes and practices would appear widespread, training opportunities limited and increased competition for jobs in the service and construction sector in particular are the major barriers placed in the way of securing economic independence. Very little practical assistance appears to be forthcoming from the state in easing these circumstances.”*<sup>120</sup>

FWC skriver i sin pressemeddelelse fra maj 2013: *“In the aftermath of the country’s financial breakdown, the discriminatory practices that were already found among the governmental authorities dealing directly with asylum seekers and refugees have been aggravated by an increase in xenophobic attitudes. These attitudes reinforce the daily obstacles that people have to overcome in order to access basic social and economic rights.”*<sup>121</sup> Det underbygges af UNHCR’s rapport fra 2013:

*“It is a common experience for many that both the Welfare Service and Employment Service appear to treat those with International Protection (IP) as if they were less deserving than Cypriot citizens. The service they do receive tends to be minimal with access to resources sometimes arbitrarily denied or of a poorer quality. There is little evidence, for example, that*

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<sup>115</sup>United States Department of State. 2012 Country Reports on Human Rights Practices - Cyprus, 19 April 2013.

<sup>116</sup> UNHCR. The Needs of Refugees and the Integration Process in Cyprus, Juli 2013, s. 1-2

<sup>117</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 26

<sup>118</sup> UNHCR. The Needs of Refugees and the Integration Process in Cyprus, Juli 2013, s. 14; ENAR. ENAR Shadow Report - Racism and related discriminatory practices in Cyprus 2011-2012, 2013, s. 15

<sup>119</sup> Future Worlds Centre. Asylum seekers and refugees were already marginalised in Cyprus; now, with the crisis, their situation is deteriorating. Pressemeldelse publiceret i European Council of Refugees and Exiles’ Weekly Bulletin ,17. maj 2013

<sup>120</sup> UNHCR. The Needs of Refugees and the Integration Process in Cyprus, Juli 2013, s. 1

<sup>121</sup> Future Worlds Centre. Asylum seekers and refugees were already marginalised in Cyprus; now, with the crisis, their situation is deteriorating. Pressemeldelse publiceret i European Council of Refugees and Exiles’ Weekly Bulletin, 17. maj 2013

*the Employment Service, takes into account the specific needs or skills and competences of those with IP who are seeking assistance.”*<sup>122</sup>

KISA skriver, at retten til fri bevægelse og ophold inden for statens grænser er begrænset for personer med international beskyttelsestatus efter en nylig tilføjelse til flygtningelovgivningen. Det fremgår, at *“the amending law forbids persons with international protection from moving within Cyprus and beyond the area controlled by the Republic of Cyprus.”*<sup>123</sup> Ifølge udtalelser til KuB fra anerkendte flygtninge, bliver de nægtet forskellige former for støtte, som de ellers har ret til på linje med cyprioter. Det gælder f.eks. særlig hjælp til handicappede og støtteordninger i uddannelsessystemet. UNHCR skriver, at *“the unequal access of those with IP to subsidies in order to continue in higher education undermines the full potential for education to promote future mobility.”*<sup>124</sup> Om adgangen til sundhedsydelser skriver KISA:

*“Third country employees do not have full and equal access to the health system and services. Third country nationals, unlike Cypriots and EU Citizens cannot access the health system and welfare services according to the rate of their incomes. The access to health is based for third country nationals on private health insurances. The costs are covered 50% by the third country employee and the other 50% by the employer. These insurances are very basic and their beneficiaries do not enjoy equal access to the health system and services.”*<sup>125</sup>

Om mulighederne for permanent ophold for anerkendte flygtninge skriver KuB: *“The delay in implementation of the permanent residence Directive 2003/109/EC is a major problem, as are the low chances of being naturalized. Long-term perspectives are not provided.”*<sup>126</sup> KISA skriver: *“Moreover, migrants who manage one way or another to reside in the country for many years or recognised refugees, do not have any possibility to secure permanent residence or naturalisation as the vast majority of such applications are rejected.”*<sup>127</sup> UNHCR skriver yderligere:

*“Recognised Refugees and those with Subsidiary Protection are a discrete group within the wider population of non-Cypriots on this island who are both marginalised from mainstream society and live in increasingly vulnerable and precarious circumstances. Evidence suggests that well over half of this group are currently without work, and thus four times more likely to be unemployed than Greek Cypriot citizens.”*<sup>128</sup>

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<sup>122</sup> UNHCR. The Needs of Refugees and the Integration Process in Cyprus, Juli 2013, s. 1

<sup>123</sup> KISA. International Convention on the Elimination of All Forms of Racial Discrimination, Country: CYPRUS - ALTERNATIVE REPORT, august 2013. s. 52

<sup>124</sup> UNHCR. The Needs of Refugees and the Integration Process in Cyprus, Juli 2013, s. 3

<sup>125</sup> KISA. International Convention on the Elimination of All Forms of Racial Discrimination, Country: CYPRUS - ALTERNATIVE REPORT, august 2013. s. 20

<sup>126</sup> KuB, Berlin. Asylum in the Republic of Cyprus, 2013, s. 27

<sup>127</sup> KISA. International Convention on the Elimination of All Forms of Racial Discrimination, Country: CYPRUS - ALTERNATIVE REPORT, august 2013. s. 36

<sup>128</sup> UNHCR. The Needs of Refugees and the Integration Process in Cyprus, Juli 2013, s. 1

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## **8. Kilder til videre læsning**

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